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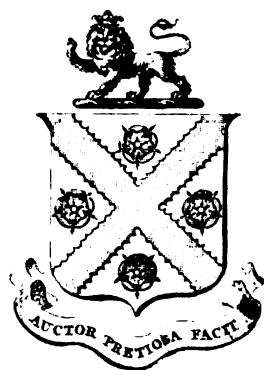
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James Lenox.

REGISTER

OF

DEBATES IN CONGRESS,

COMPRISING THE LEADING DEBATES AND INCIDENTS

OF THE FIRST SESSION OF THE TWENTY-SECOND CONGRESS:

TOGETHER WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS

AND THE

LAWS, OF A PUBLIC NATURE, ENACTED DURING THE SESSION:

WITH A COPIOUS INDEX TO THE WHOLE.

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DEBATES IN CONGRESS.

PART I. OF VOL. VIII.



12

Register of Debates in Congress.

TWENTY-SECOND CONGRESS...FIRST SESSION:

FROM DECEMBER 5, 1831, TO JULY 17, 1832.

DEBATES IN THE SENATE.

LIST OF THE SENATORS.

MAINE.—John Holmes, Peleg Sprague.
 NEW HAMPSHIRE.—Samuel Bell, Isaac Hill.
 MASSACHUSETTS.—Dan'l Webster, Nath'l Silsbee.
 RHODE ISLAND.—N. R. Knight, Asher Robbins.
 CONNECTICUT.—Sam'l A. Foot, Gideon Tomlinson.
 VERMONT.—Horatio Seymour, Samuel Prentiss.
 NEW YORK.—Charles E. Dudley, William Marcy.
 NEW JERSEY.—M. Dickerson, Theo. Frelinghuysen.
 PENNSYLVANIA.—Geo. M. Dallas, Wm. Wilkins.
 DELAWARE.—J. M. Clayton, Arnold Naudain.
 MARYLAND.—E. F. Chambers, Samuel Smith.
 VIRGINIA.—Littleton W. Tazewell, John Tyler.
 NORTH CAROLINA.—B. Brown, W. P. Mangum.
 SOUTH CAROLINA.—R. Y. Hayne, S. D. Miller.
 GEORGIA.—George M. Troup, John Forsyth.
 KENTUCKY.—George M. Bibb, Henry Clay.
 TENNESSEE.—Felix Grundy, Hugh L. White.
 OHIO.—Benjamin Ruggles, Thomas Ewing.
 LOUISIANA.—J. S. Johnston, Geo. A. Waggaman.
 INDIANA.—Wm. Hendricks, Robert Hanna.
 MISSISSIPPI.—Powhatan Ellis, Geo. Poindexter.
 ILLINOIS.—Elias K. Kane, John M. Robinson.
 ALABAMA.—William R. King, Gabriel Moore.
 MISSOURI.—Thomas H. Benton, Alex. Buckner.

MONDAY, DECEMBER 5, 1831.

Mr. SMITH, of Maryland, President *pro tem.* of the Senate, in the absence of the Vice President, took the chair at twelve o'clock; and, on calling the House to order, it appeared that thirty-four members were present.

Mr. DUDLEY, of New York, stated that, by some omission or inadvertence, the credentials of his colleague, the honorable Wm. MARCY, had not been forwarded. He could, however, testify that Mr. MARCY was duly elected Senator for that State; and as similar instances of such omission were on record, he hoped the present would not operate as an obstacle to his admission, and moved that Mr. MARCY be permitted to take his seat; which motion was agreed to, *nem. con.*

Mr. BELL, of New Hampshire, moved that the honor-

[* Mr. H. was superseded, January 3, by John Tipton.]

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able JOSIAH S. JOHNSTON, Senator elect for the State of Louisiana, be permitted to take his seat. The credentials of Mr. J. had not, Mr. B. stated, yet arrived, but his election was a matter of such public notoriety, as to induce him to hope that the Senate would not hesitate to admit him. In which motion, after a brief suggestion from Mr. HAYNE, on the propriety of having these credentials filed, the Senate concurred.

The usual message was then sent to the House of Representatives, notifying that a quorum of the Senate had assembled.

Mr. KING and Mr. FOOT were appointed a committee to join the committee of the House of Representatives to inform the President of the United States that the two Houses had organized, and were ready to proceed to business.

The Senate then adjourned to twelve o'clock to-morrow.

TUESDAY, DECEMBER 6.

Mr. KING, from the joint committee appointed to wait on the President of the United States, reported that they had performed the duty enjoined them, and had received an intimation that the President would, at twelve o'clock this day, make a written communication to both Houses of Congress.

The communication promised by the President was received by the hands of Mr. DONELSON, his private Secretary; which, having been read, [see Appendix.]

On motion of Mr. KING, it was ordered that three thousand copies of the message, and fifteen hundred copies of the accompanying documents, be printed for the use of the Senate.

APPOINTMENT OF COMMITTEES.

Mr. KING moved that the 34th rule of the Senate be so far suspended as to authorize the Senate, in the absence of the Vice President, to appoint, by ballot, a chairman of the Committee on Finance; which motion being agreed to,

The Senate proceeded to ballot for a chairman of that committee, and Mr. SMITH, of Maryland, was chosen.

The following standing committees were then announced from the chair:

On Foreign Relations.—Messrs. Tazewell, White, King, Forsyth, and Bell.

SENATE.] *State of the Finances.—Imprisonment of American Citizens.—Northeastern Boundary.* [DEC. 7 to 14, 1831.]

On Finance.—Messrs. Smith, Tyler, Marcy, Silsbee, and Johnston.

On Commerce.—Messrs. Forayth, Dudley, Silsbee, Johnston, and Wilkins.

On Manufactures.—Messrs. Dickerson, Clay, Knight, Miller, and Seymour.

On Agriculture.—Messrs. Seymour, Brown, Moore, Hanna, and Waggaman.

On Military Affairs.—Messrs. Benton, Barnard, Troup, Clay, and Kane.

On the Militia.—Messrs. Barnard, Frelinghuysen, Clayton, Prentiss, and Waggaman.

On Naval Affairs.—Messrs. Hayne, Tazewell, Robbins, Webster, and Bibb.

On Public Lands.—Messrs. King, Ellis, Holmes, Robinson, and Hanna.

On Private Land Claims.—Messrs. Kane, Naudain, Prentiss, Ruggles, and Hendricks.

On Indian Affairs.—Messrs. White, Troup, Poindexter, Benton, and Wilkins.

On Claims.—Messrs. Ruggles, Bell, Naudain, Brown, and Moore.

On the Judiciary.—Messrs. Marcy, Hayne, Webster, Frelinghuysen, and Grundy.

On the Post Office and Post Roads.—Messrs. Grundy, Ellis, Hill, Ewing, and Tomlinson.

On Roads and Canals.—Messrs. Hendricks, Poindexter, Hill, Mangum, and Sprague.

On Pensions.—Messrs. Foot, Chambers, Mangum, Buckner, and Sprague.

On the District of Columbia.—Messrs. Chambers, Tyler, Holmes, Clayton, and Miller.

On the Contingent Fund.—Messrs. Knight, Dudley, and Tomlinson.

On Engrossed Bills.—Messrs. Robinson, Ewing, and Buckner.

The Senate then adjourned.

WEDNESDAY, DECEMBER 7.

STATE OF THE FINANCES.

The President of the Senate communicated the annual report of the Secretary of the Treasury on the state of the finances, the reading of which was dispensed with, and fifteen hundred additional copies ordered to be printed for the use of the Senate.

After the reception of sundry resolutions, and a short time spent in the consideration of executive business,

The Senate adjourned to twelve o'clock to-morrow.

THURSDAY, DECEMBER 8.

IMPRISONMENT OF AMERICAN CITIZENS.

The following resolution, yesterday submitted by Mr. SPRAGUE, was considered and agreed to:

"Resolved, That the President of the United States be requested to communicate to the Senate, if not incompatible with the public interest, all the information in his power, relative to the capture, abduction, and imprisonment of American citizens by the provincial authorities of New Brunswick, and the measures which, in consequence thereof, have been adopted by the Executive of the United States."

NORTHEASTERN BOUNDARY.

The following resolution, yesterday submitted by Mr. HOLMES, was taken up:

"Resolved, That the President be requested to inform the Senate whether any further negotiation is commenced, proposed, or intended, in regard to the Northeastern boundary of the United States."

Mr. POINDEXTER said the general message of the President of the United States treated fully on the sub-

ject; and he was of opinion that no additional information would be elicited by the adoption of the resolution.

Mr. HOLMES said he was satisfied that the message of the President did not embrace the information which the resolution called for. The question was, whether the decision by the King of the Netherlands was to settle the question of boundary. If not, the President would doubtless propose further negotiations on the subject, and the object of the resolution was to obtain the information whether further negotiations were or would be proposed. The President, in the exercise of his discretion, could give the Senate such information on this important matter as they required, either confidentially or otherwise, as he might judge proper. It was due to the public to require such information: for there was no small anxiety in the public mind to know whether or not the decision by the King of the Netherlands was considered to be binding on the two Governments concerned, &c.

Mr. HAYNE said he was generally in favor of motions for inquiry; but, in this case, he would prefer a postponement for a few days. He thought the resolution, at this time, premature. The President had informed Congress that he would, hereafter, fully communicate, by special message, all the papers in relation to the subject; and he [Mr. H.] was of opinion that the better course would be to wait for that information, when, if necessary, a motion for inquiry could be properly shaped.

Mr. HOLMES regretted the suggestion for delay. There was a very strong feeling on the subject in the State of Maine; many of the citizens of which State thought they had been treated coolly, if not cavalierly. He would not, however, object to the delay for a few days, but, taking example from his constituents, would be at least as indulgent in this matter as they had already been. He would, therefore, consent that the resolution should lay on the table till next week.

On motion of Mr. HAYNE, the resolution was then laid upon the table.

The Senate went into the consideration of executive business; and, after sitting with closed doors for a long time,

Adjourned to Monday next.

MONDAY, DECEMBER 12.

The Vice President of the United States attended today, and took the chair of the Senate.

On motion of Mr. CHAMBERS, it was ordered that the several officers of the Senate, who are now officiating, shall continue to act in their respective stations until Monday next.

After the reception of petitions and resolutions, and spending a short time in executive business,

The Senate adjourned.

TUESDAY, DECEMBER 13.

The Senate spent a short time in receiving petitions and resolutions; and then

Adjourned.

WEDNESDAY, DECEMBER 14.

The following message from the President of the United States was received, and read, and ordered to be printed:

WASHINGTON, December 13, 1831.

To the Senate of the United States:

I transmit herewith, in obedience to a resolution of the Senate of the 8th December, 1831, all the information in the possession of the Executive, relative to the capture, abduction, and imprisonment of American citizens by the provincial authorities of New Brunswick; and the measures which, in consequence thereof, have been adopted by the Executive of the United States.

ANDREW JACKSON.

Dec. 15 to 19, 1831.] *Duty on Tea.—The Militia.—Northeastern Boundary.—Election of Officers.*

[SENATE.]

The remainder of the sitting was spent in the reception of petitions and other minor business.

THURSDAY, DECEMBER 15.

The President's message was taken up, and its various topics distributed to appropriate committees; and then, after a short time spent in executive business, Adjourned to Monday.

MONDAY, DECEMBER 19.

DUTY ON TEA.

Mr. SMITH, from the Committee on Finance, to whom had been referred memorials from sundry merchants of the cities of New York, Philadelphia, and Pittsburg, in favor of a further reduction of the duties on teas, made a report, accompanied by a resolution, that it is inexpedient to act on the subject of the memorials at this time.

Mr. CLAY rose to inquire of the chairman of the committee, whether it was intended that the report should remain on the table or be acted on. Entertaining very different views from those which he understood to be expressed in the report, he was desirous that the question of the repeal of the duty on tea should be fully and early considered by the Senate. This was due to the merchant, to the consumer, and to the important interests of the country. He would, therefore, ask whether it was intended that the report should, by reference to a Committee of the Whole, or in any other manner, be brought before the consideration of the Senate, so that there may be some general expression of the sentiments of the whole body on the subject.

Mr. SMITH, chairman of the committee, replied that the usual course was not to act on reports on the day they were presented to the Senate; they laid on the table one day of course, and were taken up and disposed of on the day following.

THE MILITIA.

The following resolution, submitted on Thursday last by Mr. HANNA, was taken up:

Resolved, That the Committee on the Militia be instructed to inquire into the expediency of an organization of the militia, such as will embrace those only between the ages of twenty-one and thirty-five; and also of increasing the annual appropriation for arming the militia of the United States.

Mr. FOOT moved to amend the resolution by striking out the word *an*, and inserting the words "a reorganization."

Mr. HANNA replied that his object was not to limit the inquiry of the committee, but rather to impart to it all possible light and information on the subject. His sole object in submitting the resolution was to reduce the enrolment of the militia, and raise the appropriation to provide arms in such a manner as at once to afford an effective militia force. He would, however, accept the amendment of the Senator from Connecticut.

Mr. POINDEXTER observed that he was not apprised of any organization of the militia by Congress. He, therefore, thought the word reorganization would be improper.

Mr. HANNA would state to the Senator from Mississippi, that there was an act of Congress which purported to be an act organizing the militia of the United States, and referred to the act of 1806. It was on account of the requisitions of that act, he had offered the resolution in question. That act was in itself a nullity, because it required of the militia of the United States an impossibility. It required them to provide their own arms, and to appear on days of training with proper equipment. Now, if all the arms in the United States, both public and private, were put into the hands of the militia, they would not all be supplied. According to the last return of the militia, their numbers

were upwards of one million and sixty thousand, but some States had not made returns of their strength since 1820. At the present time, it would be absurd to suppose that the militia, according to their new organization, would amount to two millions. The service of a militiaman, under the existing regulation, is twenty-seven years. Under that which he proposed, the term of service would be only fourteen years. Then, if Congress should think proper to organize the militia according to the above proposed plan, and the appropriation be raised to four, instead of two hundred thousand dollars, we might reasonably hope for an efficient militia in a reasonable time, besides the great saving of time which that organization would afford to those left out of the new enrolment.

Mr. FOOT withdrew his motion to amend, and the resolution was adopted.

NORTHEASTERN BOUNDARY.

Mr. HOLMES called up his resolution which was laid on the table last week, inquiring of the President of the United States whether any negotiation was commenced, proposed, or intended, in regard to the Northeast boundary.

He stated that it was laid on the table in accordance with the suggestion of a Senator from South Carolina, [Mr. HAYNE,] that the documents expected from the President might convey the information required by the resolution. But he had examined the documents since transmitted by the Executive, none of which conveyed the information required.

Mr. POINDEXTER moved to amend the resolution by striking out the words "proposed or intended," as he thought it improper to inquire of the President what negotiations he intended to institute.

Mr. HOLMES remarked that he was not disposed to be very fastidious, even in regard to asking the President's intentions; but still he could not perceive why he had not on this subject a right to know what the President did intend. But as the words "commenced or proposed" would embrace his whole object, he had no objection to modify the resolution by omitting the word "intended," but objected to expunging the word "proposed."

Mr. BIBB, suggesting that the resolution might involve a discussion which would not be proper in public session, hoped the gentleman would consent to transfer it to the executive journal.

Mr. H. consented to transfer the resolution to the executive journal, and accordingly moved that it be so transferred.

Mr. KING objected, stating that it was not the practice, and was improper. The gentleman could reach the object by withdrawing it now, and offering it in secret session.

Mr. HOLMES said resolutions had been transferred both ways. Legislative resolutions to the executive, and executive to the legislative journals. It might, however, occur that our legislative proceedings might bring into discussion matter exclusively executive, and the proper course was to transfer the subject and discuss it with closed doors. On the other hand, a subject might be presented as an executive subject, which might become of a legislative character, or which did not require secrecy, and it would be proper to make it public by placing it on the legislative journal. These changes often become necessary, and the practice had been such as he suggested.

The question being taken, the motion to transfer the resolution to the confidential sitting was agreed to by a large majority.

ELECTION OF OFFICERS.

The Chair announced the order of the day, for proceeding to the election of the officers of the Senate, and desired the members to prepare their ballots for Secretary.

Mr. CHAMBERS rose, and said that, before the ballot for Secretary be taken, he desired to obtain information in

SENATE.]

The Tariff—Duties on Teas.

[Dec. 20, 1831.]

Further, sir, in recurring to the negotiation in this affair, it seems that, on our part, every thing was yielded, and in the humblest terms of concession. The Earl of Aberdeen triumphantly quotes Mr. McLane upon himself, thus: "It (the measure of the American Congress) concedes in its terms all the power in the negotiation of the colonial trade, and authorizes the President to confer on British subjects all those privileges, as well in the circuitous as the direct voyage, which Great Britain has at any time demanded or desired." So it seems we have yielded every thing, permitted, nay, solicited Great Britain to prescribe the terms, and the consequence has been, as every one might have expected, a dead loss to our navigating interest.

I have, sir, another inquiry which I wish to propose. It has been intimated that this trade has taken this course: our productions are subjected to a much higher duty in the British West Indies than in their North American provinces. We are excluded from carrying from these provinces to their West Indies. To avoid this duty chargeable from our ports direct to the West Indies, the British vessel obtains a clearance, say from Halifax or St. John's, and clears from a port in the United States to a British continental port, sails directly to the West Indies, enters under this clearance from Halifax or St. John's, and thus avoids the high duty on our products from our ports to the West Indies direct. If such a practice is going on, it at once, and totally, excludes our participation in the whole trade.

One other inquiry is embraced by the resolutions which I intend to offer. It appears by Mr. McLane's despatches to the Secretary of State, that Mr. Herries, President of the Board of Trade, had presented a proposition for a modification of the tariff on importation into those British colonies, in which he had exhibited a schedule of the present and proposed duties. Mr. McLane, in his letter of the 22d November, 1830, indulges a hope of relaxation of the proposed duties, and this is the last we hear on the subject. Part of my purpose is to ascertain what are the duties now chargeable in the British colonies.

On the whole, sir, this subject is involved in too much mystery. Maine, it is feared, has lost a valuable portion of her territory in exchange for Rouse's Point, in New York. If, in addition to this, a large amount of her tonnage is to be dismantled to benefit this and other large States, let us know how, why, and wherefore; and for this purpose I offer the following resolutions:

Resolved, That the President be requested to cause to be communicated to the Senate the number of vessels, and their tonnage and cargoes, which have cleared from any ports in the United States to any port or place in the British American colonies since the President's proclamation of 5th October, 1830; distinguishing those, if any, which cleared for such port and place, "and a market," or for a British port or place, or some other port or place; distinguishing, also, American from foreign tonnage, and also the entries of all vessels from any British colonial port, with their cargoes, since the above proclamation; distinguishing the tonnage as above, and designating the British port or place from whence the cargoes were imported.

Resolved, That the President be requested to inform the Senate what amount of American and foreign tonnage (distinguishing them) has been cleared for, and entered from, the Swedish and Danish West Indies, since the President's proclamation of the 5th October, 1830, with the kind and amount of the cargoes.

Resolved, That the President be requested to inform the Senate whether, since his proclamation of the 5th October, 1830, British vessels have cleared from the United States for any port in the British continental colonies in America, and have sailed directly to the British West Indies, by virtue of clearances previously obtained from

custom-houses in those continental colonies, thus performing voyages circuitous on paper, but in fact direct.

Resolved, That the President be requested to inform the Senate what are the duties paid on British American vessels and their cargoes respectively in British ports in the West Indies and the other British American colonies, distinguishing between the West Indies and the other colonies, and between American and British vessels, and the produce of the United States and of the colonies.

On motion of Mr. SMITH, the resolutions were ordered to be printed.

THE TARIFF—DUTIES ON TEAS.

The Senate then proceeded to the consideration of the following report, made yesterday from the Committee on Finance:

The Committee on Finance, to which were referred the memorials of the importers and dealers in teas, of New York, Philadelphia, Baltimore, and Pittsburg, report:

That the memorialists pray, that in case Congress shall contemplate any reduction in the duties on teas, that such reduction may be made to take effect from and after the 31st December of the present year; being the same time at which the act of the 20th May, 1830, entitled "An act to reduce the duties on coffee, tea, and cocoa," will take effect on teas: their object being that whenever reduction in the duties on teas may be made, that it may operate simultaneously with the said act of May, 1830.

The committee deemed it proper to consult the Secretary of the Treasury on the subject, and particularly as to the effect an immediate reduction of the duties would have on the finances of the nation. His answer, they ask permission to submit as part of their report.

The committee are fully aware of the inconvenience which must arise to commercial men, by frequent changes in the duties. They are constrained, however, to report that it is inexpedient to act on the subject of the memorials at this time.

TREASURY DEPARTMENT,

December 15, 1831.

SIR: I had the honor to receive yesterday your letter of the 14th instant, accompanied by a memorial of sundry merchants of New York, praying that any further contemplated reduction in the duties on tea may take effect on the 1st of January, 1832.

In answer to your request that I would state the effect upon the revenue of a reduction of the duties on teas to certain rates which have been proposed by persons engaged in the tea trade, to go into operation at the time above mentioned, I beg leave to state, generally, that such a reduction could not be made without materially disturbing the estimates presented in the late annual report from this department on the state of the finances, nor consistently with the views entertained as to the entire payment of the debt on or before the 3d of March, 1833.

Without more precise information than the department possesses of the quantity of tea in store, it is difficult to furnish the details you request. The quantity, however, may be supposed to be greater than it otherwise would be, in consequence of the mutual desire, both of the importer and the retail dealer, to preserve as much as possible of the importation for the benefit of the reduced duties which are to take effect on the 1st of January next.

It will appear from the statement herewith transmitted, that the proposed reduction would be attended with a probable diminution in the revenue, varying from half a million downwards, according to the quantity of tea which may be found actually in store on the 1st of January.

It is believed, moreover, that the principal benefits of the proposed reduction would be conferred on the importer rather than the consumer. If, as is understood to

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The Tariff—Duties on Teas.

[SENATE.]

be the fact, there is a small quantity of tea in the hands of the retail dealers, it might not follow that the prices either of that now in bond, or of that ordered for importation, would fall in proportion to the reduction; whereas, the importer can suffer neither loss nor inconvenience from the operation of a law, with a view to which his business has been regulated for more than a year past.

The department is not satisfied—though upon this point I do not wish to be considered as expressing a positive opinion—that it will be expedient at any time to reduce the duties on teas materially lower than the rates of January next. These duties will not be sufficiently high to affect, in any sensible degree, the consumption of the article; and though diminished upon an importation equal to that of 1830, from \$2,049,342 02 to \$898,974 46, as will be seen in the accompanying statement, yet they will always be a safe source of revenue. In a general revision of the tariff, Congress will find a great convenience in drawing the revenue from as few articles as may be consistent with the interests of the community, instead of being subjected to the necessity of spreading it over numerous commodities; and there are cogent reasons why any further reduction on teas should await such general revision of the existing duties as the state of the finances and public expenditure may call for. The memorial is herewith returned.

Any further reduction which it may then be found expedient to make, may be readily adapted, both in amount and in time, to the interests and convenience of the importers.

I have the honor to be, with great respect, your obedient servant,

LOUIS McLANE,
Secretary of the Treasury.

The Hon. S. SMITH,
Chairman of the Committee on Finance, Senate.

A STATEMENT exhibiting the quantity of tea imported during the year 1830, after deducting that which was exported entitled to drawback, and the duties thereon, calculated at the present rates, at the rates payable after the 1st January, 1832, and at the rates proposed by certain importers.

	Quantity in 1830.	Present duty.	New duty when imported in A- merican vessels after 1st Janu- ary, 1832.	Duty propos- ed by certain importers.
		cts.	cts.	cts.
Bobas	148,925	12 17,871 00	4 5,937 00	2 2,978 50
Souchong	1,607,222	25 401,805 50	10 160,732 30	3 48,216 66
Hyson skin	1,314,320	28 367,984 12	12 157,707 48	4 52,569 16
Hyson and Y. Hyson	2,812,646	40 1,125,058 40	18 506,276 28	6 168,738 75
Imperial	73,246	50 136,023 00	25 68,311 50	10 37,324 60
	\$5,156,268	\$2,049,342 02	\$898,974 46	\$399,847 68

The report being read,

Mr. WEBSTER said that he did not rise to oppose the acceptance of the report. Under all circumstances it might, he thought, be as well to accept it, and put the matter at rest. Nevertheless, he was of opinion the committee ought to have come to a different conclusion. The present moment was exceedingly favorable to a further reduction of duties on teas. By the provisions of the act of 1830, a considerable reduction is now to take place on the 1st of next month, and is to apply to teas already imported, but then in bond, as well as to teas imported after that period. In consequence of this provision of law, nearly all the teas in the country were now in bond, and if a further reduction of duties be intended, this seems the very time to give it effect, or, by applying to the great

mass of the teas already in the country, as well as to future importations, the reduction would operate with great equality, and prevent that injustice which often happens to holders and importers of commodities from sudden reduction of duties. He believed there was quite time enough to have accomplished this desirable object, if it had met the concurrence of the treasury, and had received the prompt action of the committee.

But the Secretary of the Treasury had expressed the opinion that no further reduction of duties in this article ought to take place; and his [Mr. W.'s] main object in rising was to prevent that opinion from being received as the unanimous opinion of all those who might be called on to act on the subject. He, for one, certainly was quite of another way of thinking. He thought that a further and a very large reduction of duties on teas ought to be made, and to be made as soon as might be consistent with justice and equity to the dealers in the article. It is impossible that this question should not come before Congress. It would certainly be agitated. The golden opportunity for disposing of it, as it seemed to him, in a manner satisfactory to all interests, had been presented, and had been lost, and he greatly regretted it.

Mr. SMITH called for the reading of one of the memorials, in order that the Senate might better understand the object the memorialists had in view. One of the memorials was then read by the Secretary.

Mr. S. then observed that, in May, 1830, an act was passed reducing the duties on teas to about one-half of the then existing duty, to take effect from the 1st of January coming. Now, said Mr. S., the object of these memorials is to have it settled, that if any reduction of the duties on teas be made, that such reduction shall take effect simultaneously with that provided for under the existing law. The petitioners have shown to the committee, said Mr. S., that the holders of teas have suffered to the amount of two millions of dollars, in consequence of being kept in a state of suspense by Congress tampering so frequently with the subject, no law having effectually taken place till May, 1830, although the proposition to reduce the duties on teas had frequently been agitated. When the memorials were referred to the committee, they took up the subject with the most favorable impressions, and with the fullest intention to bestow on it the speediest action; but, on mature deliberation, it had been considered that it would be impossible, at this late period of the month, to act on it so as to get a bill through both Houses of Congress before the 1st of January. A very respectable deputation from the memorialists, said Mr. S., attended the committee, and they had been perfectly satisfied that the objects they had in view could not now be carried into effect. Many gentlemen of the other House, and some of this, remarked Mr. S., would not consent to act on a bill of the nature contemplated by the memorialists, without going into the whole subject of the tariff.

Under these circumstances, the committee had been compelled to report, as they had done, that it was inexpedient at this time to act on the subject. He [Mr. S.] was in favor of a considerable reduction of the duties on teas, to take effect after the public debt shall have been paid. He did not differ materially with the gentleman from Massachusetts: he agreed with him that a further reduction of the duties was necessary; he would even reduce the duties to a greater degree than asked for by the petitioners themselves. The Senator from Massachusetts disagreed with the Secretary of the Treasury. The Secretary, said Mr. S., had given no opinion on the subject. The committee had addressed a letter to him, stating the views of the memorialists, and the necessity of an immediate answer. An answer had been returned the very next day; and what did the Secretary say?

"The department is not satisfied—though upon this point I do not wish to be considered as expressing a posi-

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tive opinion—that it will be expedient at any time to reduce the duties on teas materially lower than the rates of January next.”

How far the Secretary was in favor of a reduction of duties on teas, he could not say; but he, for one, would be willing to take off the duties altogether, not only on teas, but on many other articles not necessary for the encouragement of American industry. He had no concealment of his views as to the tariff; he was prepared, or nearly so, to report a modification of it, though he did not know if the Committee on Finance had a right to interfere with the subject. It was their appropriate duty, to be sure, but the business had been taken from under their control since the year 1828, and confided to the Committee on Manufactures. If the Senate would confide the business to the Committee on Finance, he would pledge himself that a bill would be speedily reported for the reduction of the duties on articles of importation.

Mr. CLAY rose, and said, that when the report was presented by the chairman of the committee, he understood that it was against any further reduction of the duties on tea, in conformity to what seemed to be the opinion of the Secretary of the Treasury. The committee, he was glad now to learn, only thought it impracticable to effect the reduction by the 1st of January, but were in favor of reducing the duty. The intention of the memorialists from New York and Philadelphia, to which he was disposed to assent, was to have the reduction of the duty take place on the 1st of January next. But this was not the exclusive time to which the memorialists confined their petition. Their object was to have the reduction take place as early as possible. And if it could not be effected at the time first mentioned, the 1st of February, or even the 1st day of March, would meet their wishes. The tea now in bond, with the exception of occasional parcels taken out for immediate consumption, would have remained in the custom-house until that act should take effect, if it was not before the 1st of February or March, and thus their object would be substantially attained. This, however, said Mr. C., was not the most important aim of the memorials. The principal motive in presenting them was to ascertain the sentiments of Congress in relation to a further and definitive reduction of the duty, with the view to the regulation of their commercial operations, and on this point they were left totally in suspense by the report of the committee. No gentleman, continued Mr. C. in answer to the Senator from Maryland, who has reflected on the subject, as connected with the financial interests of the country, would believe that a retention of the duty was necessary to effect the payment of the national debt by the day which had been designated by the Secretary of the Treasury.

It was impossible to consider the reduction of the duty on this article alone, without examining the great and important question of the tariff in general, which embraced the leading interests of the country within its scope. The unimportant as well as important articles included in the tariff must come into consideration. Those which were protected, as well as those which were unprotected, by our present system of policy, demanded their due share of our consideration. It would be impossible to examine one article separately, without taking into consideration the connexion which it bore with others which were equally subject to duties, nor without considering the whole system of protection and revenue of the country. But if there were any one article which might be considered distinctly, that article was tea, which, if we take its almost universal consumption into view, must be regarded as one of the necessities of life. The gentleman who submitted the report stated that he did not intend to announce the determination of the committee, much less of the Senate, as being indisposed to the granting of a further reduction. To this explanation he was not disposed to

object; but he thought the committee might have acted immediately on the subject of the memorials without inconvenience or injury. He did not wish to prevent the introduction of the bill which the chairman of the committee had proposed in relation to the total reduction of the duty on this article.

But that Senator had stated as his individual opinion, and not that of the committee, that the reduction of the duty ought not to take effect until the liquidation of the national debt. He [Mr. C.] would, in reply, observe, that if the Senator did intend to defer it until the whole debt, including the three per cent., was paid, he might perhaps have to wait much longer than he supposed. It could, said Mr. C., be easily shown that it was not necessary to effect the payment of the entire debt by the time proposed, to retain any part of the duty upon tea. The debt may be discharged by the 4th March, 1833, and the duty be now reduced or repealed *in toto*. He hoped, however, that few would be found willing to sanction the improvident project of paying off a capital yielding only three per cent. by the appropriation of a capital worth six per cent., and raising this capital by an unnecessary continuance of burden from which the consumption of the country might be relieved. The report submitted yesterday by the committee being now explained to settle nothing but that a bill could not be got through the two Houses to take effect on the 1st of January next, he was not disposed, with that explanation, to call for any expression of the opinion of the Senate, but would acquiesce in any disposition of the report.

Having placed a different construction on the report, especially after perusing the accompanying letter of the Secretary of the Treasury, he had intended to make a proposition, which he would not now submit. Whilst he was decidedly in favor of a substantial preservation of the system of protection, he was ready to concur in any measure of relief to the country not inconsistent with it. And he did not think that the object of paying off the whole public debt by a precise day in the year 1833, ought to delay, for one moment, the repeal of duties on objects not falling within the scope of that system. Having made this explanation, he would not further trouble the Senate.

Mr. HAYNE said, if gentlemen had suffered the question to be taken on this report without debate, he would have been content to give his silent vote in its favor. The only question presented by the report was, whether it was expedient to pass a bill greatly to reduce the duties on teas, to take effect on the 1st of January next. He concurred with the committee, that such a measure would not be expedient, even if it were practicable. But, said Mr. H., as gentlemen who have addressed the Senate have not confined themselves to this question, but have gone into an explanation of some of their views with respect to the proposed modification of the tariff, (a modification of some sort being admitted on all hands to have become necessary,) it was perhaps proper that he should also express his opinion, in order to “exclude the conclusion” that there was a general concurrence in all the views which had been presented in the report, or by the gentlemen who had favored the Senate with their sentiments. It was certainly desirable that there should be no misunderstanding on this subject, either here or elsewhere, and he was most anxious that, so far as his own views were concerned, and, perhaps, he might add, the views of those with whom he usually acted on such questions, gentlemen should not delude themselves with the belief that any modification of the tariff would be at all satisfactory, which should not be effected on the broad principle of perfect justice and equality. The chairman of the committee [Mr. SMITH] had told us that he was not only prepared greatly to reduce the duties upon tea, but upon all other articles which did not enter into competition with our manufac-

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tures; he spoke of imposing upon such articles what he was pleased to call *pro forma* duties, while the obnoxious articles, by which I presume he meant the protected articles, were to remain subject to other, and, of course, higher—perhaps the existing—rate of duties. The gentleman had referred, in illustration of his views, to a bill reported by himself last year for the reduction of ten millions of taxes. Against the scheme embraced in that bill, Mr. H. felt himself bound, now and at all times, to enter his earnest and decided protest. What was that scheme? Why, that from all articles of luxury the taxes should be taken off entirely, while from articles of absolute necessity they were to remain undiminished—articles consumed by the rich were to come into the country duty free, while articles consumed by the poor were to be burdened with exorbitant taxation. The rich man was to drink his costly wines, and his family to be arrayed in fine silks, without paying one cent towards the expenses of the Government, while the poor man was to be heavily taxed on the coarse woollens which were to shield himself and his family from the winter's cold. Now, could a system of taxation, resting on such principles, be seriously defended? Could it be tolerated in a free country, and a liberal and enlightened age? He trusted not. There is another objection to this scheme, which was to his mind equally conclusive—it was, that by it the duties were to be taken off from what was called the unprotected articles—articles, too, of general consumption, (and which, according to the acknowledged principles of political economy, and the common consent of all mankind, are the proper subjects for taxation,) and the entire revenue of the country was to be raised upon the protected articles—upon cottons, woollens, and iron—articles of necessity, on which enormous duties are now imposed—duties which operate as a heavy tax on certain portions of the country, and certain branches of industry, and as a bounty to other portions of the country, and other branches of industry.

Against a system so unjust, unequal, and oppressive, the tax-paying people of the United States, those who receive no portion of the bounties of the protecting system, the people of the Southern States, those whom he in part represented on this floor, must forever protest. Let not any gentleman "lay the flattering unction to his soul," that these people would be satisfied with any arrangement of the tariff which shall not go the full length of bringing down the duties to the true revenue standard, the raising no more money from duties than may be necessary for the just purposes of Government, and to raise this amount from duties to be arranged on fair and equal principles—a reasonable *ad valorem* duty on all articles protected or unprotected—a system which shall be based on the great principle of equal benefits and equal burdens. Such a system, and such only, could ever reconcile the people to the operation of the tariff, or quiet the discontents which had sprung out of the existing, unjust, and oppressive system.

There was one remark made by the gentleman from Kentucky, [Mr. CLAY,] which met his hearty concurrence; it was, that this system could not be satisfactorily arranged by taking up a single article—as tea, for instance—and acting separately upon that. The gentleman laid down the true rule, when he said, that, to determine the reduction proper on any given article, you must take a comprehensive view of the whole system. Nothing can be clearer, said Mr. H., than that, in order to decide what reduction ought to be made upon tea, you must also inquire what reduction should be made upon wines, silks, and spices. It was utterly impossible to determine the reduction proper to be made upon these articles, without also taking into consideration what reduction should be made upon cottons, woollens, and iron. We must take a large and comprehensive view of the whole subject, and examine every article, whether protected or unprotected, before

we can decide wisely or justly as to the extent of the reduction to be made upon each.

There was another remark which fell from that gentleman, in which he [Mr. H.] entirely concurred; it was, that it was more important that the proposed reduction of duties should take effect at an early day, than that the public debt should be extinguished on the 4th March, 1833, as suggested by the Secretary of the Treasury. He was one of those (as was well known to the Senate) who had been, for years past, constantly pressing for the speedy extinction of the public debt. But this was not because he considered the small amount which remained of that debt as any very grievous burden on the country, but because he hoped that when the public debt should be extinguished, there would no longer remain any excuse or apology for keeping up the enormous duties under which those whom he represented, as well as the people of other portions of the country, had been borne down. But if the question was presented to him, whether the taxes should be kept up for two years longer, in order to extinguish the debt, on a given day, or be immediately reduced, he should go for the reduction, even though the payment of the debt should be made in three annual instalments instead of being entirely paid off in one year. The most important consideration, in his estimation—more important, he was persuaded, at this time, than all others put together, was, that there should be an immediate reduction of the public burdens, and that the duties should, as speedily as possible, be brought down to the lowest amount necessary to provide for the expenditures of the Government, on proper and constitutional objects. Until this is done, it is in vain to hope that the people will ever be reconciled to the operation of this system; and should we be able to effect it, the causes of discontent will be removed, and peace and harmony will once more be happily restored.

Mr. CHAMBERS said he did not perceive a possible advantage to either of the several interests alluded to in debate, which could arise from a vote of concurrence with the committee. The report adopts no opinion; suggests no course of policy; invites no commitment by the Senate in regard to the continuance or reduction of the duty on teas. As now explained by the chairman, it asserts the fact, that such an act as the memorialists ask for, cannot be pressed through Congress within the period limited by the memorial. The committee did not intend it to have any influence whatever upon the question of a partial or total repeal of the duty. In this view of the subject, it would accomplish the object of the committee, to allow the report to lie on the table, as effectually as to adopt it by the resolution now before the Senate. A contrary course might have the effect to embarrass the Senate in its future action upon this subject, by a technical application of the rule which prohibits the consideration of a subject a second time, after a previous disposition of it the same session. The committee say it is inexpedient now to legislate, thereby, it seems, intending the interval between the report and the 1st of January; but it may well be contended at a future day, that now will apply to any part and all of the session. He certainly anticipated the appearance of this question at a future period of the session, and wished to avoid any possible difficulty from the rule.

There were, however, more important considerations to urge the propriety of the disposition he proposed to make of the report. The committee set forth the nature and object of the memorial, that they had addressed a letter to the Secretary of the Treasury, inviting a disclosure of his views in regard to the probable effect on the finances; they refer to his letter in answer, which is given at large, and conclude, without entering into any argument, that it is inexpedient now to legislate upon the subject. In his letter, the Secretary gives an opinion in

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positive terms, that it is not expedient to reduce the duty on tea before March, 1833, and an opinion, not positive, that the policy of reducing it at any time thereafter is, at least, questionable. He was pleased to hear the chairman of the committee unequivocally dissent from this last opinion. For himself, he was directly opposed both to the positive opinion, and the opinion not positive; but he did not rise to discuss that matter. His object was, to leave the way open for a future discussion, unprejudiced by what should be done with this report.

Upon this statement, then, he submitted to the committee, whether the publication of their report, with the letter of the Secretary, which, although not adopted in terms by the language of the report, is yet referred to as a document proper to be considered, and against the doctrines of which no exception is taken—he submitted to the Senate, whether the putting forth such a paper would not be likely to create the belief that the Secretary's argument and reasons were the foundation upon which the conclusion of the committee rested. And whether, if the Senate were to vote its concurrence, it would not be received as an acquiescence with the opinions of the Secretary. As the actual state of opinion in the Senate was probably of a character quite opposed to such acquiescence, and as such an effect on public sentiment was not designed or desired, he would propose what seemed to be the effectual means of preventing it. He therefore moved to lay the report with the memorial on the table.

The report was laid on the table accordingly.

WEDNESDAY, DECEMBER 21.

THE TARIFF.

Mr. POINDEXTER laid the following resolutions on the table:

1. *Resolved*, That the Committee on Finance be instructed to inquire into the expediency of fixing a rate of duties on foreign imports, not to exceed on any article imported into the United States more than twenty per cent. ad valorem, and not to reduce the duty on any article so imported below ten per cent. ad valorem; and to arrange such duties, having regard to all the great interests of the country, so as to produce a nett revenue of not less than fifteen millions of dollars annually.

2. *Resolved*, That the said committee be further instructed to inquire into the expediency of giving effect and operation to said system of duties on the 30th day of June next.

THE BRITISH COLONIAL TRADE.

The resolutions offered yesterday by Mr. HOLMES, asking further information of the President of the United States, in relation to the British West India colonial trade, were taken up.

Mr. WEBSTER said the resolution asked information on a subject which was as yet involved in uncertainty, and on which further information was highly necessary and important. He made these remarks as a preface to an amendment of the resolution which he was about to propose. Some time since, measures had been taken, and negotiations entered into, the object of which was to place our commercial intercourse with the British American colonies on terms of reciprocal advantages. This negotiation had failed; and the endeavors to make such arrangements and fix the duties on either part on some equal basis, so that the duties imposed on American vessels entering the British colonial ports should be no higher than those imposed on their own vessels, were then ineffectual. The object of that proposed arrangement was for the benefit of commerce as well as navigation. The British Government not consenting to comply with terms which that administration conceived just and necessary, the navigation was, by direction of the Executive, abandoned; since which period an arrangement has been completed, in conformity with instructions given by the

Government here to the minister at the court of St. James; given, sir, in terms and in a temper which may very properly become the subject of public examination and comment here; I say, sir, of public examination and comment.

There is at least a large portion of the commercial community, who have felt, and seriously felt, the inconvenience of the present arrangement. The resolution submitted by the gentleman from Maine asks for important information on the subject; but there are some particulars which, if known, would enable the Senate to understand more clearly the effect which the present arrangement has had on our commerce, and which are not embraced in the call. The resolution does not ask the President to state the months in which such clearances were respectively made, and whether from British colonial ports or British West India ports, which it is equally important that the Senate should understand as the particulars mentioned in the resolution. Immediately on the announcement of the arrangement entered into by Mr. McLane with the British negotiators, a bill was entered into the British Parliament, the object of which was to enhance the duties on those articles of commerce which were carried by our vessels to the colonies, which would, if adopted, produce an important change in the trade to the colonies, and serious injuries would result to the commercial interest.

The State of Maine exported a great quantity of lumber (and ship timber) to the British colonies previous to this arrangement, in her own vessels; but since that time the trade had been almost exclusively carried on by British merchants in British vessels. This was true with regard to most articles exported from the New England States, with the exception of live stock, which was still exported from Connecticut, and perhaps some elsewhere, in American vessels; therefore the object of the resolution, as proposed to be amended, is to learn in what employment our ships had been engaged since the commercial treaty went into operation. Before this arrangement, our ships went a longer and more circuitous voyage than those of England; but our profits were also much greater, by trading with the British colonies through the neutral ports, than those of British vessels employed in the direct trade. Mr. W. said he conceived the information requested by the resolution insufficient to enable the Senate to ascertain the precise bearing which the present arrangement has had upon our commerce, and submitted the following amendment, which was agreed to by the gentleman from Maine, and adopted as part of the resolutions, as follows:

"And state the months in which such clearances were respectively made, and whether from British colonial ports or from British West India ports;"

Which amendment was inserted immediately following the words "since the President's proclamation, 5th October, 1830."

After some conversation between Mr. HOLMES and Mr. SMITH, the resolutions were laid on the table, on the promise of the latter gentleman to call them up again to-morrow.

THURSDAY, DECEMBER 22.

The resolutions submitted yesterday by Mr. POINDEXTER, were, on his motion, ordered to be printed.

Agreeably to notice given, Mr. POINDEXTER asked and obtained leave to bring in a bill concerning Martha Randolph, daughter and only surviving child of Thomas Jefferson, deceased; which was twice read, and referred to a select committee, consisting of Mr. POINDEXTER, Mr. CLAY, Mr. TYLER, Mr. HAYNE, and Mr. WEBSTER.

THE BRITISH COLONIAL TRADE.

Mr. SMITH, agreeably to his promise of yesterday, called up for consideration the following resolutions of Mr. HOLMES, as amended by Mr. WEBSTER.

Resolved, That the President be requested to cause to

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be communicated to the Senate the number of vessels, and their tonnage and cargoes, which have cleared from any ports in the United States to any port or place in the British American colonies since the President's proclamation of 5th October, 1830, and state the months in which such clearances were respectively made; and whether from British colonial ports, or British West India ports—distinguishing those, if any, which cleared for such ports and place, "and a market," or for a British port or place, or some other port or place; distinguishing, also, American from foreign tonnage, and also the entries of all vessels from any British colonial port, with their cargoes, since the above proclamation; distinguishing the tonnage as above, and designating the British port or place from whence the cargoes were imported.

Resolved, That the President be requested to inform the Senate what amount of American and foreign tonnage (distinguishing them) has been cleared for, and entered from, the Swedish and Danish West Indies, since the President's proclamation of the 5th October, 1830, with the kind and amount of the cargoes.

Resolved, That the President be requested to inform the Senate whether, since his proclamation of the 5th of October, 1830, British vessels have cleared from the United States for any port in the British continental colonies in America, and have sailed directly to the British West Indies, by virtue of clearances previously obtained from custom-houses in those continental colonies, thus performing voyages circuitous on paper, but in fact direct.

Resolved, That the President be requested to inform the Senate what are the duties paid on British American vessels and their cargoes respectively, in British ports in the West Indies and the other British American colonies, distinguishing between the West Indies and the other colonies, between American and British vessels, and the produce of the United States and of the colonies.

Mr. SMITH said that he had no intention to oppose the adoption of the resolutions; they would probably elicit information, which might be desirable to the Senate. He thought that the third resolution might be withdrawn, although he would make no motion on the subject. He merely submitted the idea to the mover. That resolution supposed a case, on which the Secretary of the Treasury can have no information. It supposes that a captain shall present a manifest, on oath, to the collector of a port, say of New Brunswick, declaring that he has on board of the vessel he commands five hundred barrels of flour, although he has not a single barrel; but he has bribed the tide-waiter to report that he has on board the quantity represented in his manifest. He obtains a clearance for Jamaica, and proceeds to a port in the United States, say Alexandria; he there takes on board his vessel exactly five hundred barrels of flour, clears out for Jamaica, and immediately on getting to sea destroys his American clearance, and makes his entry in that port under his British clearance, and thus cheats his own country of four-fifths of the duty, say four hundred dollars, and defrauds our navigation of the carrying of that quantity of flour. Now all this may be done at the risk of vessel and cargo, and of being punished for perjury, for thus defrauding the revenue. But, sir, he must be not only a rogue, but a fool, if he shall communicate the trick he has played on his Government to the collector of Alexandria; without which disclosure, he [Mr. S.] could not perceive how the Secretary of the Treasury can be informed of the transaction. However, said Mr. S., if the Senator from Maine wishes that it shall go to the Secretary, I shall make no opposition.

Mr. S. proceeded to remark, that a mode had been introduced by a celebrated gentleman, which was said to be parliamentary. It was, that a Senator intending to introduce a resolution, prefaced it with a speech, which he had considered and prepared with calculations of his

own, and documents selected for the purpose. It came on the Senate by surprise: few, if any, Senators were prepared to answer. This was the course pursued by the Senator from Maine: he did not wait for the information which the resolutions required, but took his own views, which might be right, or might be wrong. He has produced figures to show a great loss to the navigating interest. He may be right. Mr. S. said he had not examined his figures, nor had he time to examine them. The answers to the resolutions may show a different result. Mr. S. would not pretend to say that they would; but he would say that he had seen statements made from wrong documents to make out a case, which statements proved to be entirely unfounded when the true documents were applied. The Senator from Maine has shown a large amount of tonnage employed in the trade to the neutral islands, whilst they were the entrepot for all the islands, deducting from which the tonnage employed since the arrangement made with Great Britain, he derives an immense loss to our navigation, and concludes that the bargain has eventuated to our great injury. But, Mr. President, no fair trial has been made: the proclamation of the President, opening our ports, was issued on the 5th October, and probably went by the packet of the 8th. It may have arrived in England in thirty days. Some days ought to be allowed for the British Government to make up their despatches to their minister here, and to the island and North American colonies. A passage to the United States of five or six weeks, at that season of the year, would be considered a fair one. We may, therefore, presume that it took three months, which would bring the receipt to the 8th January, when our rivers and many of our harbors were obstructed by the ice, which continued until the 1st March, so that we can only count on seven months of open trade. Our merchants were not prepared for this trade: it had been stopped for a long period, and had been diverted into other channels. The merchants had, before they could commence, to arrange their correspondence, procure vessels properly fitted for the trade, and assort their cargoes. A merchant does not enter at once into a new branch of commerce; it takes him some time to arrange his business, mature his plans, and to be well satisfied with the prospects held out, before he engages in a commerce that is new to him. Is it then fair or candid, said Mr. S., to compare such a trade of seven months, with a known and established trade to an emporium such as St. Thomas, for twelve months? Besides, St. Thomas was a great entrepot for all the islands, and the neighboring continent. Droghers went there from other than the British islands, some from the out-ports of Porto Rico, and perhaps from the French islands; many of our vessels touched at St. Thomas, and not finding a good market, proceeded, as is very common, to Porto Rico, to all the ports of St. Domingo, to Cuba, and even to the Spanish main. Besides, the consumption of St. Thomas and St. Cruz (Danish islands) is equal, if not greater, than any of the British windward islands. The simple clearances for the neutral trade were no criteria on which to form a judgment of the actual *bona fide* navigation that had been employed in it. The trade is now understood, and we shall be better capable of forming a correct judgment on the subject next year. Mr. S. knew, he said, that the trade was daily increasing, and would, he thought, continue to increase. This fact is undoubted, that every shipyard in the United States has been fully employed in the building of vessels during the present year, which afforded strong presumptive proof that the opening of the colonial trade had not operated unfavorably to the navigation of the country. It is equally well known that very few of the shipyards had full employment prior to the arrangement having been made. Many of the vessels that have been built, and which are now building, are intended for the West India trade; and

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if he [Mr. S.] was well informed, (and he believed he was,) few States will produce more new tonnage for this trade than the State of Maine. Mr. S. remarked that he had been informed that the commerce of Maine had increased most rapidly since this arrangement had been made, and that the merchants had attributed the increase mainly to the opening of the West India trade; that they had full employment for their sawmills, the rents having risen full twenty-five per cent. If these facts be correct, he [Mr. S.] could not understand that the navigating interest had suffered any injury, but, on the contrary, had derived benefit from the arrangement made for the colonial trade with Great Britain.

The Senator from Maine, said Mr. S., read yesterday a schedule of duties presented by Mr. Herries to the House of Commons, and reasoned upon it as if it had passed, and had become a law. He showed, what was the fact, that it would have imposed such duties as would nearly have annihilated all the advantages which had been expected to result from the opening of the islands to our commerce. But, Mr. President, was it fair, was it acting with candor, to attempt to pass on the Senate as a law a schedule that never had been acted upon—that, in fact, was no law? It is well known, said Mr. S., that Mr. Herries had been one of the late ministry of Great Britain, and had retired from office a few days after he had presented his schedule; that he [Mr. S.] had said yesterday, that he well remembered the schedule having been presented, but, as far as his recollection enabled him to say, he felt confident that the schedule had never passed into a law. He had since reflected on the subject, and would now say that the schedule referred to never had become a law; that it had died a natural death, as some of our own propositions do at every session. He [Mr. S.] admitted that new regulations, perhaps a law, had been made; that he had seen them; and that they were, in his opinion, highly beneficial to the United States. Some of them he would mention from memory. Salted beef and pork had been prohibited by the act of 1825; they were now admitted into their colonies on a moderate duty. Much of the produce of the United States is admitted into Canada, and sent even to the mother country, as if it were the produce of Canada. Flour is not: it must be deposited in the public store, and exported agreeably to the act of 1825. If taken out for consumption, it must pay the duty imposed by that act. But flour made from the wheat of the United States is free, as if made from the grain of Canada, and may be exported even to England, where it will be admitted when our flour is not, as is well known. Here, then, said Mr. S., is an immense advantage to our farmers of Ohio, Michigan, part of Pennsylvania, New York, and Vermont. But, said the Senator from Maine, is it right that, for the advantage to those States, the navigating interest should be destroyed by depriving it of the carrying of those products? These benefits were gratuitous on the part of Great Britain; they form no part of the arrangement for the colonial trade; they might have been adopted by Great Britain if no arrangement had ever been made, and would have produced precisely the same effect as to the navigating interest. There may be, and he [Mr. S.] thought there was, some addition of duty in the new regulations, differing from those in the act of 1825, but, as far as he could recollect, they were unimportant.

Mr. S. then said that he had been a merchant, and had always been attentive to the interests of navigation in both Houses of Congress, but he had never lost sight of the interest of agriculture: on that all-important interest we depend; and if the agriculturist has now obtained an advantage to the injury of the navigating interest, (which he utterly denied,) it is for the first time. The agriculturists have been deprived of a free and open market for their produce, for nearly half a century; and for what, he would ask? To subvert the interest of navigation. They

never complained, although some of them might have thought that it was of no consequence to them who carried their produce; yet they submitted, like good citizens, to a policy that was for the general interest.

It is idle, said Mr. S.; to assert that the navigating interest has suffered from the effect of the opening of the trade to the British colonies. Every circumstance contradicts the assertion. When, or at what time, were the shipyards as fully employed in building as at present? When was the commerce of our country more active or more flourishing than at present? When were the wages of all persons employed in ship-building higher than at present? In fine, when was our nation more flourishing and happy than at the present day? If the navigating interest has suffered, the loss, if any, is fully compensated by the great advantage derived from the open trade to the agricultural interest, which he [Mr. S.] should and did consider as the predominant interest; one which has never received any special advantage from the Government, but in many instances had been oppressed.

We legislate, Mr. President, for the whole, as one great whole; and in commercial legislation advantages will arise to one portion of the Union that cannot be enjoyed by others. What special interest have the Western States in navigation? How small is the interest of the Southern States in it? Yet we have seen those States invariably promoting this interest.

Mr. S. had not intended, when he rose, to say more than a few words on the subject. He confessed that he was not fully prepared; that he had spoken from recollection only; had looked into no document, but had been induced to make these remarks in consequence of what had fallen from the Senator from Maine.

Mr. HOLMES observed that the Senator from Maryland was certainly correct in saying that he did not understand the matter under discussion, or he would not have made the statements he did yesterday, and repeated today, that the British Government had laid no discriminating duties on the American trade with the West Indies. If they had not, how then, said Mr. H., could our agriculture of the interior be benefited at the expense of the commerce of the Atlantic, the British tariff remaining precisely the same? How could the arrangement of Mr. McLane produce any such advantages as those claimed in the President's message? Sir, when the outlets to the Atlantic are closed, our produce will rush out through the Canadas; but I do not understand, when the Atlantic door is opened, how our agriculture of the interior can be so much benefited when our tonnage is apparently so injured. When the gentleman from Maryland had made himself acquainted with the subject, Mr. H. would be pleased to be informed on these points. Mr. H. observed, that, before the arrangement of Mr. McLane, we had a very valuable circuitous trade with the British, which was rapidly increasing; but by the new arrangement it appeared to be considerably diminishing. As he understood the gentleman not to object to the passage of the resolution, he should not now enter into elaborate arguments in support of the positions he had assumed; but when the matter should again come before the Senate, with the answer of the President, he would undertake to show that we had relinquished a productive trade for one less valuable; that we had, instead of abolishing a circuitous trade, made one still more circuitous, for the benefit of the British, and carried on in British instead of American vessels. He would undertake to show what was the state of our commerce in 1821, what was the tonnage employed in it, and, carrying it down to 1830, show how it stood then; and, said he, if the President will undertake to show us how it has stood since, we shall be able to appreciate the mighty advantages gained to us under this much lauded arrangement. He would undertake to show that we had sacrificed enough, heaven knew; that we had gone down on our

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marrow-bones to the British, and begged them to take all we were so anxious to give them, and that they were not slow to avail themselves of the advantages so liberally held out to them. The gentleman from Maryland had committed, as he had before observed, a great error in supposing that the British had laid no discriminating duties on our trade with the West Indies. He was positive that they had, and he would tell the gentleman where he might find the law. It was published in the British Albion a few months ago; he would not positively say it was the identical schedule prepared by Mr. Herries; but, if it was not that, it was one far more obnoxious. The gentleman had fallen into another error, which he would take the liberty of correcting. So far from its taking our merchants a long time to determine how to shape their voyages, the vessels were actually loaded, and waiting to sail as soon as they heard of the West India ports being opened; and some of them, when they arrived in the British West Indies, found that they had no business there, and were forced to carry their cargoes to a port of deposit. As to our vessels being blocked up by the ice, that was out of the question. Do we not know that our vessels go to the West India ports all the winter? Why, said Mr. H., those are the very places in winter they should go to; so that, for ten months at least, we might have had the benefit of the trade.

The calculation of the Senator from Maryland must be wild indeed, if he supposes that three months must transpire after the President's proclamation of the 5th October, 1830, before the West India trade could be commenced by us. If the trade offered any prospect of benefit, every adventurer would be watching and ready to embrace it. The Americans not prepared for the trade! What, sir, when the President's proclamation had opened it to the British for two months, and we were expecting it every day to be opened to us, and we not prepared for it! No, sir, the merchants were much better prepared to understand this trade, than the Senator is to discuss the subject. If the trade were worth any thing, they had ample time to find it out. And pray, sir, what was the wonderful change which required so much deliberation before our merchants could venture? We had hitherto furnished the British colonies through certain ports of deposit: if, instead of these, we could go direct to the places of consumption, did it require much time for deliberation how to manage? Time for those who understood a circuitous voyage, to consider how to manage a direct one? Now, this is wonderful. The merchants must have time to arrange their correspondence, procure proper vessels for the trade, and assort their cargoes. And pray, sir, if the trade were worth a thought, would they not be doing all this from the moment of the President's proclamation? Proper vessels! Sir, I would ask the Senator whether a vessel fit for the trade to St. Barts and St. Thomas would not be as fit for Barbadoes or Jamaica? And I confess I cannot well discover why an assorted cargo for British consumption, through a Danish or Swedish port, would not be just as good an assortment when transported direct. But I shall have a word to say about assorted cargoes when the information comes which is called for by the resolutions.

In regard to the period it did require after the proclamation of the 5th October, before information was returned, he [Mr. H.] spoke from recollection only, and he so stated. The Senator from Maryland, it seems, does not pretend to know, but he speaks from conjecture. Now, that information might go and return in sixty days, there is no doubt; indeed, it is about the ordinary time. What time the news that the British ports were open to us did arrive, he did not pretend to state precisely, but he was pretty sure it was in December; it might be little more than two months after the proclamation.

In his remarks on the third resolution, the Senator from

Maryland is equally unfortunate. He [Mr. H.] did not object to the practice supposed by that resolution, on the ground that it was a fraud on the revenues of Great Britain. It is of no importance to us how much the British navigators in this trade avoid British duties, unless by it they gain an advantage over our navigation. And it then does become a ground of complaint. Our products, say flour and lumber, carried to their Northern colonies, pay a very trifling, or no duty, whether in American or British vessels, and thus far the trade is apparently on an equal footing. But these products must be transported thence to the Southern colonies in British vessels exclusively: for this is, by British construction, "coasting trade," in which we are not permitted to participate. Again: British and American vessels can on equal terms clear from our ports for the West Indies, and go directly there. But let it be remembered that the duties in this direct voyage on these articles amount to a prohibition. Now it will be readily perceived that an American vessel could not, but a British vessel could, under a false clearance from St. John's, clear from Richmond for the West Indies, and enter there by her clearance from St. John's, and thus avoid the duty. This would avoid the delay incident to a circuitous voyage, and operate a saving of from \$400 to \$600 on each cargo. And, as this circuitous voyage would be of no manner of benefit to the British, and the direct voyage would throw all the carrying into their hands, I, said Mr. H., can see no obstacle to the British custom-houses giving countenance to such a transaction. Whether the Executive has any information, or can obtain any, may be doubtful; at least, we can ask. If such a practice is indulged, and should become general, the whole carrying trade will inevitably go to the British. The resolutions were then agreed to.

FRIDAY, DECEMBER 23.

This day's sitting was spent in the reception of petitions and resolutions, and in acting on sundry private bills; and then

The Senate adjourned to Tuesday next.

TUESDAY, DECEMBER 27.

This day's sitting was spent in disposing of a variety of petitions and other private business.

WEDNESDAY, DECEMBER 28.

ARMAMENT OF FORTIFICATIONS.

The Senate took up the following bill:

"Be it enacted, &c. That the sum of one million of dollars be, and the same is hereby, appropriated, for the purchase of timber, iron, and other necessary materials for artillery carriages, and for providing the cannon, mortars, cannon shot, shells, &c. for the armament of the new fortifications, and such of the old fortifications as, in the opinion of the President, ought to be armed: *Provided*, That a sum not exceeding two hundred thousand dollars be annually applied to the purposes aforesaid.

"Sec. 2. That the moneys appropriated by this act shall not be transferred to any other object of expenditure, nor shall any part thereof be carried to the fund denominated the 'surplus fund.'"

[The annual appropriation has heretofore been one hundred thousand dollars. The present bill was introduced by Mr. SMITH, on leave, and was referred to the Committee on Military Affairs, which committee reported the bill with a recommendation that it be rejected. Accordingly, when the bill came up to-day,]

Mr. BENTON, in pursuance of instructions from the military committee, moved that it be indefinitely postponed.

Mr. SMITH said he should have been glad to concur with the committee in their motion for an indefinite post-

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ponement of the bill under consideration, had they given any satisfactory reasons for their motion. He believed now, and he had long believed, that an additional appropriation for the purpose of providing for the national defence was a measure not only desirable, but highly important and necessary, as a precautionary step to prevent the danger of a sudden invasion from a hostile force, and the losses and disgrace unavoidably resulting from entering into a war unprepared. Ten years since he had prepared and introduced a similar bill into that House, which had been submitted to the then Secretary of War for his opinion upon the propriety of bringing it forward, and which had been warmly approved by him, and earnestly recommended to the favorable consideration of Congress. He had expressed some doubts of his being able to carry it through both Houses of the Legislature, but considered it of sufficient importance to demand their exertion in its favor.

The engineer of the department had also deemed the provisions of that bill of so much importance as to induce him to make a particular reference to it in his report, as having been introduced into the Senate, and the President was also favorably disposed towards it. That report, said Mr. S., tells us that it will take twenty years to complete the armament of these fortifications, according to the present sum appropriated for that purpose. Now, in the event of war with any foreign Power within that period, he would ask the gentleman how they were to prevent these fortifications from becoming an easy prey to the enemy. They would be destitute of the necessary weapons of defence, and of course fall into the hands of the hostile troops, who would take possession of the forts, and blow them up. It was the object of the bill now before the Senate to prevent an occurrence of this kind from again disgracing the nation. It was founded on the same basis, and embraced the same principles as those which had been advanced by the previous bill. It was intended to be similar in its effects with those of the previous appropriations. There was no difference in the principle between this bill and that system which had long since been matured and carried into effect by the statesmen of a former period, whose wisdom had been appreciated and acknowledged by the nation. It was only an extension of this principle which was proposed by the present bill. He had taken the pains to prepare and introduce it, and he thought it was a measure of great importance, deserving the deliberate consideration of Congress.

Mr. S. then went into a statement, exhibiting the present situation of the various armories of the United States, and to show that the present amount of the appropriation (one hundred thousand dollars) for the purpose of providing arms and other necessities for the defence of the country, was too diminutive to be an inducement for Government contractors to make proposals for arming or completing the fortifications, or to prevent the head of that department from making annual demands for new appropriations. This bill, by increasing the appropriation to two hundred thousand dollars yearly, would obviate these objections, and perhaps induce the contractors to undertake the arming and completion of the public works twenty per cent. cheaper than they would do it now. It would also enable them to complete the armament in ten years, or one-half the time that was required by the present plan. This Mr. S. considered an object of great importance, as it would require no more of the public funds to complete the works in ten years, than would be necessary if they were delayed twenty years. He could not see the propriety of an indefinite postponement.

Mr. BENTON said that the grounds on which the committee had recommended an indefinite postponement of this measure, were, that it was of a character not entitling it to be ranked with those necessary appropriations

which could not be left unprovided for by Congress, but was a mere measure of convenience, not of necessity, which might well be dispensed with without any real loss or disadvantage to the country. He conceived that the argument of the gentleman from Maryland, that this measure was necessary to enable the country to avoid the danger of sudden invasion, was one which the present situation of this country, with respect to foreign Powers, did not support. He could discover nothing in the political aspect at this time, indicating a danger that would warrant the making so large an appropriation, or, in fact, any additional appropriation for the purpose of arming the fortifications. He did not think that any European nation was disposed to enter into a war with this country. There was, on the contrary, abundant evidence of their disposition to cultivate the friendly relations now subsisting between them, and which it was the determination of this Government to reciprocate. But if there should a rupture take place with any foreign Power, there would undoubtedly be sufficient warning given to the country to enable them to prepare for the event. We were not situated like the nations of Europe, in the neighborhood of powerful and warlike rivals, with armies restless from inactivity, and ready to invade the territories of contiguous Powers at the command of their sovereign. We were situated at so great a distance from any powerful nation, that the argument which the gentleman had used, though it might apply to Europe, was quite inapplicable to our country. If at any time the aspect of affairs should be even threatening, it might then be advisable to make an appropriation of this nature. But, as we were now situated, there were other objects far more deserving of our attention. He should oppose this measure, on the principle that it was inexpedient to grant an appropriation of one hundred thousand dollars at this time to any object that could well be dispensed with, or which was not absolutely necessary to meet the exigencies of the country. He was sorry to see the national expenditures regularly increasing, and such a disposition to augment them still more.

Mr. B. added, that the measure was not supported by any recommendation from the Executive branch of the Government. The committee had, according to usage, sent the bill to the Secretary of War, by whom it was returned, without objection, but without any particular recommendation.

Mr. SMITH replied that he was equally unwilling with the gentleman from Missouri to enter into unnecessary and extravagant expenditures of the public money; but we had erected fortifications at great expense, and he thought it a prudent and necessary measure to provide them with arms for their defence; otherwise, they would be in danger of being destroyed by the first enemy that might appear on our shores, and choose to advance against them. Notwithstanding the reasons that have been urged by the gentleman, he was still disposed to consider this appropriation a measure of prudent foresight and wise precaution. In answer to the argument that we were not liable to be called into sudden war, he would appeal to the facts which were well known that transpired during the last war. At that time we found ourselves engaged with one of the most powerful nations of the world, provided at every point for attack or defence, in a contest which threatened the existence of our liberty, and on our part totally unprepared. I was at Baltimore, said Mr. S., when the British troops approached that city, and witnessed the evils of neglecting in time of peace to prepare for war. I was engaged at that time in examining the fortress below the city, to ascertain its ability to stand the expected attack, and found but five guns in that important fortress on which to rely for the defence of the fort and of the city. In this dilemma he was induced, from the necessity of the case, to apply his private fortune to pro-

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vide for the deficiency of the public appropriations. The Government had left the works unarmed, and unprovided with the necessary means of defence. We found ourselves engaged in a war, and our country actually invaded by the enemy, before the fortifications were armed, which were necessary to save the country from being ravaged, and the public buildings and monuments from destruction. How, said Mr. S., can we expect to get through another war with safety or success, without providing now, while we are at peace, and have the means, for future events of this nature, which it was natural to suppose would again occur? War will come, and without such an appropriation we must get through it as we did before, by accident. His friend from New Jersey had expressed the opinion that we were not in want of arms; we had already as many as were necessary, and if we had more, he did not know what we should do with them. This, Mr. S. considered mere anticipation—nothing more. He wished the bill might not be indefinitely postponed.

Mr. HOLMES said, in answer to the gentleman from Maryland, [Mr. SMITH,] that he did not consider that the fact of our having been in some measure unprepared for the last war at its commencement, any argument in proof of the position that we should again be unprepared for such an event, if we took into consideration the extensive preparations which had been made for the national defence within the last twenty years. Our navy had rapidly increased in magnitude and power; our seaboard was lined with fortresses, and our armories filled with munitions and arms, ready for use whenever occasion might require. The gentleman from Maryland had appealed to the last war in proof of the argument of our liability to danger and sudden surprise. If his recollection served him, Mr. H. said it was not England, but the United States, that struck the first blow in that contest; and if we were unprepared for it, it was our own fault. He did not apprehend this argument would have much force when we consider the situation of this country, and its relations to foreign Powers. He did not agree with the gentleman's assertion, that we should be unable to sustain a war if an event of that nature should again occur. He had no fears or apprehension of this description to alarm him, and urge him into extraordinary appropriations for safety or defence. But, if the gentleman's argument of danger and surprise was correct, he did not see the propriety of doubling that danger, for now the enemy could only take the naked fortifications; but, if this measure was adopted, they would have an opportunity not only to destroy the forts, but take possession of the arms also. If we made this appropriation, it would be necessary to go still further, and provide for the manning of the forts, by raising a suitable army, to prevent those arms from becoming weapons of attack instead of defence.

In conclusion, Mr. H. observed that he considered the present appropriation amply sufficient, and should not be in favor of granting an increased sum for this purpose, while the political horizon was as clear as it at present appeared to be, and gave no indication of immediate danger from any quarter. If there should be any apprehension in future of a war, it would then be proper to make further provision; and a few weeks, or a few months, at least, would be a sufficient time to enable them to procure arms, and make the necessary preparations for defence.

Mr. HAYNE said that he was opposed not only to the provisions of the bill, but he objected to the manner in which it was brought forward. He considered that it was an advisable course to mark out and mature some plan of proceeding, and adhere to it; such a plan had been adopted in regard to arming the fortifications, and had received the sanction of the Government, and he thought it should be strictly adhered to. By this plan, a provision was made for the gradual perfection of the national defence, by an appropriation of \$100,000 annually for the advance-

ment of the object which was embraced in this bill. Notwithstanding which, this measure proposed to change the entire system, without giving any reasons for doing so, without the slightest prospect of war, or any evidence that the measure was called for, either by the exigencies of the country, without being recommended by the President or the officers of the Navy or War Department, by appropriating one million of dollars for this purpose—a sum larger than had ever before been appropriated for such an object. The measure appeared to be of a novel character, and was thus regarded by the committee to which it was referred, and which had recommended its indefinite postponement. The gentleman from Maryland [Mr. SMITH] had intimated that the Executive would, probably, look with favor upon this measure; but it was one that involved high responsibility, and which should not be volunteered in advance upon a mere suggestion that the Government would not oppose it. He was opposed to the course pursued, and was of opinion that the bill should not be acted on without having emanated from the proper source, and passed the channel through which such measures usually come. This responsibility should not be incurred, or this large expenditure of the public money granted by Congress, without the particular recommendation of the President, or the heads of departments. The gentleman from Maryland had said that it would take twenty years to complete the arming of the forts, according to the present appropriation. But, sir, said Mr. H., it will probably take that time to finish the fortifications themselves, and there would be time enough to think of arming them after they were completed. The gentleman had made use of an argument in support of his measure, which was wise in itself, but which had been much abused in this country; he alluded to the maxim, "in peace prepare for war." It was an argument which had been made use of on almost every occasion, for almost every purpose, in support of the wildest schemes of legislation. If protection was wanted for a manufacturing establishment, it must be granted, because the soldier must have a woollen coat. If an appropriation was wanted to fill with pap the hungry jaws of some Government contractor, the same maxim was made to apply successfully to justify the demand. Thus, whenever an appropriation for any purpose was wanted, this favorite maxim was always at hand to sanction the measure.

It had been urged that this appropriation was necessary to prevent surprise and danger. But, said Mr. H., there is nothing in the nature of the circumstances with which we are surrounded to make this appropriation necessary. The settled policy of the country was peace with all nations. It was undoubtedly a wise policy, and one in which the nation would persevere. From the nations of Europe there was nothing to be apprehended. It was undoubtedly the interest of the whole world to be at peace with the people of the United States. Peace was the natural condition of this country, and it was for that condition that we ought to legislate, not for war, which none here might live to see.

There was another observation made use of by the gentleman from Maryland, namely, that he was at a loss to know what should be done with the surplus revenue. On this score Mr. H. felt no anxiety. We had seen bills reported demanding appropriations of more than ten millions of dollars. Mr. H. said his method to avoid the perplexity in which the gentleman seemed to be, was simple and natural—it was to leave the surplus money in the pockets of the people, where it belonged, and from whence it could not be rightfully taken, without the exigencies of the Government indispensably required it.

The gentleman from Missouri had remarked that our expenditures were annually increasing, notwithstanding the cry of retrenchment and reform; and he saw no prospect of amendment. Ever since he had had the honor of a

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Duty on Alum Salt.

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seat in the Senate, Mr. H. said, the expenditures of the Government had been rapidly increasing. The gentleman from Maryland had asked, what are we to do with our money? [Mr. SMITH interrupted Mr. H. to say that he had not made use of the expression.] Mr. H. said he stood corrected. It was an expression which was usual on such occasions, and he had understood the gentleman to have used it. He concluded with the hope that the gentleman from Maryland would set an example of retrenchment, and show a disposition not to go beyond the necessary appropriations to meet the unavoidable expenses of the Government.

He hoped they would see the necessity of lightening the public burdens, and that neither the idle apprehension of war, nor any other motive, would induce Congress to pursue a course of extravagant expenditure, or adopt unconstitutional modes of disposing of the surplus revenue. Their attention could not be too earnestly directed to the removal of unequal and excessive taxation. He should oppose the bill on the ground that it was one of a numerous class that were not called for by the real necessity arising from the condition of the country; and for the purpose of obtaining the deliberate and marked expression of the sense of the Senate in deciding the question, he would call for the yeas and nays.

Mr. SMITH replied that there was something extraordinary in the argument of the gentleman from South Carolina. His reasoning seemed to convey the idea that they were wide apart in their views, when, in fact, they were of the same opinion. He agreed with the gentleman entirely. He was as much in favor of retrenchment as any gentleman who heard him, and was equally averse to entering into any extravagant and useless expenditures. There had been a charge of this kind made during the preceding year, which had induced the people to examine into the correctness of the assertion. A committee had been appointed for the express purpose of making a strict inquiry; and, after carefully investigating the subject, they reported that they found nothing of that character. There had been large appropriations for purposes of internal improvement, but nothing had been done to provide for the armament of the fortifications. The bill now before the Senate was of the same character and description with that which had heretofore been passed and carried into effect for the gradual increase of the navy. It was to that provision, and that principle, that we were indebted for the present prosperous condition of our naval armament. The statesman who proposed and carried that measure into effect, acted on the same principle which he was now advocating. The wisdom of that measure was universally acknowledged, and its advantages appreciated by the nation. Such a measure, said Mr. S., could not be carried through Congress at this day. The gentleman from Maine had said that we should increase the danger by adopting this bill. In answer to that objection, he observed, that though it was true that we were destitute of regular troops, we should never want for men to defend these works; the spirit of patriotism which pervaded the hearts of freemen would never suffer them to permit a foreign enemy to take their arms from their hands with impunity. There was no danger of our incurring this disgrace; it was not men but arms that were wanted.

Mr. BENTON made a few remarks in reply to Mr. SMITH, and in further explanation of the views of the military committee in recommending the rejection of the bill; when

The question being taken on the indefinite postponement, it was decided in the affirmative, as follows:

YEAS.—Messrs. Bell, Benton, Brown, Buckner, Clay, Dickerson, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hanna, Hayne, Hill, Holmes, Kane, Mangum, Marcy, Miller, Moore, Prentiss, Robbins, Robinson, Ruggles, Seymour, Tomlinson, Troup, Tyler, White, Wilkins.—31.

NAYS.—Messrs. Bibb, Dallas, Dudley, Johnston, Knight, Silsbee, Smith.—7.
So the bill was rejected.

THURSDAY, DECEMBER 29.

Agreeably to notice given, Mr. BENTON asked and obtained leave to introduce a bill to abolish the duty on alum salt; which was introduced accordingly, and read the first time.

The remainder of the sitting was spent on petitions and private bills.

FRIDAY, DECEMBER 30.

DUTY ON ALUM SALT.

The bill to abolish the duty on alum salt having received its second reading, a motion was made by Mr. BENTON to refer it to the Committee on Finance.

Mr. CLAY thought that the bill ought to take another direction, and be referred to the Committee on Manufactures. Not perceiving the chairman of that committee in his place—[At that moment Mr. DICKERSON caught the eye of Mr. C., who gave way to him.]

Mr. DICKERSON said that, in some points of view, it might be proper to give to the bill the direction suggested by the gentleman from Kentucky. It interfered with an important part of our manufactures. He therefore moved its reference to the Committee on Manufactures.

Mr. CLAY said that he considered this question, although one merely of reference, as involving some importance. If it was committed to the Committee on Finance, such a commitment would imply that the home manufacture was unworthy of any consideration. On the contrary, a reference of it to the Committee on Manufactures would require of that committee a full consideration of the effect upon the manufacturer and the consumer, likely to be produced by a still further reduction of the duty on salt. It has been said that if we withdraw from the Committee on Finance articles subject to duty, because the manufactures of the country might be affected, that committee would have nothing to do. But was it not equally true that, if all subjects, touching the revenue, were, for that reason, to be withdrawn from the Committee on Manufactures, and assigned to the Committee on Finance, the Committee on Manufactures would have nothing to do? The respective provinces of the two committees were plainly marked by the nature of the two classes of articles liable to duties. One is produced or manufactured within, the other out of the country—one is the protected class, the other unprotected. Whatever falls directly within the system of protection, appertains to the Committee on Manufactures, and the unprotected class to the Committee on Finance.

This was not a time to discuss the propriety of a further reduction of the duty on salt. Such a time would doubtless occur in the progress of the session. But he must say that it struck him to be inexpedient so soon again to legislate on the subject. In May, 1830, Congress had repealed one-half of the duty then existing, the repeal as to five cents to take effect on the 31st of December of that year, and as to the other five, on the 31st of December of this year, that is, to-morrow. Whatever may be the policy of a country, all concurred in the utility of its being steady and settled. It did seem to him to be reasonable to wait a while to see the practical effect of the law of 1830, at least to see all parts of it go into operation before we again acted. He was aware of the necessity of adapting the revenue of the country to the expenditure of the country, after the extinction of the public debt; and, for the purpose of a proper arrangement of the revenue, he was willing now to act on the supposition of the entire payment of the small remnant of the debt. But, whatever was done, he trusted that the system of protection would be

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preserved—that system under which this country had attained unparalleled prosperity. Among the essential articles which it embraces are salt, iron, woollens, cotton, hemp, and leather. If a gentleman can on one day give notice of his intention to introduce a bill respecting either of those articles, and when his bill is presented move its reference to the Committee on Finance, another may pursue the same course in reference to another article, and thus the whole subject, by separate bills, be withdrawn from the appropriate committee, and assigned to that of finance. Mr. C. did not think this was right. And, regarding this movement as one of the signs of the times, he should call for the yeas and nays, although it had never been his custom to make such calls.

The yeas and nays were ordered.

Mr. DICKERSON said that he viewed this question to be of but little importance to the finances of the country; but, in another point of view, it was one which was of the greatest importance to the nation. The question whether they should or should not abandon the protecting system, in regard to this article, would be determined by this bill. He objected to its provisions as being partial and not of general application even to the article of salt itself. There were two kinds of salt manufactured in the country; one was evaporated by the sun, the other by the application of fire; and these two modes of manufacturing the article were frequently both carried on in the same establishment. Now this bill proposed to take off the duty on one of these kinds of salt, and made no provision for the other—a course of proceeding which did not strike him to be just or expedient. He considered the question of reference one of little consequence, but the measure itself would have an important bearing on the interest of the salt manufacturers throughout the country.

Mr. BENTON said that the practice had always been to refer a bill of this character to the Finance Committee. The bill belonged to that class of measures which went to the reduction of the revenue consequent upon the extinction of the public debt; it belonged to that class of bills which comprehended the whole line of policy connected with that reduction, and therefore the Committee on Finance, who were charged with adjusting the revenue to be collected to the amount of the revenue needed for the support of the Government. It was generally admitted that a large reduction of revenue ought to be made; the Committee on Finance had that subject under consideration, and this bill ought to be sent to them, as being a part of the subject with which they were occupied. If you take this bill from that committee because salt is made in the United States, you may withdraw all the subjects of revenue from them, by an application of the same rule to other subjects; and the revenues of the country might be lost sight of in individual objects.

Mr. HAYNE said that the proposition to refer a bill to any of the standing committees of the Senate usually excited but little interest, because, in most cases, the merits of the question could be as well examined and decided by one committee as another. But the question now before the Senate was assuming vast importance from the course which the debate had taken. The gentleman from Missouri [Mr. BAXTON] had introduced a bill to take off the duty from alum salt, and, as such a measure must of course affect the revenue, had very properly moved to commit it to the Committee on Finance. To this the Senator from Kentucky [Mr. CLAY] had strenuously objected, and insisted that the bill should go to the Committee on Manufactures. He had urged that the bill should take this direction, because it touched the protecting system, and embraced one of the most important manufactures of the country. But, said Mr. H., does not the duty on salt also touch the revenue? and, what is more important, does it not operate as a heavy tax upon the whole body of the people? And are we, notwithstanding, to examine the subject with a single eye

to the protection which may be afforded by the existing law to the manufacturer? But there was one view of the subject which was conclusive to show that the appropriate reference of this subject was to the Committee on Finance; and here he was happy to find himself supported by the admission of the Senator from Kentucky himself, made but a few days ago. That gentleman had then said (what he has repeated here to-day) that the period had arrived for a general modification of the tariff, to be founded on the approaching extinction of the public debt, and he did, on that occasion, expressly declare that it was impossible to act wisely upon the subject, without taking one broad and connected view of the whole subject; that it was impossible to decide what reduction ought to be made upon one article, without taking into consideration the reductions to be made upon other articles; that it was impossible to determine what rate of duties should be imposed upon the protected articles, without also taking into consideration the unprotected articles; in short, that the whole system must undergo a careful and judicious revision. Now, if these views of the gentleman be correct, it cannot be doubted that they lead irresistibly to the conclusion that this bill ought not to go to the Committee on Manufactures. That committee, as has been admitted, has nothing whatever to do with the public revenue. It is their business (according to the known views of the chairman of that committee) to look to the interests of the manufacturers alone, and to see that the protecting system is preserved unimpaired. That enlarged and comprehensive view, therefore, of the whole ground, which is necessary to enable us to decide on the modifications proper to be made at this time in our revenue system, cannot be taken by the Committee on Manufactures. The whole subject is not before them. They must, of necessity, in the performance of their appropriate duties, take a partial, limited, and one-sided view of the question. If we admit, for the sake of the argument, that the claims of the manufacturers for protection properly belong to the Committee on Manufactures, surely this rule cannot apply to a great crisis like the present in the affairs of this country—when the approaching extinction of the public debt is about to relieve the treasury of a charge of ten or twelve millions of dollars annually, and when, by common consent, a new system of finance is to be devised, and a new tariff enacted, adapted to this new and improved condition of the country. The Committee on Finance, as we all know, have this whole matter already before them. The chairman tells us, indeed, that they have already made great progress in maturing a bill; and every gentleman must see that it is utterly impossible for them to complete the task which has been assigned them, without taking into consideration the entire subject, and determining what duties shall be imposed on the protected as well as the unprotected articles—salt, among the rest. Mr. H. repeated, therefore, that at this crisis it would be impossible to refer one class of cases to one committee, and another class to another, without producing the most inextricable confusion. If the views which had this day been presented to the Senate by the gentleman from Kentucky should prevail, what would be the consequence? We are about to take a review of the whole tariff system, with the design of reducing the revenue to \$12,000,000. And it is proposed to confine the Committee on Finance to one class—the unprotected articles—such as wines, teas, silks, &c., while all the protected articles, cottons, woollens, iron, sugar, &c. are to be exclusively confided to the care of the Committee on Manufactures. Now, how could the Committee on Finance possibly say what reduction should be made on wines and silks, unless they, at the same time, determine the reduction to be made on cottons, woollens, and iron? If things are to take this course, the consequences may be easily foreseen. The Committee on Manufactures, who will have the protected articles under their

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care, and whose opinion on this subject is pretty well known, will recommend no reduction whatever on these articles, and the Committee on Finance, if they are to be confined to the unprotected articles, will have nothing to do but to recommend a reduction of the duties on these articles. Gentlemen might, perhaps, consider such an arrangement as constituting a judicious revision of the tariff; but, for his own part, he had no hesitation in saying that he would consider a repeal of all duties on the unprotected articles, while the duties on the others should remain untouched, as the worst of all possible adjustments of that great question which now agitates and disturbs the whole country; and it was because he considered the motion now made as equivalent to a declaration that the protecting system was to remain untouched, and to be maintained in all its rigor; in fact that nothing was to be yielded to the just expectations of the country, that he earnestly desired that the motion of the Senator from Kentucky should not prevail. Should it do so, he should entertain very feeble hopes of seeing any reduction of duties on the protected articles, during the present session; for, sure he was that no such reduction would be recommended by the Committee on Manufactures. Mr. H. concluded by saying that he did not wish to be considered as an advocate of the bill before the Senate in the precise form in which it was presented. The duty on salt, as an article of necessity, should doubtless be a very moderate one, but he doubted the propriety of removing it entirely, and he should certainly be disposed to extend the reduction to every description of salt. All these, however, are questions for the consideration of the committee.

Mr. CLAY (in reply to Mr. HAYNE) said, it was true he had, on a former occasion, remarked that the question of an arrangement of the public revenue, in reference to the payment of the public debt, required a deliberate survey of all the great interests of the country, and consequently a glance at all the duties, whether on protected or unprotected articles. He still thought so; and he understood the gentleman from South Carolina as then expressing a similar opinion. But the bill under consideration was not his. It was here brought by the gentleman from Missouri, who has thought proper to present a single isolated subject. And the question is, how shall we dispose of it? If it goes to the Committee on Finance, it will be considered exclusively in respect to revenue. If to the Committee on Manufactures, they will examine it in connexion with the system of which it forms part. In the course of the session perhaps some collision may arise in the action of those two committees. If the Committee on Manufactures should sometimes draw subjects to it of doubtful character, the Committee on Finance will probably do the same. But this is not one.

The proposed reduction of duty affects an important article of the manufactures of the country. It affected every description of salt which they produced. The operation of the measure was not confined to the salt made by solar evaporation on the coasts of North Carolina and New England, but it extended to the great manufactures in the western part of New York, where, by the same process, salt was produced, though not from marine water. And it reached all other manufactures, by whatever process they operated. If any question were to be referred to the Committee on Manufactures, it was surely this. It lays the axe at the root of the American manufacture; and a measure of such fatal tendency ought to be examined deliberately by the proper committee. He hoped the Senate would concur in this opinion.

Mr. SMITH said that the gentleman from Kentucky well knew that this subject was referred to the Committee of Ways and Means in the other House. A number of memorials praying protection for manufactures had been presented, and were universally referred to that committee. Shall we, then, said Mr. S., now, for the first time,

take this duty from that committee, which had always performed it, and make a new reference, without any new reason or motive for doing so? When it falls into the hands of the Committee on Manufactures, it would be regarded only in a political point of view, without a reference to the finance or revenue of the country. Now, the object of this class of measures was, to reduce the revenue from its present amount down to about fifteen millions annually. This object would be entirely lost sight of if it was referred to that committee. They could not take up the whole subject. The Committee on Finance, of which he was a member, had long had this subject under consideration, and had labored hard to mature a plan for the new system, and he thought the subject should not now be taken out of their hands. The committee found it difficult to come to a conclusion how to act on some points; and he did not yet know the full extent of their measures. It would take some time to come to a decision on all the points under consideration. The gentleman from Kentucky had said that it would be advisable to examine into the expediency of reducing the duty on iron and other articles. He would answer, that there had been a reduction of the duty on that article, but not any reduction on the article of salt. If we proceeded to repeal the duty on articles imported from one foreign nation, we must repeal it on others imported from other nations, which claimed, and had a right by treaty, to be placed on the footing of the most favored nation. It would be necessary to make some provision of this nature, to accompany the repeal of the duty on salt, should that bill receive the sanction of Congress.

Mr. BENTON replied. The Senator from South Carolina [Mr. HAYNE] objected to the bill because it did not go far enough; but that was an objection to a detail, and subject to a motion for amendment. The Senator from Maryland [Mr. SMITH] objected to it because it made a distinction which might prejudice Great Britain, and make ill feelings towards the United States. Not so, Mr. B. said. Turk's Island was hers, and would send the greatest proportion of alum salt. Besides, the distinction was not new to Great Britain. She had made it herself, before she abolished the salt tax. She admitted alum salt, called in her statutes bay salt, because it came, at that time, chiefly from the Bay of Biscay, duty free, for the fisheries, and for curing beef and pork, and saving butter. She repealed the duty on natural sun-made salt long since, in favor of provision curers, while furnishing to the United States annually millions of bushels of the inferior fire-made salt. Salt made by boiling, no matter from what water, was unfit to cure fish, beef, pork, bacon, or butter, for a southern market. Great Britain, while grinding the Irish to the earth with every species of oppression, still let them have foreign salt free of duty, for curing their provisions; and that at the moment that she was exporting millions of bushels annually of her own domestic fire-made salt from Liverpool, in the very neighborhood of the Irish coast; and he hoped the American Senate would be as compassionate to the farmers of the West as the British Parliament was to the Irish. Sir, said Mr. B., in proposing the total repeal of this duty in April next, I am not going as fast as Mr. Jefferson did in 1807. He had the whole salt tax suppressed in one year. When did this odious tax reach its maximum of twenty cents? In the time of the elder Adams, when standing armies and eight per cent. loans were the order of the day, and the people had to be oppressed to support the extravagances of the Government. The origin of this heavy tax referred itself, both in England and America, to disastrous periods in their history. It began in England in the reign of William III, who, taking advantage of the national prejudices against France, got the salt tax imposed as a means of helping to carry on the war against the French. The bill was entitled, to enable his Majesty to carry on a vigor-

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ous war against France. To that disastrous period, England looks for the origin of her public debt, and the origin of her salt tax. The latter she has lately abolished; the former will remain forever, and will be the most durable monument of the effects of war upon France. Mr. Jefferson, when President, did for America what the whigs have lately done for England. He produced the abolition of the salt tax. His language, in recommending the abolition, was very remarkable, and particularly appropriate. He did not say, repeal, reduce, abolish, but suppress the salt tax. He used the term which is applied to vice, and called for the suppression of the tax.

The gentleman from New Jersey [Mr. Dickerson] was opposed to the repeal of the tax on alum salt, because he believed it would affect the manufacture of another kind of salt made in the United States. Mr. B. appealed to the Senate—to those members who looked to the relief of the people from a part of their burdens—he called their attention to the doctrine advanced by that gentleman, and asked them to apply its application to other articles, and follow it out to its legitimate consequences. It would prevent the repeal of any taxes. Worst of stuff goods, an article of such general wear, and so essential to the shoe manufacture for women and children, might be kept taxed, although we made no such goods, but because the free importation of them might affect the woollen manufacture. The manufacturers of leather might object also, because the more prunella and stuff shoes worn, the less the demand for leather shoes. Even the reduction of the duty on tea might be resisted, because the free use of tea might lessen the consumption of milk and apple pies, and thereby diminish the value of cows, and oxen, and orchards. He [Mr. B.] had fixed his eye on this monstrous doctrine, and wished its first approaches to be marked by the Senate. He wished to know if the Senator from New Jersey proposed to compel people to use improper and unsuitable things by way of substitute for a proper and suitable one, which was to be taxed out of the country. He [Mr. B.] had a bill to bring in for reducing the duty on Indian blankets—the best blankets in the world—and indispensable to the Indian trade; was that bill to be resisted, and a superior blanket, the best and cheapest, if the duty was off, that ever the laboring classes beheld, to be taxed out of the country to make room for a base substitute? A great sensibility was manifested for the interest of the manufacturers; but there are other interests in the country which also deserve consideration. There were the agricultural and commercial interests, besides the manufacturing; all great interests; all to be considered by the man who was entrusted to make laws for the nation; and no one to be sacrificed to the others. They were each of them important, but they had their degrees of importance. Agriculture ranked first, because it furnished the means of subsistence for man and beast, and the elements of employment to the other two; manufactures came next, because they fashioned and prepared the products of agriculture for the use, convenience, and ornament of man; commerce, which exchanged the superfluities of different countries, and contributed to the civilization of the human race, came third. He would sacrifice no one to the other. He would not sacrifice the interest of all the provision-raising and provision-curing farmers of the West to the interest of a handful of monopolizing salt manufacturers. Where, he exclaimed, is the operation of the salt tax most severely felt? In the West; in that vast and magnificent region drained by the king of floods. Here were the myriads of living animals—horses, cattle, sheep, hogs, which require salt with their daily food.

There was the national magazine of salted provisions which supplied the South, and the Lower Mississippi, and furnished millions of dollars worth for foreign exportation. And there was the place where salt was wanted in the greatest quantity of the purest and strongest kind,

and at the cheapest rate. Artificial salt would not answer; crystallized salt made by solar evaporation alone would do. It alone was pure. It alone would answer for curing provisions for Southern consumption, for exportation, or long keeping. Look to the inspection laws in New Orleans—no beef or pork to pass inspection, unless put up in crystallized salt. Look to your army and navy advertisements—no beef or pork to be bought but what is cured in the same kind. I plead, said Mr. B., the cause of Western farmers, when I demand an abolition of the alum salt duty. Not a pound of it is made in the West, nor any rival to it, or substitute for it. North Carolina makes a little, but not the twentieth part sufficient for her own consumption. New England makes some, but not near enough for her own fisheries, as we have to pay about two hundred and fifty thousand dollars per annum to her fishermen as drawback, or bounty in lieu of drawback, of the duty supposed to be paid on the foreign salt supposed to be used in curing fish. New York makes some, nothing adequate to her own consumption. A little of it has gone to Cincinnati, and made Ohio, in that particular, a tax payer to New York: for salt is excised at the works in New York; the manufacturer pays an excise, and that is collected, with a profit besides, from the consumer. So far as Ohio has used New York salt, she has paid an excise tax to that State. The West India islands between the tropics is the place to furnish the West with alum salt. New Orleans the port for its importation, the Mississippi the great channel for its introduction, and steamboats the only adequate vessels to bring it. This salt is best; it is cheapest, for it costs but eight or nine cents, independent of the duty; (I speak of the import price as shown on the custom-house books;) and it is had for barter. Home made salt must be paid for in gold and silver, or their equivalent; foreign salt can be had for our productions, and thus the foreign salt maker is the encourager of domestic industry; the domestic salt maker gives no encouragement to the farmer. He must have the money. At Kenhawa, salt is silver; wherever it is sent, it is for silver; no produce is taken in return. The foreign importers at New Orleans go back freighted with the productions of our farms; the agents of the domestic salt makers go back loaded with our money. They ask for the food which we have to spare; we ask for the salt which God and nature makes upon their islands. Shall the Federal Government get between, interdict the exchange, and compel us to give gold for the base salt which will not cure our provisions?

Shall we be compelled again to pay twenty cents to the Federal Government (for there is a proposition to raise the salt tax to the old federal standard of '98) for the privilege of buying eight cents worth of salt? Was there ever, since taxation commenced, a more odious tax than this upon salt? One which bears more unequally upon the rich and the poor? One which went so completely to prevent the use of a prime necessary of life? The gentleman from New Jersey [Mr. Dickerson] objects to the Finance Committee: he wants the bill to go to the Manufacturing Committee. Well, I will compromise with him. I will agree to a select committee, with power to send for witnesses, swear them, and report their evidence to the Senate. This is the way they did in the British Parliament: this is the way they blew up the salt tax there. There was another view of this tax, which must not be omitted. Before 1807, there was a drawback on exported beef and pork, as well as on exported fish, to reimburse the duty on salt used in curing these provisions. There is no such drawback now on beef and pork. It existed on fish alone, and the fishermen had drawn five millions of dollars from the treasury, and were annually drawing at the rate of about two hundred and fifty thousand dollars. The salt tax was a money-making business to them; it was a heavy burden upon the West. Mr. B. said he had not

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come prepared for this debate. It sprung up when not expected. He would be ready for it when it came up again.

Mr. DICKERSON said that it had been a subject of discussion for two or three years to determine what subjects belonged to the Committee on Manufactures, and what to the Finance Committee. Sometimes one committee had taken charge of bills of this nature, and sometimes another. One committee had often taken subjects which belonged to the other. He cited the case of the bill to reduce the duty on sugar, which had been referred to the Committee on Manufactures. It appeared to the Senate, that it properly belonged to that committee. The gentleman from South Carolina had objected that this measure was not proposed from the manufacturers, and, therefore, did not belong to that committee. The gentleman from Maryland had objected, because it related to the financial concerns of the country. In answer to these gentlemen, he would say that it related to the protection of one of the great and widely extended interests of the community, and embraced within its provisions consequences which could not fail to affect them materially. It was true they had presented no petition to Congress, to save them from the ruin which this measure threatened; but it was only because they were ignorant of the designs meditated against them. If they were aware of them, they would not fail to enter their solemn protest against such a course. Shall we, said Mr. D., neglect their acknowledged interests, and proceed to adopt measures calculated to destroy them, merely because there has not been the formality of a petition? We are placed here to be the guardians of the great interests of the country, and it is our duty to defend them whenever attacked or threatened with any material injury.

It was not necessary, Mr. D. said, for them to remain inactive until the injured should come forward and demand relief and protection, and present a prayer that their interests might not be abandoned and left to sink into ruin. He considered the present measure fraught with destruction to those interests. It did not ask a reasonable reduction, but was not intended to abolish the whole duty at once, and thus annihilate the protecting system. If any measure fairly belonged to the Committee on Manufactures, this was one of that character. The gentleman from Missouri had thought proper to go into the merits of the question.

It appeared to Mr. D. that this was a premature step, as the question was only on the reference of the bill to a committee. He did not now feel disposed, nor was he prepared to enter upon the discussion of a measure so important as the one before them. They should take time to consider the subject, and prepare for the important decision. The gentleman had complained strongly of the present duty. But he would ask him if it was not a necessary measure in order to defend American industry from foreign competition, to discourage the importation of articles which were produced by the domestic manufacturer. It had been so decided in the sage councils of the founders of the Government, and had been faithfully adhered to by every administration. An act had long been in force, allowing a drawback on this article for this express purpose. He doubted the wisdom or propriety of the present measure.

Mr. SMITH said that there was a treaty existing with Great Britain, by which she was placed on the footing of the most favored nation, and that she would have a right to complain if this reduction took place without giving her some equivalent in return. Spain and Portugal would have a privilege which was not allowed to England. They had heretofore complained of the duty on iron, and he believed with good reason. He considered that we were able to procure as good salt from England as from the West Indies or any other quarter. We had used it for

curing bacon, and found it to answer every purpose. The gentleman from Missouri had said that he had received credible information that alum salt could be imported for six or eight cents per bushel. He had been engaged in commerce during his whole life, and never had been able to get it under nine cents. He did not know how the article could be obtained at a cheaper rate.

Mr. CLAY, when he first rose, had certainly not intended to provoke a debate of this extensive range. And he felt reluctance in being compelled to prolong it, sensible as he was that, considering the single question before the Senate, it was not strictly parliamentary. He would be very brief. No one was more thoroughly convinced than himself of the paramount importance of the agricultural interest. It was that great leading interest to which all others ought to bend. And it was because he believed that the success of American manufactures was essential to the prosperity of agriculture, that he had been, was, and he trusted ever would be, their friend. The gentleman from Missouri argued the question as if it were indisputable that a reduction of duty would be followed by a reduction of the price of salt. He wishes to cheapen it; so do I. But we may differ about the mode of accomplishing that object. I desire to preserve the full benefit of the all-powerful principle of competition. Destroy the home manufacture, and you deprive yourselves of the advantage of the competition that they produce. Let us appeal to experience. In May, 1830, the duty was lowered, to take effect as has been already stated; and the price, after the reduction of the duty, was higher than it was before, and it is now higher, in some places, than it had been for ten or fifteen years. The latter fact may in some measure be owing to the early and severe commencement of the winter. A reduction of the duty has not therefore been yet followed by a reduction of price. An augmentation of duty sometimes produces a reduction, instead of an augmentation of price.

The foreign salt trade, Mr. C. said, was a collateral or incidental trade. Salt was imported principally in ballast. Vessels rarely engaged in it when they could get any other freight. Low price of foreign salt, therefore, implied inactivity in our tonnage, as high price did full and profitable employment. This very irregularity formed a strong motive to encourage the home manufacture. Is there any comparison between the moderate duty on salt levied in this country, and the enormous excise of fifteen shillings sterling per bushel which was levied in England? Between the gabelle of France and our duty? Whatever oppressions may have existed in other countries from a salt tax, he was perfectly persuaded that the unexampled prosperity of this country had its date from the adoption of the protective policy of which this salt duty forms part. To the tariff, not of '16, but of '24, we were indebted, not only for that prosperity, but for the rapid extinction of the public debt, now so near at hand. He was aware that this discussion belonged to another occasion, when the whole subject would undergo a full examination. But he must be allowed to say, in reference to the observations of the gentleman from Missouri as to the consumption of alum salt in the Western States, that he did not believe that one bushel in fifty thousand of that description is there consumed. Although he had himself been a farmer some twenty or twenty-five years, he had never had a pound of it in his cellar. He had witnessed in the West the gratifying fact of the reduction of salt from three or four dollars to fifty cents per bushel on the Ohio river, and seventy-five in the interior. This was altogether owing to the increase of the home manufacturer. He knew that prejudice existed against provisions put up with any other than alum salt. He believed that it was only necessary to employ a small additional quantity of salt made by artificial heat to secure the preservation of meat. One of the most experienced men that ever lived

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in the West, long engaged in the preparation of beef and pork, assured him that when the salt was properly applied, in barrels sufficiently seasoned and properly made, the common salt of the country preserves as well as the best alum salt. The salt of the Onondaga works in New York already has found its way into the heart of Ohio through their canal, and when that noble work is completed, in the course of the next year, it will be distributed on the Ohio river, and transported even to St. Louis. So far from the Western farmers being able to exchange their pork and beef for alum salt, the British nation will not purchase our beef and pork, although cured with salt from their own possessions. With respect to the drawback, it will be a proper consideration with the Committee on Manufactures, whether that should be allowed on the exportation of pork and beef. In every view of the subject, the importance of the manufacture, the essential value of the article, the recent passage of a law reducing the duty, not yet gone into effect, Mr. C. thought we should proceed with caution, and he hoped the Senate would assign the bill to the Committee on Manufactures.

Mr. BENTON said it was true the price of salt was higher now in the West than for some years past. The reason was, because the importations were diminished. This the custom-house returns showed us. It would not do to argue that the reduction of the duty had increased the price of the foreign article; that argument would cut up the protecting system. The fact was, the effect of raising or reducing duties could not be regular at first. Adventitious circumstances may control it. When the duty on lead was raised to three cents a pound, in 1828, the price of lead on the Upper Mississippi fell to one and a half cents. Excessive production produced that effect. The late importations of salt were above a million of bushels less than two or three years ago, and salt rises; when the duty is off entirely, and salt comes free, importations will largely increase, and the price fall in proportion.

The question was then taken on the reference to the Committee on Finance, and negatived—yeas 17, nays 22, as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Miller, Moore, Smith, Tazewell, Troup, Tyler, White.—17.

NAYS.—Messrs. Bell, Buckner, Clay, Dallas, Dickerson, Dudley, Foot, Frelinghuysen, Hanna, Hendricks, Holmes, Johnston, Knight, Marcy, Prentiss, Robinson, Ruggles, Seymour, Silsbee, Tomlinson, Wilkins.—22.

The bill was then referred to the Committee on Manufactures.

The Senate adjourned to Tuesday.

TUESDAY, JANUARY 3, 1832.

AMERICAN STATE PAPERS.

The VICE PRESIDENT communicated the following report from the Secretary of the Senate and Clerk of the House of Representatives:

*To the Senate and House of Representatives
of the Congress of the United States:*

The Secretary of the Senate and Clerk of the House of Representatives respectfully make report of their proceedings under the act of Congress of 2d March, 1831, directing a subscription to the compilation of Congressional Documents, proposed to be published by Gales and Seaton.

Immediately after the adjournment of Congress, we commenced the discharge of the duties imposed by the act of Congress. At the very outset, however, we found

great difficulty in ascertaining the extent of the duties required of us. Messrs. Gales and Seaton, of their own accord, had submitted to Congress a subscription paper, proposing to republish the congressional documents for the first thirteen Congresses; the volume, the type, and the size of the page, were designated, as well as the specific sum for each volume when delivered. With these proposals before them, Congress directed the Clerk of the House of Representatives to subscribe for seven hundred and fifty copies, on two conditions:—

1st. The documents to be selected under the direction of the Secretary of the Senate and Clerk of the House of Representatives: 2d. The price paid for the printing to be at the rate not exceeding that of the price paid to the printer of Congress for the printing of the documents of the two Houses.

At the first view it does not appear difficult to ascertain the specific duties required from us. The documents are to be selected by us. It would therefore seem that when we had given the publishers a list of the papers to be reprinted, our agency was at an end. Circumstances, however, which we will now explain, rendered it impossible that our duties could stop here. The great mass of these documents were to be found only in the archives of the two Houses. No complete sets of them existed in any other place. They were contained in one hundred and sixty octavo and folio printed volumes, eighty large folio manuscript records, and in some hundred large files of documents. Charged, as we are, with the care and preservation of all these important documents, we could not, for a moment, permit them to go into the hands of others over whom we had no control. To make the separation of those to be published, without producing disorder, required the knowledge and experience, and the most patient, persevering industry of the most able of our assistants, and of ourselves. Had any one, without that knowledge of these things, which can only be obtained by long experience, undertaken to separate and arrange these documents, he would have been in great danger of reducing the whole to a heap of confusion. In addition to this, many of these documents exist only in the manuscript records of the two Houses, consisting of large folio volumes, substantially bound, and in the best state of preservation. We could not suffer these valuable records to be taken apart, and the portions selected sent to the printing office. We were also unwilling either to permit them to be taken from the office to be copied, or to permit strangers to come into the office and occupy our desks and tables in copying them.

From these considerations, (and others of a similar nature, not here detailed,) it was evident to us that it was our duty, not only to select these documents, but also to prepare them for the press.

Another question then arose, what arrangement should be given to these documents in the proposed publication? Two modes were suggested: 1st. An arrangement, strictly chronological; or 2d. A division into classes, and each class to preserve its chronological order. After much examination and reflection, we decided on the second mode, and finally adopted the following arrangement:

- 1st. FOREIGN RELATIONS;
- 2d. INDIAN AFFAIRS;
- 3d. FINANCES;
- 4th. COMMERCE AND NAVIGATION;
- 5th. MILITARY AFFAIRS;
- 6th. NAVAL AFFAIRS;
- 7th. POST OFFICE DEPARTMENT;
- 8th. PUBLIC LANDS;
- 9th. CLAIMS;
- 10th. MISCELLANEOUS.

Each of these ten series to have its own number, running from one upward, and to be printed chronologically.

SENATE.]

American State Papers.

[JAN. 3, 1832.]

I. FOREIGN RELATIONS.

This will embrace our foreign relations. It presents a subject of much unity; and, from the importance of its interest, will be the first series. The annual messages of the President of the United States, from their importance, claim a prominent place in this compilation; and their proper place is the first of foreign relations, to follow each other in chronological order.

II. INDIAN AFFAIRS.

- 1st. All documents accompanying Indian treaties;
- 2d. Indian massacres and depredations;
- 3d. Indian wars;
- 4th. Efforts made for their benefit, in civilization, agriculture, and the mechanical arts.

III. FINANCES.

This series embraces more variety, consisting of—

- 1st. Public debt and public credit;
- 2d. Revenue, direct and indirect taxation, embracing manufactures;
- 3d. The currency;
- 4th. The Mint of the United States;
- 5th. Bank of the United States, and State banks, so far as connected with the United States;
- 6th. General principles of the annual estimates;
- 7th. General principles of the expenses of collecting revenue;
- 8th. One table of receipts and expenditures.

IV. COMMERCE AND NAVIGATION.

All external matters of this class to be embraced in Foreign Relations.

- 1st. Imports and exports, and all communications and reports containing general principles and reasoning;
- 2d. The fisheries, and all communications and reports containing general principles and reasoning;
- 3d. Lighthouse establishment;
- 4th. Improvement of harbors, rivers, roads, and canals;
- 5th. Tonnage, and all communications and reports of committees containing general principles and reasoning.
- 6th. Coasting trade, and all communications and reports of committees containing general principles and reasoning.

V. MILITARY AFFAIRS.

- 1st. Army;
- 2d. Military Academy;
- 3d. Fortifications;
- 4th. Armament, arms;
- 5th. National armories;
- 6th. Militia.

VI. NAVAL AFFAIRS.

This presents a subject of much unity.

VII. POST OFFICE DEPARTMENT.

This is also a subject in which there is little or no variety.

VIII. PUBLIC LANDS.

This will embrace the whole subject of the public domains, including all claims of individuals and corporations for land.

IX. CLAIMS.

Embracing all claims against the United States, except claims for land and claims in which foreign relations or finances are directly embraced.

X. MISCELLANEOUS.

Embracing all documents proper to be reprinted, not included in the foregoing—each subject to be arranged as follows:

- 1st. Chronologically—Messages of the President of the United States to both Houses, and documents.

Do do to the Senate, do.

Messages of the President of the United States to the House of Representatives, and documents.

Reports from departments to both Houses.

Do do to the Senate.

Do do to the House of Representatives.

2d. Reports of committees of the Senate, the entire session together.

3d. Reports of committees of the House of Representatives, the entire session together—and preceded, if necessary, in each House, by the petition.

This arrangement to be made for each session; and the separate documents of each item are to follow each other chronologically. In all cases where a report of a committee of either or both Houses is founded on a message from the President of the United States, or on a report from a department, a reference is to be made from the one to the other.

There are many advantages attending this arrangement, which are quite apparent. The class on Indian Affairs, for instance, (the printing of which has been finished,) is contained in a single volume, and, in chronological order, presents our entire Indian relations unmixed with other matter; Foreign Relations, Military Affairs, Naval Affairs, and the Public Lands, each present distinctions strongly marked from all the others; and the advantage of having each of these great interests in a separate series is very great. Occasionally, however, documents were met with, partaking so much of two or more classes, that it was difficult to give them a satisfactory arrangement. This was more particularly the case with the series of Finance and Commerce—some single documents referred less or more to both classes. So also of the class of Claims. Some of them involved extensive correspondence with foreign Governments. These were placed with Foreign Relations. Some of them involved our commercial relations; others, the regulations for the sale of public lands. The cases thus described, however, were not numerous, and in every instance of their occurrence, our best judgment was exercised in giving them the proper arrangement.

After we had decided on the foregoing as the principles by which the publication should be regulated, we had an interview with Messrs. Gales and Seaton. They stated to us, at once, that they considered the proviso, that the printing should be done at the rate of public printing, as in a great measure rescinding the details of their proposals, and that they stood in regard to Congress in something of the relation of public printers. That every thing performed by them besides the printing would of course be a charge against the Government, to be settled and adjusted as Congress might direct. That as we had the care of the archives of the two Houses, they could not expect that we would entrust them to others, either in the selection, copying, or arrangement. That they were willing, nay desirous, that we should take the whole control of the publication, as far as the labor and responsibility of editors were concerned. That the mechanical part, including the paper, the printing, and the binding, would belong to them, and for these they would be responsible.

From all these considerations, it was evident to us that if we acted at all under the act of Congress, it was our duty to assume the whole responsibility of editing the work. Other considerations, besides these mentioned, also led to the same conclusion. We stood in an official relation to the two Houses, and had every possible motive to devote our entire ability to the proper completion of the work. From long experience and close application to the business of Congress, we had a reasonable confidence in our ability to do the work justice. We had under our direction able and industrious men, and whose experience in these things was even greater than our own. Much of the usefulness of this work will depend upon the indexes; and for doing justice to this item, we know of none so capable as our assistant clerks. We therefore did not

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Pursers in the Navy.—American State Papers.

[SENATE.]

hesitate, although the responsibility was great, and the labor great, to act upon the principles thus indicated.

Another important question, of no little embarrassment, was presented in deciding on the size of the page. The joint resolution of 24th May, 1828, placed that subject under our control, and, after much consideration and reflection, and repeated interviews with the publishers, we decided on the folio size. The facility with which the numerous tables can be inserted on a folio page, was one leading reason for giving it the preference. The volumes of congressional documents are becoming too numerous for easy reference; and we find a great difficulty in keeping our series perfect. For the public offices, or for large libraries, we believed the folio form altogether the best.

As there was no appropriation in the act of Congress imposing the duty upon us, we were obliged to draw from the contingent funds of the two Houses for some expenses incident to the selecting, arranging, copying, &c. Although we found it impossible to dispense with the assistance of the clerks in our offices, we did not think ourselves justified in exacting from them laborious duties, not belonging to the respective offices, without compensation. A small sum was paid to them in part for these services, and also small sums have been paid for copying, &c. Should an appropriation be made by Congress for the work generally, we will be prepared to give any explanations wanted, respecting the expenses arising from our agency in the publication. In selecting the documents for the class on Foreign Relations, it was found by the Secretary of the Senate that some important documents of an early date were upon the executive files of the Senate. These papers being under the injunction of secrecy, of course cannot in this communication be particularly described. Generally it may be observed that their publication (should there be no objection to removing the injunction of secrecy) would add much to the value and interest of the work. The Secretary of the Senate will bring this subject before the Senate for their decision respecting it.

The progress made in the printing will be communicated to Congress by the publishers, and specimens of its execution will also by them be laid before the two Houses. All which is respectfully submitted.

WALTER LOWRIE,
MW. ST. CLAIR CLARKE.

DECEMBER 29, 1831.

The report was ordered to be printed, and referred to the Committee on the Library.

PURSEURS IN THE NAVY.

The bill providing for the compensation of the pursers in the navy being taken up,

Mr. HAYNE said that the bill proposed the reformation of certain abuses which had been found to exist in relation to the sale of necessary articles for the use of the seamen on board the vessels of war belonging to the United States. The measure proposed a reduction and regulation of the prices of articles which were now furnished by the pursers on board those vessels, and for which they had been in the practice of demanding different, and sometimes exorbitant profits. The present bill was similar to the one which had been brought forward during the last session of Congress, and which had passed the Senate, but was not acted on by the other House. The motive for introducing it now was, that it might receive the reconsideration and revision of the Senate, in order that it might again be sent to the House of Representatives for their concurrence. The principal object of the bill was to change the present mode of furnishing the sailors with certain supplies—to prevent the sale of them at different rates of profit, which had in some instances been as high as fifty per cent.; and to establish a new practice, which should better provide for the security

of the seamen from being imposed upon by exorbitant prices, and with inferior articles.

The course now pursued created a tendency to abuse, by making it an object for the pursers who received a percentage on the articles furnished, to buy at the highest prices, and to sell as much as possible; one consequence of which was, that the officers in that employ on board of the large ships received a great amount of profits as a compensation for their services, while those on board the smaller vessels receive but a very inconsiderable sum, which rendered it difficult to obtain pursers for the small vessels. To obviate this difficulty, and provide a guard against this liability to abuse and imposition, it was proposed to fix the salaries of the pursers on board the various public ships—to let the supplies be procured, as the provisions were, under the direction of the Board of Navy Commissioners; and to require an exact account of all the articles furnished the seamen to be kept by the pursers, making them responsible for the faithful performance of their duties, and allowing ten per cent. for loss by contingencies, &c. The advantages to be derived from the plan proposed, were, that the men on board the ships of war would be supplied with provisions at a cheaper rate and of a better quality than heretofore, and equalize the emoluments of the pursers. The bill had been submitted to the present Secretary of the Navy, who approved of its provisions.

Mr. DICKERSON said that, in order to give time for a consideration of both sides of the question, and from observing that a Senator from Virginia [Mr. TASSWELL] was not in his seat, who had last year given in a lucid manner highly valuable details on the subject of the bill, he would move that the bill should be postponed, and made the order of the day for this day week. To which Mr. HAYNE assented, and it was postponed accordingly.

The Senate then proceeded to the consideration of executive business, and sat with closed doors for some time; when

The Senate adjourned.

WEDNESDAY, JANUARY 4.

AMERICAN STATE PAPERS.

The VICE PRESIDENT communicated the following letter:

To the honorable the Senate of the United States:

The undersigned respectfully represent, that, encouraged thereto by the act of Congress of the last session authorizing a subscription to the work, they have not only made a beginning, but have made considerable progress, in the execution of their proposition for publishing a compilation of the public documents of the United States. They have now the pleasure to submit to the Senate two volumes, which, excepting the indexes thereto, not yet ready for the press, and the title-pages, which are but temporarily composed, they respectfully submit as samples of the whole work.

In the arrangement as well as the selection of the materials of this great national work, they have been governed by the decisions of the Secretary of the Senate and the Clerk of the House of Representatives, under whose directions, moreover, exclusively, the materials of it have been prepared for the press. To their intelligence, industry, and discrimination, and that of the gentlemen in their respective offices, it will owe whatever value it possesses beyond that of a mere print and reprint of the documents on the files of the two Houses of Congress. The caution of Congress, in committing these matters to their ability and discretion, rather than to that of the publishers, has, in the opinion of the undersigned, been justified in the fullest extent by the order, and the form and pressure which have been given to the work.

In the arrangement of the documents, the principle of

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[JAN. 4, 1832]

classification has been adopted, the advantages of which will be apparent upon the slightest examination of the samples of it herewith transmitted. The two volumes now presented are not the first in the series, but are those which have been most easily collated. One of them, it will be discovered, comprises all the congressional documents upon Indian Affairs, (one of the classes,) from the beginning of the Government up to the commencement of the 14th Congress, to which date (4th March, 1815, inclusive) the plan of the present series extends. The other is the first volume of the class of Finance, the whole of which occupies two volumes. When indexes, copious and well digested, such as are in preparation, are added to these volumes, they will afford a facility to the investigations of our legislators, whether in debates or in committee business, which will amply compensate for the expense of the publication, without adverting to their value as national memorials, which of itself, it is respectfully submitted, would have fully justified the sanction which has been given to this undertaking.

The two volumes herewith presented comprise about one-half of what has been already done in the printing of the work, which is in the course of steady prosecution, and of which it is hoped eight or ten volumes may be ready for delivery before the close of the present Congress.

Of the execution of this work, for which alone the undersigned have any right to credit, they beg leave to observe, only, that they have endeavored to make it such as should be creditable to the Government, and as should justify the liberal confidence which, by the act of the last session, Congress has reposed in the undertakers. They confidently submit its merits to a comparison with those of any other work of the like nature, ever published in this or any other country.

A superficial examination of these sample volumes will suffice to satisfy the intelligent observer of the importance of the work to the public service, and to the history of the country. Documents of the highest interest will be found in it, which were either before unknown to the present generation, or forgotten by it, though yet of modern antiquity. Some, which have lain buried under the mass of less important papers which it has not been deemed useful to include in this publication, are such as enlighten obscure passages in our civil history, and add new motives for the veneration with which the memory of the early actors in the Government is habitually cherished. The class of Foreign Relations, first in order, but suspended in its execution to await the decision of the Senate in regard to the publicity of some of the documents which it would appear properly to comprise, will, when completed, be one of the most interesting and instructive works that has issued from the press within the last thirty years, possessing all the attraction of fiction, sanctified by all the fidelity of truth.

The undersigned will only add, that the sample volumes herewith submitted have been put in different bindings, with a view to consult the general opinion as to which description is preferable.

All which is respectfully submitted by the publishers.
GALES & SEATON.

On motion of Mr. KING, of Alabama, the letter was ordered to be printed, and was referred to the Committee on the Library.

STATE CLAIMS.

The bill providing for the final settlement of the claims of States for interest on advances to the United States made during the last war, was taken up in Committee of the Whole.

Mr. CHAMBERS said that a bill of this character had twice before passed the Senate, but had not received the concurrence of the other House. The object of the bill was to remunerate the several States for the interest

which was due on the several advances made in paying the militia, and furnishing them supplies during the last war, the principal of which had been heretofore allowed and paid. The bill proposed to allow interest on these loans, in the same ratio as would have been allowed if the advances had been made in money directly to the General Government. Mr. C. said this class of claims was first brought forward by the State of Maryland, and her example was followed by other States. He was not in possession of much information on the subject in regard to the other States, and wished that any gentleman that was acquainted with important facts in relation to those claims, would communicate them to the Senate.

Mr. FORSYTH rose to ask the gentleman from Maryland whether the present bill was intended to cover all cases of advances made by the several States during the war. The reason for asking this question was, to learn whether a claim due to the State of Georgia was included in the present bill.

Mr. CHAMBERS replied that the particular claims for which the present bill provided, were those of which the principal had been adjusted by the accounting officers of the Treasury Department, and paid. It did not embrace the principal of any claim, nor the interest of any of those claims which were still unliquidated by the United States, but those only which had been adjusted and allowed, and the States had received credit from the United States for. This bill was designed to arrange and provide for paying the interest due on claims of this last mentioned description. Therefore, if the claims to which the gentleman from Georgia had alluded were of the class described, they were of course included; that is, if they had been adjusted and allowed by the officers of the Treasury Department, and the payment of the principal assumed by the Government. The sums advanced by the State of Maryland had not been all paid by the United States, and therefore were not all included in the provisions of this bill, although that State had complained of the injustice done it, and had requested that the claims should be allowed. The present bill did not provide for the adjustment of the question, whether they should or should not be allowed. The accounting officers of Government had ascertained the interest proper to be allowed only on those claims for money borrowed and lent to the Government. The Auditor had not allowed to the State of Maryland the interest, except on those loans. That State, and others, had sold stocks yielding six per cent. for the purpose of advancing to the public service; and therefore it was considered the same to the State as if it had borrowed the money at that interest. He was of opinion that the United States should not in one case pay the six per cent. interest, and in another withhold it. This was contrary to every principle of justice or equity, and the present bill was intended to rectify this error.

Mr. FORSYTH said that he perceived by the explanation of the gentleman from Maryland, that the claim of Georgia, to which he had alluded, was not embraced in this bill, and he rose to ask whether the bill could not be so amended as to embrace it. The history of the transaction which gave rise to that claim was, that the United States' contractor for furnishing supplies to the army, had not received funds from the General Government to fulfil his contracts, and the Government of Georgia had furnished the necessary amount—the contractor being unable to procure it otherwise. This claim had not been allowed by the General Government, and no interest had of course been received upon it. Mr. F. said that if interest was allowed to other States on their claims against the United States, he considered that the State of Georgia had also a right to the same allowance. His only object now was, to ascertain whether this bill could not be made to include that claim.

Mr. CHAMBERS replied that several acts had been

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passed in relation to allowances of this kind. He hoped the Senator from Georgia would consent that the bill should pass as it then stood.

Mr. FORSYTH making no further opposition, the bill was ordered to be engrossed for a third reading.

The bill to provide for the distribution of the duties of the commissioners of the navy, and for other purposes, was read the second time; and, on motion of Mr. HOLMES, postponed to, and made the order of the day for Monday next.

The bill supplementary to the act for the relief of certain surviving officers and soldiers of the revolution, was next taken up; and

Mr. FOOT stated that, as some Senators were absent from indisposition, he would not press the consideration of the bill at this time, but move that it lie on the table; promising to give two days' notice of the day when he should move its consideration.

The bill was laid on the table.

THURSDAY, JANUARY 5.

DUTY ON INDIAN BLANKETS.

The bill to reduce the duty on Indian blankets, and certain other Indian goods, (introduced yesterday, on leave, by Mr. BENTON,) was read the second time; when

Mr. BENTON moved to refer it to the Committee on Finance. He thought, in justice and propriety, the bill ought to go to the Committee on Indian Affairs for consideration; but he yielded to the opinions of others, and consented to refer it to the Committee on Finance.

Mr. DICKERSON moved to refer the bill to the Committee on Manufactures.

Mr. BENTON said that he perceived that the gentleman was disposed to have the present bill to take the same course that the salt bill heretofore introduced had taken. He was of opinion that there was another committee, besides that of Finance, that should take precedence of the Committee on Manufactures. He alluded to the Committee on Indian Affairs. That committee had the concerns of the Indians, and the trade of the United States with them, under their supervision; and as the present bill proposed a measure calculated to affect that trade, it more properly belonged to that committee, than to the Committee on Manufactures. It was the province of the Committee on Indian Affairs to know how the trade with the Indians was carried on, whether the articles obtained from them were procured by fair and open purchase, or secretly smuggled from the mouth of the Columbia. This bill was, like its predecessor, designed to effect a reduction of the public burdens, by diminishing the revenue derived from duties on imports; and its connexion with the subject of Indian affairs, in his opinion, gave it a fair claim to be referred to the Committee on Indian Affairs; but, as that committee was likely to be objected to, he would waive this reference, and move that it be referred to the Committee on Finance.

Mr. DICKERSON said that, in the case of the bill to repeal the duty on salt, and also on the present occasion, he thought that gentlemen were disposed to have the subjects referred to that committee which had the least concern, and felt the least interest in them. The argument of the gentleman went to show that the reference should be to the committee on the affairs of the Indians, because it might have some connexion with them; while he was opposed to its reference to the Committee on Manufactures, although its adoption would evidently, as in the case of the salt bill, have a more decided and important bearing on the manufacturing interest, than upon any other in the country.

Mr. D. said that the reasons which had been urged in favor of the reference of the salt bill, would apply with equal force in the present instance, as they were essen-

tially alike; both had it in view to remove the protection which the Government had deliberately extended to the domestic industry of the country; and he saw no reason why it should not be referred to the same committee. The bill did not confine itself to one kind of blankets, but embraced all kinds that were manufactured; and, therefore, if adopted, would prove an injury to that interest in general.

The question was then taken upon the reference to the Committee on Indian Affairs, and decided in the negative, by yeas and nays, as follows:

YEAS.—Messrs. Benton, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Miller, Moore, Tazewell, Tipton, Troup, Tyler, White.—17.

NAYS.—Messrs. Bell, Buckner, Clay, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Marcy, Naudain, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Tomlinson, Waggaman, Webster, Wilkins.—25.

The question then occurred on referring the bill to the Committee on Manufactures.

Mr. BENTON said he should object to this reference. He observed that it was the apparent intention of certain gentlemen to give every thing into the hands of the Committee on Manufactures—implying that they alone were competent to examine and report on questions of great national interest or importance. He understood that, by the rules of the Senate, bills were to be sent to that committee which were friendly to the measure, for the purpose of receiving amendments, if necessary, and rendered as perfect as possible before they were brought forward for a full and final discussion. He should therefore object to the reference of this bill to the Committee on Manufactures, on the ground of its not being the regular or correct parliamentary course to refer bills to a committee known to be directly opposed to their principles or objects. He would repeat, that all legislative proceedings of this kind were bottomed on the principle that bills on their first introduction should be entrusted to the friends of the measure, for the purpose of being corrected and rendered as perfect as its friends could make it, before it was brought forward to receive the scrutiny of its enemies, and pass the ordeal of a public examination. The course proposed by the gentleman from New Jersey he considered a violation of the established course of all legislative proceedings, and contrary to all parliamentary rules relative to the reference of bills.

[Here Mr. B. read from the manual of the rules of the Senate, and the usages of the British Parliament, in confirmation of the position maintained, the following extracts: "Those who would totally destroy, will not amend." "The child is not to be put to a nurse that cares not for it."]

Mr. B. resumed. A child was not to be put out to a nurse who would neglect the care of it, or suffer it to die for want of nourishment. Neither was a measure proposed in the Senate of the United States to be given to its enemies for the purpose of being matured, corrected, and rendered fit for public examination. The consequence of such a course could be easily foreseen: it would be suffered to lie neglected until every thing else in their hands was finished; and if brought forward at all, it would probably be so near the close of the session that it would be lost for want of time; and then so mangled and deformed, that its friends would not be able to recognise it. And, therefore, the present bill, together with the bill to abolish the duty on alum salt, would die on their hands, and be followed to the grave by the gentleman and his committee, though not in the character of mourners. No, sir, said Mr. B., this bill ought not to be referred to a hostile committee, to be returned, with broken limbs and mangled features, to this Senate, for their approval. Such a committee has nothing to do with it. It ought

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even to refuse to receive it; to show which, he read from the manual this sentence: that "when any member who is against the bill hears himself named of its committee, he should ask to be excused," &c. Mr. B. said that he hoped the Senate would allow the bill to go to the committee where it would be perfected and brought forward in proper time.

Mr. DICKERSON said that he was aware that it was, or had been, a rule in the British Parliament, in certain cases of reference, to commit the measure to its friends; but the practice of the American Senate was different. That body had standing committees; and it had not heretofore been their custom to take notice of friends or enemies in questions of this kind, or to enter into an inquiry to ascertain who were, or who were not, friendly to the proposed measure. He believed it would be a course as unacceptable as it was uncommon, to institute an inquiry in every case of this kind for the purpose of ascertaining who were enemies and who were friends of the measure proposed. He would ask the gentleman from Missouri how he knew that the Committee on Manufactures were, or would be, hostile to the present bill. How does he know that the Committee on Indian Affairs, or the Committee on Finance, is friendly to it? It would be a very strange course of proceeding, in his opinion, to institute such an inquiry. Sir, said Mr. D., a very important object to be attained by referring bills to committees is, to enable them to examine, approve, or disapprove of, and report accordingly—not finally to decide their fate. For instance, if, upon examination and inquiry, they should see that the adoption of the proposed measure would materially injure some important interest, it would be their duty to state their views of the subject for the consideration of the Senate. It was the province of the committee simply to report its opinion—not to pass or reject the bill. No committee, said Mr. D., can break, suppress, or deform a bill. They can only report upon it; and if the report does not meet the views of the friends of the bill, they are at liberty to oppose it. If the report is delayed beyond the proper time, they have a right to demand its appearance, by a rule of the Senate which authorizes a call upon the committee for a report. The committee, Mr. D. said, could only modify the bill; they had no power to control it. In conclusion, he hoped the Senate would follow the usual practice, and refer the subject to the Committee on Manufactures.

Mr. BROWN said that he rose to protest against the custom of referring bills to a committee hostile to its provisions. He had always understood that it was incumbent upon them to refer bills which were introduced, to the friends of the proposed measure: until within three or four years past, that had been the usual practice. Even in the British Parliament, a body certainly not so favorable to liberty as an American Senate, it was allowed the friends of a measure to have the charge of it, and prepare it for an attack from its enemies by changes and amendments, in order to give it all its force. Shall the American Senate, said Mr. B., deny them that privilege? Will it shut out facts, and smother the subject in its incipient stage? Mr. B. proceeded to show that the consequence of referring bills to committees adverse to them would be an unfavorable report, which would be laid on the table, and thus preclude examination and discussion. He said that experience during the last session had proved to him that this would be the consequence of the reference now proposed. When any question was brought forward on any subject, it seemed to be the opinion of some gentlemen that the Committee on Manufactures must have it, whether it belonged to them or not.

This marked a new era in our Government, and went to show that manufactures alone were to be heard, to the neglect of agriculture and commerce. He should, therefore, oppose the present bill to the Committee on Manu-

factures—not that he was hostile to that interest. He said there was no member of the Senate more favorable to its protection, provided it was done properly and constitutionally. He wished the facts in relation to the present duty to be examined, and the necessity of its continuance.

Mr. BUCKNER, of Missouri, said that his colleague [Mr. BEXTON] had made the reference a question of order, and had appealed to the rules of the House to sustain his motion for a reference to the Committee on Finance. He did not pretend that his experience in the rules of legislation was equal to that gentleman's; but he had always understood that the rule which the gentleman had just read in support of his argument applied, exclusively, to select committees, and could not be made to apply to the present proposed reference to a standing committee. But it was maintained that this question should be referred to a committee not hostile to the measure. He would ask that gentleman how it could be ascertained whether a committee was hostile, or otherwise, before it had expressed an opinion upon the subject. He was of the opinion that the fact of the alleged hostility being charged against the Committee on Manufactures, was a sufficient ground to establish its claim in favor of the reference of the bill to that committee.

Why, said Mr. B., have the gentlemen supposed the existence of the alleged hostility? Is it not because they are conscious that an important interest is concerned, and the danger of its being injured by the proposed measure would naturally create an opposition? For his part, Mr. B. said, he wished to know how far this bill would clash with that interest; and, to ascertain this, it would be necessary to refer it to that committee whose time and attention were devoted to the examination of measures relating to the interest of manufactures. He was of a different opinion from the gentleman from Missouri, and should be opposed to the destructive inroad which this bill was calculated to make upon domestic manufactures. He felt anxious to ascertain how far this measure would affect the manufacturing interests of the country, which could be done only by a full investigation by the committee charged with that subject. He should, therefore, vote for its reference to that committee. He was of opinion that the Committee on Indian Affairs was entirely incompetent to undertake the consideration of this subject, in its most important bearing. That committee had nothing to do with the interests of the manufacturing community. It would, therefore, be first necessary to refer it to the other committee, in order to discover the effect which the bill was likely to produce upon that great interest of the country. He was disposed to take into consideration every interest concerned, whether agricultural, manufacturing, or commercial, in their proper order. As to this bill, he might, after due inquiry and deliberation, be in favor of it; but he wished the subject to be first examined by the proper committee, to see that no improper clashing would ensue to a great interest which it was important to sustain.

Mr. SMITH said that he was opposed to the reference to the Committee on Manufactures or Indian Affairs. He thought it belonged to the Finance Committee; and wished to know whether the reference to the first would prevent a subsequent reference to the last.

Mr. TYLER said that it was the duty of the Committee on Manufactures to look after this subject: that they could not do it without taking a view of the whole subject. All would agree that it was necessary to present a revised scheme of revenue, which should be reduced so as to meet the wishes and expectations of the country. This subject, therefore, must be taken into consideration by that committee, whether it was specially referred or not. He was of opinion that it was altogether immaterial to which committee it was referred now—both committees must

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take it into consideration, and report upon it. This, he could assure the gentleman, would be done by the Finance Committee, whether it was referred to them now or not. He, therefore, looked upon the debate upon the reference to be entirely useless—a mere exchange of words without import—mere dalliance.

He said that the bill would also affect the trade between the United States and the Indian tribes; it would, therefore, be necessary to be taken into consideration by the Committee on Indian Affairs, that it might be ascertained whether the proposed reduction could be made without injury to those engaged in the Indian trade; but the question of reference he looked upon as a mere shadow—as perfect moonshine.

Mr. CLAY said that he did not rise to enter into a discussion of the question of reference, but in consequence of information given by the chairman of the Committee on Finance, some ten days ago, in relation to a report which that gentleman had stated it was the intention of that committee to submit to the Senate before this time. He rose to inquire whether that report might be expected. He had understood the gentleman to say, two weeks since, that they might expect, on the Monday following, a general scheme of imports, adapted to the wants of the country when the public debt should be discharged.

Mr. SMITH replied that he did, at the time referred to, hope to be able to submit the report before this time; but that there were some of the committee who were not willing to submit it until they had received further information on the subject; to obtain which, they had addressed a letter of inquiry to the Secretary of the Treasury; and they also expected a report from the convention of New York. He could not tell when the required information would be received, and, consequently, did not know when the report would be ready.

The question was then taken on the reference to the Committee on Manufactures, and agreed to, by yeas and nays, as follows:

YEAS.—Messrs. Bell, Buckner, Clay, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Marcy, Naudain, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Tomlinson, Waggoner, Webster, Wilkins.—25.

NAYS.—Messrs. Benton, Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, King, Mangum, Miller, Moore, Smith, Tazewell, Tipton, Troup, Tyler, White.—18.

After the consideration of a number of private bills, The Senate adjourned to Monday.

MONDAY, JANUARY 9.

BANK OF THE UNITED STATES.

Mr. DALLAS presented the following memorial from the President, Directors, and Company of the Bank of the United States:

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the President, Directors, and Company of the Bank of the United States, in the name and in behalf of the stockholders of the bank, respectfully represents—

That the charter of the bank being about to expire on the 4th of March, 1836, your memorialists deem it their duty to invite the attention of Congress to its renewal.

The general considerations which caused the establishment of the bank, the manner in which it has executed the duties assigned to it, and the reasons which recommend its continuance, your memorialists forbear to discuss, since, of these subjects, your honorable bodies are more competent and appropriate judges. They will therefore merely state the views which induce their application at this time.

Unless the question is decided by the present Congress, no definitive action upon it can be expected until within two years of the expiration of the charter—a period before which, in the opinion of your memorialists, it is highly expedient, not merely in reference to the institution itself, but to the more important interests of the nation, that the determination of Congress should be known. Independently of the influence which the bank was designed to possess, and which it necessarily exercises over the state of the currency, by which all the pecuniary transactions of the community are regulated, its own immediate operations are connected intimately with the local business of almost every section of the United States, with the commercial interchanges between the several States, and the intercourse of them all with foreign nations.

Of the value to the community of the system which, after long and anxious efforts, and at great pecuniary sacrifices, your memorialists have at length succeeded in establishing, it is not for them to speak; their more immediate purpose is to represent, as they do, most respectfully, that the continuance or destruction of that system, thus widely diffused through all the avenues of the productive industry of the country, affecting all the relations of public revenue and private income, and contributing to give stability to all the rewards of labor, is an object of general solicitude. If, satisfied with the practical operations of the institution, your honorable body shall deem it worthy of continuance, it seems expedient to relieve the country, as soon as may consist with mature deliberation, from the uncertainty in which all private transactions, and all public improvements, dependent on the future condition of the currency, and amount of capital disposable for those objects, must necessarily be involved until your decision is known. If, on the other hand, the wisdom of Congress shall determine that the bank must cease to exist, it is still more important that the country should begin early to prepare for the expected change, and that the institution should have as much time as possible to execute the duty, always a very delicate and difficult one, of aiding the community to seek new channels of business, and, by gradual and gentle movements, to press with the least inconvenience on the great interests connected with it.

Under these impressions, they respectfully request that the charter of the bank may be renewed.

By order of the Board of Directors:

N. BIDDLE, *President.*

Mr. DALLAS said, that being requested to present this document to the Senate, praying for a renewal of the existing charter of the bank, he begged to be indulged in making a few explanatory remarks. With unhesitating frankness, he wished it to be understood by the Senate, by the good commonwealth which it was alike his duty and his pride to represent with fidelity on that floor, and by the people generally, that this application, at this time, had been discouraged by him. Actuated mainly, if not exclusively, by a desire to preserve to the nation the practical benefits of the institution, the expediency of bringing it forward thus early in the term of its incorporation, during a popular representation in Congress, which must cease to exist some years before that term expires, and on the eve of all the excitement incident to a great political movement, struck his mind as more than doubtful. He felt deep solicitude and apprehension lest, in the progress of inquiry, and in the development of views, under present circumstances, it might be drawn into real or imagined conflict with some higher, some more favorite, some more immediate wish or purpose of the American people.

And from such a conflict, what sincere friend of this useful establishment would not strive to save or rescue it by at least a temporary forbearance and delay? Nevertheless, his conscious inexperience in the forms and contingencies of legislation inspired a distrust of his own

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judgment on this merely preliminary point. The determination of the parties interested may be, nay, must be, wiser and better; and he could not but feel strongly impressed by the recollection that the Legislature of Pennsylvania recently, and, in effect, unanimously, had recommended the renewal of the charter of the bank. He became, therefore, a willing, as he was virtually an instructed agent, in promoting, to the extent of his humble ability, an object which, however dangerously timed its introduction might seem, was in itself, as he conceived, entitled to every consideration and favor.

Mr. D. concluded by moving that the memorial be read, and be referred to a select committee of five in number, and that the committee have power to send for persons and papers.

The memorial having been read, and the reference agreed to,

Mr. DALLAS moved that the appointment of the committee be postponed till to-morrow.

Mr. BELL said he was not aware of any reason for the postponement; and as none had been assigned for it, he could perceive no propriety in the postponement. It would, also, be a thing unprecedented in the Senate; and unless some reasons were adduced in favor of the postponement, he should prefer that the Senate should, according to its usage, proceed at once to the appointment of the committee.

The question being put on the postponement, it was negatived—yeas 15, nays 24.

The Senate then proceeded to ballot for the committee, and the following gentlemen were chosen to compose it, viz. Mr. DALLAS, Mr. WEBSTER, Mr. EWING, Mr. HAYNE, and Mr. JOHNSTON.

THE TARIFF.

Mr. CLAY laid on the table the following resolution: *Resolved*, That the existing duties upon articles imported from foreign countries, and not coming into competition with similar articles made or produced within the United States, ought to be forthwith abolished, except the duties upon wines and silks, and that they ought to be reduced; and that the Committee on Finance be instructed to report a bill accordingly.

The bill for the erection of barracks, quarters, and storehouses, and the purchase of a site, in the vicinity of New Orleans, was considered as in Committee of the Whole; the blank in the bill was, on motion of Mr. JOHNSTON, filled with the words "one hundred and twelve thousand dollars," to carry the provisions of the act into effect; it was then reported to the Senate, and ordered to be engrossed for a third reading.

[A good deal of debate took place on this bill, growing out of some objections to it on the part of Mr. FORSYTH, not to the object, if it could be shown to be necessary, but because nothing appeared on the face of the bill to show where the barracks were to be placed, or that the troops could not, for all the defensive purposes of the city, be as well quartered in the fortifications erected in the neighborhood of the city; and because, moreover, the Senate was in possession of no information to show that it was the intention of the Government to keep a permanent force at the city of New Orleans, requiring the erection of permanent barracks, &c. The objections of Mr. F. were replied to by Mr. BENTON, chairman of the Military Committee. He was answered also, and the bill strenuously supported by Mr. JOHNSTON, Mr. CLAY, and Mr. WAGGAMAN.]

NAVY AGENTS.

The Senate next resumed the consideration of the following bill:

Be it enacted, &c. That, from and after the first day of June next, the compensation to each permanent navy agent, in full of per centage, clerk hire, rent, and all other

pay or allowances whatsoever, shall be annually as follows, and payable quarter-yearly, viz.

To the navy agent at Portsmouth, N. H., \$1,300.
To the navy agent at Charlestown, Mass., \$3,500.
To the navy agent at Brooklyn, New York, \$3,500.
To the navy agent at Philadelphia, \$2,000.
To the navy agent at Baltimore, Md., \$1,500.
To the navy agent at Washington, D. C., \$2,500.
To the navy agent at Norfolk, Virginia, \$3,800.
To the navy agent at Charleston, S. C., \$500.
To the navy agent at Savannah, Georgia, \$250.
To the navy agent at Pensacola, Florida, \$2,500.

Sec. 2. *And be it further enacted*, That, from and after the passage of this act, the commander of the navy yard at the city of Washington shall cease to act as navy agent; and that portion of the act of the 27th of March, 1804, which made it his duty so to do, shall be, and the same is hereby, repealed; and a separate and permanent agent shall be appointed, as in other cases, in the same manner, and under the same responsibilities, and to be governed by the same laws and regulations which now are, or may hereafter be, adopted for other navy agents. And it shall be his duty to act as agent, not only for the navy yard in this city, but for the Navy Department, under the direction of the Secretary thereof, in the payment of such accounts and claims as the said Secretary may direct.

Mr. HAYNE read a document from the Navy Department, which showed the reasons on which the bill was founded. The allowances now are various, and have grown up during a long time, and are of doubtful legality. They have also exceeded the estimates of every year, and there are now large claims on the department in favor of different agents. To remove the inconvenience and uncertainty of the present allowances, and to afford to the navy agents a compensation proportioned to their services, this bill was framed. The second section put the navy agency of Washington on the same footing with other agencies. This last measure had been delayed, because it was not thought of sufficient importance to adopt it as a separate measure; but as other agencies were now to be regulated, this agency was embraced in the bill.

The bill was then ordered to a third reading.

COMMISSIONERS OF THE NAVY.

The bill to provide for the distribution of the duties of the commissioners of the navy was taken up for consideration.

Mr. HAYNE said this bill was recommended by the Navy Department with a view to divide the duties of the board among its several members, instead of requiring as, under the present law, the joint action of the board upon every subject. It also authorized the President to make other regulations respecting the board. One clause has been introduced by the Secretary of the Navy, the object of which was to give the board the power to extend the time or alter the manner of fulfilling navy contracts. This provision was thought to be necessary for the purpose of settling a difference of opinion which had arisen between the board and the Fourth Auditor as to the powers of the board. To explain the operation of the clause, he read a report upon the petition of Nathaniel Bryce, a contractor, from which it appeared that the petitioner had an equitable claim upon the department, which the accounting officers would not pay, because the power of the board to allow an extension of the time for the fulfilment of the contract had been brought into doubt by a decision of the Attorney General.

Mr. CHAMBERS asked whether the repeal of the law authorizing the establishment of the board, which forms a clause of the bill, does not abolish the board. He was unwilling to legislate these valuable officers out of office, and he suggested whether a bill could not be drawn, which would be free from this objection, and at the same time meet the objects in view.

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Mr. HAYNE doubted whether the construction put upon the first section by the gentleman was correct; but whatever might be the legal effect of the clause, it was not the intention of the department or of the committee to legislate the present commissioners out of office. He was not unwilling, however, to strike out the first section, and alter the second section.

Mr. CHAMBERS moved an amendment accordingly; and suggested that, if it was thought expedient hereafter to fill the vacancies occurring in the board by nominating its members to the Senate, the object might be provided for in a distinct section.

Mr. FOOT could not conceive, he said, how a bill, of seven sections, could be required for the purposes proposed. In one section the whole object of the bill could be provided for. He moved that the bill lie on the table, for the purpose of further investigation. This motion he withdrew, at the request of

Mr. WEBSTER, who drew the attention of the gentleman from South Carolina to the provision of the sixth section of the bill. These contracts are made by the navy board; and this section provides that the board shall have power to extend the time for the fulfilment of the contracts, and to fix the manner in which the contracts should be executed. Now he never entertained the least doubt that those who made the contract necessarily had the power to alter its terms. He thought, also, that the powers of the board should not be limited, in the terms of the bill, to the extension of the time of the contracts, and the manner of their execution; but that the power to alter the terms of the contract should be made commensurate with the former to make the contracts. He suggested, also, that if the bill was passed giving this power to one department of the Government, it would be found necessary to give it to all others.

Mr. HAYNE held the same opinion in regard to the construction of the law which was advanced by the gentleman from Massachusetts. But that opinion cannot prevail. There must be legislation on the subject, in consequence of the Attorney General. He did not object to the proposition of the Senator from Connecticut to postpone the bill for the purpose of investigation. He moved that the bill be postponed to, and made the order of the day for Friday next. The motion prevailed, and the Senate then adjourned.

TUESDAY, JANUARY 10.

THE TARIFF.

The resolution submitted yesterday by Mr. CLAY being taken up,

Mr. CLAY said that the gentleman from Maryland, the chairman of the Committee on Finance, having expressed a wish not to have the resolution acted upon to-day, he would not ask the Senate to go into the consideration of it at this time. But from his extreme desire for the early expression of the opinion of the Senate on the proposition, and for the views and wishes of those gentlemen who might oppose the resolution, he wished its consideration with as little delay as possible, and suggested whether it might not be made the order of the day for to-morrow.

No objection being made, the resolution was postponed to, and made the special order for to-morrow.

The following motion, yesterday submitted by Mr. TASSWELL, was considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the judiciary act, as to authorize the judges of the district courts, in vacation, to order any vessels, cargo, or other property, to be delivered to the claimants, upon bail or stipulation, or to be sold, when necessary, in the same manner as the said courts are now authorized to do in term time.

BANK OF THE UNITED STATES.

Mr. BENTON submitted the following motions:

Resolved, That the Secretary of the Treasury be directed to furnish the Senate with the names and titles of the foreign stockholders in the Bank of the United States, if any document in his office will afford that information; and, if not, to endeavor to obtain that information from the bank aforesaid, and lay it before the Senate as soon as possible, with the amount of stock held by each.

Resolved, That the Secretary of the Senate be directed to lay before the Senate information, first, of the amount of debt due from individuals and bodies corporate to the Bank of the United States and its branches, distinguishing the amount secured by mortgage from that secured by personal security alone; and what portion of said debts are considered as standing accommodations to the customers of said bank and its branches.

Resolved, That the Secretary of the Treasury be directed to lay before the Senate a list of the directors of the Bank of the United States, and of the several branches, and a statement of the stock held by citizens of the United States, with the number of shares held by each, and the State or Territory of their residence; also, the amount of specie, according to their last return, in the vaults of the bank and its branches, distinguishing the part which belongs to the bank, the portion belonging to individuals, and to the United States.

Resolved, That the Secretary of the Treasury be directed to lay before the Senate the monthly statements of the affairs of the Bank of the United States for the year 1831.

PUBLIC EXPENDITURES.

The bill for the erection of barracks, quarters, and storehouses, and the purchase of a site, in the vicinity of New Orleans, was read the third time, passed, and sent to the other House.

When this bill was put on its passage,

Mr. SMITH, of Maryland, rose to offer some remarks in reply to assertions which had been made by gentlemen on a former occasion, touching the public expenditures. He began by saying he was in favor of the present bill, because it appropriated money for an object essential to the interests of a weak part of the Union; and no fear of censure for increasing the annual expenditure of the nation would deter him from supporting measures which he considered necessary and conducive to the public welfare. Our duty, said Mr. S., is paramount to every consideration of this kind. I care not whether the expenses of the present administration have, or have not, exceeded that of any other administration; my sole view is to provide for what is necessary, and the provisions of this bill appear to me to be of this character.

On a late occasion, said Mr. S., a bill in which I felt a deep interest, was rejected on the ground that it increased the public expenses. It did not. It merely authorized an appropriation of two hundred thousand dollars per annum, instead of the annual sum of one hundred thousand dollars, and would have enabled the Executive to arm the fortifications in ten instead of twenty years. The argument was then urged, that the annual expenses of the Government went on increasing. The Senator from Missouri [Mr. BENTON] distinctly said "that the expenditures of the Government had nearly doubled since he took a seat in the Senate." This assertion was considered essentially correct by the Senator from South Carolina, [Mr. HAYNE.] The assertion thus broadly made by Senators of such high standing, and generally so very correct—by Senators who are so highly appreciated, could not fail to have great influence on this body. I confess, Mr. President, that I then thought they were mistaken, and I answered them guardedly. I did not positively deny the assertion. I somewhat doubted my own opinion, when opposed to the

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positive assertions of gentlemen for whom I entertain great respect. When the Senate adjourned on that day, I remarked to a Senator that I thought those gentlemen had committed a great error. He replied that he thought their statements correct. This induced me to reflect on the subject, and to see whether I could not ascertain the truth or fallacy of the assertion. I found that the Senator [Mr. BENTON] had taken his seat in the Senate at the session of 1821-'22; of course the expenditures for the year 1822 were those which he asserted had been nearly doubled since he came into the Senate. I saw how I could obtain the desired information. I caused a statement to be made from the annual reports of the Secretary of the Treasury, from the year 1822 to 1830, both years inclusive. In order to avoid any error in this statement, I sent it to the treasury for the purpose of being minutely examined. It has been returned to me as perfectly correct; and I was referred to the book called "Receipts and Expenditures for the year 1830," lately delivered to each Senator, for a full view of the expenses for a series of years, and I found a perfect accordance with the statement I had prepared. So that the exposé which I propose to give, is, I may truly say, founded on facts, leaving nothing vague or derived from conjecture. The book to which I have alluded, I immediately sent to the Baltimore library without inspecting it. I had no idea of looking in it for the detailed statement of our expenditures. Every Senator has the book, and can, at his leisure, compare it with the view which I propose to give; in which I flatter myself I shall be able to show that the Senators from Missouri and South Carolina have been mistaken; that the expenses have not nearly doubled, nor increased—in fact, if the expenditure in one year exceed thirteen millions, the next year falls below that amount; and that the average expenditure of the last nine years, say 1822 to 1830, both inclusive, amounts only to the sum of twelve million three hundred and seventy thousand four hundred and thirty-one dollars.

A superficial reader, Mr. President, when he looks at the public expenditures, most generally will look at the sum total of each year, and will conclude that the expenses have been higher or lower than usual. He has no particular object in view, and will not give himself the trouble to investigate the causes which create the large or small expenditures of any one year. Thus, he may look at the expenses of 1817, and will find the total amount to have been the enormous sum of \$40,877,646. He then turns to the year 1818, and finds the total expenditures of that year to amount to the sum of \$35,104,875. He takes the year 1819, and finds the expenses only \$24,004,199, and concludes in his own mind that the Congress of 1817 and 1818 must have been extravagant in their appropriations of the public money, and the Executive no better. When, if he had investigated the subject fully, he would have found that there had been paid in 1817, towards the extinguishment of the public debt, the unusual sum of \$25,423,336, thus reducing the ordinary expenses of the Government to the sum of \$15,454,609; that, in the year 1818, there had been paid towards the redemption of the public debt the sum of \$21,296,001, thus making the ordinary expenditures of the Government amount to the sum of \$13,908,673. The expenditure, independently of the payment on account of the debt, amounted to \$16,300,273 in the year 1819. This increase arose from various causes not necessary to detail. There was paid towards the public debt in the year 1819 the sum of \$7,703,926 only. This diminution of payment is attributable to the fact that there was little of the principal of the public debt then payable.

I will now come, Mr. President, to my principal object. It is the assertion, "that, since the year 1821, the expenses of the Government had nearly doubled;" and I trust I shall be able to show that the Senator from Mis-

souri [Mr. BENTON] had been under some misapprehension. The Senate are aware of the effect which such an assertion, coming from such high authority, must have upon the public mind. It certainly had its effect, even upon this enlightened body. I mentioned to an honorable Senator a few days since, that the average ordinary expenditure of the Government for the last nine years did not exceed the sum of twelve and a half millions. But, said the Senator, the expenditures have greatly increased during that period. I told him I thought they had not; and I now proceed to prove, that, with the exception of four years, viz. 1821, 1822, 1823, and 1824, the expenditures of the Government have not increased. I shall endeavor to show the causes of the reduction of expenses during those years, and that they afford no criteria by which to judge of the necessary expenses of Government, and that they are exceptions to the general rate of expenditures, arising from particular causes. But even they exhibit an expenditure far above the one-half of the present annual ordinary expenses.

In the year 1822, which was the period when the Senator from Missouri [Mr. BENTON] took his seat in the Senate, the ordinary expenses of the Government amounted to the sum of \$9,827,643. The expenses of the year 1823 amounted to \$9,784,154. I proceed, Mr. President, to show the cause which thus reduced the ordinary expenses during these years. I speak in the presence of gentlemen, some of whom were then in the House of Representatives, and will correct me if my recollection should lead me into error. During the session of the year 1819-'20 the President asked a loan, I think, of five millions, to defray the expenses of the Government, which he had deemed necessary, and for which estimates had, as usual, been laid before Congress. A loan of three millions only was granted; and, in the next session, another loan of, I think, seven millions was asked, in order to enable the Executive to meet the amount of expenses estimated for, as necessary for the year 1821. A loan of five millions was granted, and in the succeeding year another loan of five hundred thousand dollars was asked, and refused. Congress were dissatisfied that loans should be required in time of profound peace, to meet the common expenses of the nation, and they refused to grant the amount asked for in the estimates, although this amount would have been granted if there had been money in the treasury to meet them, without resorting to loans. The Committee of Ways and Means (and it was supported by the House) lessened some of the items estimated for, and refused others. No item, except such as was indispensably necessary, was granted. By the adoption of this course, the expenditures were reduced, in 1821, to \$10,723,479, and to the sums already mentioned for the two years, 1822 and 1823, and the current expenses of 1824, \$10,330,144. The consequence was, that the treasury was restored to a sound state, so that Congress was enabled, in the year 1825, to appropriate the full amount of the estimate. The expenditures of 1824 amounted to \$15,330,144. This large expenditure is to be attributed to the payment made to Spain in that year, of \$5,000,000 for the purchase of Florida. I entertained doubts whether I ought to include this sum in the expenditures, but, on full consideration, I deemed it proper to include it. It may be said that it was an extraordinary payment, and such as could not again occur. So is the payment on account of awards under the treaty of Ghent, in 1827 and 1828, amounting to \$1,188,716. Of the same character, too, are the payments made for the purchase of lands from the Indians; for the removal of the Indians; for payments to the several States for moneys advanced during the late war; and a variety of other extraordinary charges on the treasury. The payment on account of the purchase of Florida happened in the last seven years; and if this sum were deducted from the expenditures of 1824,

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it would exhibit a great reduction in the expenses of the last seven years, when contrasted with those of the seven years between 1817 and 1823, both years inclusive. The comparison of average expenses between the first seven years, contrasted with the last seven years, would then amount to \$12,733,337 for the first period, and \$12,388,868 for the latter period; which would show an actual average decrease of \$344,469 between these periods. This decrease could be rendered much greater, if the other extraordinary expenditures to which I have referred were also deducted in the comparison. The subsequent years being years when no deductions were made from the estimates, it will be seen to vary alternately.

In the year 1825, the expenses were	\$11,490,450
1826, - - -	13,062,316
1827, - - -	12,653,095
1828, - - -	13,296,041
1829, - - -	12,660,490
1830, - - -	13,229,533

It may be proper for me to show that the average expenditures of the Government for these nine years, say from 1822 to 1830, both inclusive, amount only to the sum of \$12,370,431. A considerable part of these expenditures has arisen from extraordinary charges on the treasury, such as, for the removal of the Indians; the purchase of their lands; the payment of the States for the advances made by them during the late war; for property destroyed by the enemy; and for payment of awards under the first article of the treaty of Ghent, amounting to \$1,188,716. A navy has been created, and our national flag floats proudly on every sea. Immense fortifications have been erected. Arsenals have been built in different parts of the Union, and filled with small arms and the munitions of war. The only wonder is, that so much has been done, with such limited expenditures.

I think I have shown, Mr. President, "that the expenditures of the Government have not nearly doubled since the year 1821;" nor do I think that there has been any increase. If there had been any, the fault would rest with Congress.

It has been said, Mr. President, "that the expenses of the Government increase annually, and go on increasing." With a view of testing this assertion, and also of elucidating the subject, I trust I shall be permitted to institute a few comparisons. The first will be between the expenditures of the four years, 1817, 1818, 1819, and 1820, with those of the four years, 1827, 1828, 1829, and 1830. I find, on examination, that the average expenses of the first four years amount to the sum of \$14,699,521, and of the last four years to the sum of \$12,959,790, showing a decrease in the public expenditures exceeding a million and a half of dollars; thus amply contradicting the assertion, that the public expenditures "go on increasing." The second comparison I shall make will be between the four years, 1823, 1824, 1825, and 1826, with those of 1827, 1828, 1829, and 1830. I find that the average expense of the first four years amounts to the sum of \$12,416,768, and the last four years to \$12,959,790, showing an average increase of \$543,022, or an annual average increase of \$135,755, inconsiderable in amount, and arising from the reduced expenditures in the year 1823, the cause for which has been already stated, and to the payment in 1830 of the Massachusetts militia claim of four hundred and thirty thousand dollars. Were it not for the payment of this latter claim in 1830, the comparison would have shown a different result. The true test is to be found in comparing the expenditures of the Government in those years when Congress were not restricted in the expenditures by reason of a scanty treasury.

The next comparison I offer, will be the expenditures of the seven years from 1817 to 1823, both years inclusive, with those of the seven subsequent years, beginning with the year 1824 to 1830, both inclusive, and I find that the

annual average expenditure of the first seven years amounts to \$12,733,337, and of the last seven years to the sum of \$13,103,154—presenting an inconsiderable increase, which is entirely attributable to the fact that reductions had been made in the years 1821, 1822, 1823, and 1824, on account of a scanty treasury, which reductions, in the ordinary expenses of the Government, had had a tendency to cause an increase of expenditures in the succeeding years. These reductions were not savings; they were a mere temporary diminution of necessary expenditures. The majority of the objects thus reduced, or altogether refused, were, in the subsequent years, provided for.

It is perfectly fair, Mr. President, to compare a series of years with an equal number of years; but it is neither fair nor just to select one year, and to compare it with another. I speak with reference to the annual ordinary expenditures. Would it be fair towards the late President Monroe, to compare the expenses of the last year of his administration, amounting to \$15,330,144, with the first year of Mr. Adams's administration, which amounted only to 11,490,549 dollars? Would it be proper to compare the expenditures of the last year of Mr. Adams's administration, which amounted to \$13,296,041, with the first year of President Jackson's administration, which was \$12,660,490? Certainly not. To do so, would be committing an act of political injustice, and yet I have seen this done. But, if you compare the last year of Mr. Adams's administration with the second year of President Jackson's, (\$12,229,533,) little difference in the expenses will be found to exist.

I have, Mr. President, shown to my own satisfaction, and, I trust, to that of the Senate, that the expenses of the Government have not only not nearly doubled since the year 1821—(unless it can be demonstrated that 13,296,041 dollars, being the expenditures in 1828, be nearly double the sum of \$9,827,643, the amount of expenditures of 1822)—have not increased, and, on the contrary, have actually decreased. I have taken for the investigation of the subject the eight years of the late President Monroe's administration, the four years of the administration of Mr. Adams, and the two years of President Jackson's administration, to which the accounts are made up at the treasury; and in this investigation and comparison I have carefully avoided every thing of a party complexion.

Having been a member of, and for several years chairman of the Committee of Ways and Means in the House of Representatives, and having also been chairman of the Committee on Finance in the Senate, I consider it an implied reflection on those committees that they had seen with indifference the expenses of the Government annually increasing, and actually nearly doubling in nine years. I have therefore deemed it incumbent upon me, in particular, to make the necessary investigation of this subject, and to present to the Senate the extensive view I have submitted in relation to a matter which has so frequently been misrepresented, and which I trust will be considered a sufficient apology for having occupied so much of the time of the Senate.

EXHIBIT, showing the expenditures of the Government of the United States, exclusive of the payments on account of the public debt, from the year 1817 to 1830, both inclusive.

Years.	Expenditures.	Years.	Expenditures.
1817 -	\$15,454,609 92	1824 -	\$15,330,144 31
1818 -	13,908,673 78	1825 -	11,490,459 84
1819 -	16,300,273 44	1826 -	13,062,316 27
1820 -	13,134,530 57	1827 -	12,653,095 65
1821 -	10,723,479 07	1828 -	13,296,041 45
1822 -	9,827,643 51	1829 -	12,660,490 62
1823 -	9,784,154 59	1830 -	13,229,533 33

SENATE.]

Public Expenditures.

[JAN. 10, 1832.]

Mr. BENTON rose in reply to the Senator from Maryland. Mr. B. said that a remark of his, in a former debate, seemed to have been the occasion of the elaborate financial statements which the Senator from Maryland had just gone through. Mr. B. said he had made the remark in debate; it was a general one, and not to be treated as an account stated by an accounting officer. His remark was, that the public expenditure had nearly doubled since he had been a member of the Senate. Neither the words used, nor the mode of the expression, implied the accuracy of an account; it was a remark to signify a great and inordinate increase in a comparatively short time. He had not come to the Senate this day with the least expectation of being called to justify that remark, or to hear a long arraignment of it argued; but he was ready at all times to justify, and he would quickly do it. Mr. B. said that when he made the remark, he had no statement of accounts in his eye, but he had two great and broad facts before him, which all the figures and calculations upon earth, and all the compound and comparative statements of arithmeticians, could not shake or alter, which were—first, that since he came into the Senate the machinery of this Government was worked for between eight and nine millions of dollars; and, secondly, the actual payments for the last year, in the President's message, were about fourteen millions and three-quarters. The sum estimated for the future expenditures, by the Secretary of the Treasury, was thirteen and a half millions; but fifteen millions were recommended by him to be levied to meet increased expenditures. Mr. B. said these were two great facts which he had in his eye, and which he would justify. He would produce no proofs as to the second of his facts, because the President's message and the Secretary's report were so recently sent in, and so universally reprinted, that every person could recollect, or turn to their contents, and verify his statement upon their own examination or recollection. He would verify his first statement only by proofs, and for that purpose would refer to the detailed statements of the public expenditures, compiled by Van Zandt and Watterston, and for which he had just sent to the room of the Secretary of the Senate. Mr. B. would take the years 1822-'3; for he was not simple enough to take the years before the reduction of the army, when he was looking for the lowest expenditure. Four thousand men were disbanded, and had remained disbanded ever since; they were disbanded since he came into the Senate; he would therefore date from that reduction. This would bring him to the years 1822-'3, when you, sir, (the Vice President,) was Secretary of War. What was the whole expenditure of the Government for each of those years? It stood thus:

1822,	\$17,676,592 63
1823,	15,314,171 00

These two sums include every head of expenditure—they include public debt, revolutionary and invalid pensions; three heads of temporary expenditure. The payments on account of the public debt in those two years, were—

In 1822,	\$7,848,919 12
1823,	5,530,016 41

Deduct these two sums from the total expenditure of the years to which they refer, and you will have—

For 1822,	\$9,727,673 41
1823,	9,784,155 59

The pensions for those years were—

	<i>Revolutionary.</i>	<i>Invalid.</i>	<i>Aggregate.</i>
1822,	\$1,642,590 94	\$305,608 46	\$1,947,199 40
1823,	1,449,097 04	331,491 48	1,730,588 52

Now, deduct these pensions from the years to which they refer, and you will have just about \$8,000,000 as

the expense of working the machinery of the Government at the period which I had in my eye. But the pensions have not yet totally ceased; they are much diminished since 1822, 1823, and in a few years must cease. The revolutionary pensioners must now average seventy years of age; their stipends will soon cease. I hold myself well justified, then, in saying, as I did, that the expenditures of the Government have nearly doubled in my time. The remark had no reference to administrations. There was nothing comparative in it; nothing intended to put up, or put down, any body. The burdens of the people is the only thing I wish to put down. My service in the Senate has extended under three administrations, and my periods of calculation extend to all three. My opinion now is, that the machinery of this Government, after the payment of the public debt, should be worked for ten millions or less, and two millions more for extraordinary; in all twelve millions; but this is a point for future discussion. My present object is to show a great increase in a short time; and to show that, not to affect individuals, but to show the necessity of practising what we all profess—economy. I am against keeping up a revenue, after the debt and pensions are paid, as large, or nearly as large, as the expenditure was in 1822, 1823, with these items included. I am for throwing down my load, when I get to the end of my journey. I am for throwing off the burden of the debt, when I get to the end of the debt. The burden of the debt is the taxes levied on account of it. I am for abolishing these taxes; and this is the great question upon which parties now go to trial before the American people. One word more, and I am done for the present. The Senator from Maryland, to make up a goodly average for 1822 and 1823, adds the expenditure of 1824, which includes, besides sixteen millions and a half for the public debt, and a million and a half for pensions, the sum of five millions for the purchase of Florida. Sir, he must deduct twenty-two millions from that computation; and that deduction will bring his average for those years to agree very closely with my statement.

Mr. HAYNE said that he had been called upon unexpectedly to answer for his remarks made a few days ago on another bill. If he had been aware of the intention of the gentleman from Maryland, he should have taken the pains to be prepared with statements to make out the correctness of the assertion alluded to. He said it must be recollected that it was not his assertion that the "expenses were nearly doubled." That had been the assertion of the gentleman from Missouri; and it had struck him so forcibly, that he had merely adverted to the language of that gentleman in his subsequent remarks, and added, that the expenditures of the Government had been annually increasing ever since he had been in the Senate. For this additional assertion, and for that alone, he stood responsible; and if he was mistaken in that remark, he was never so much mistaken in any point in the whole course of his life. He was still confident of its correctness; and he trusted that, before this matter was done, with, he should be able to satisfy the Senate and the country that it was not him, but the chairman of the Committee on Finance, who was mistaken. He did not intend to do this, however, by any comparison of a series of years and general averages, as that gentleman had done, but he should submit a resolution to the Senate, calling for the necessary information in relation to the expenditures during the time mentioned, from the proper officer of the department; and if the result of that statement did not make out his assertion to be correct, he would acknowledge his error, and abide by that decision; and he expected the gentleman from Maryland would do the same. Mr. H. said that if the event should show him in an error, it was that gentleman's fault, for he had led him into the error, if an error it was, which, however, he did not believe. He had led him to believe that there was an increased expenditure, by his repeated

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The Ordnance Bill.—The Tariff.

[SENATE.]

attempts to justify the fact, by urging the necessity of an increase to keep pace with the times. Sir, said Mr. H., can I forget that it had been publicly stated that, in the two first years of the present administration, the expenditures of the Government on internal improvements were greater than during the whole four years of the late administration? Can I forget the fact I have never seen denied by the friends of the present administration, though repeatedly rung in their ears? But, on the contrary, they have uniformly maintained that this increase was occasioned by appropriations under the previous administration. Can I forget that the gentleman from Maryland has told the Senate that it was the intention of the Committee on Finance to reduce the revenue to fifteen millions after the extinction of the public debt, because that sum would probably be wanted to meet the demands of the Government. Where, said Mr. H., shall we find the boasted diminution of the expenses of this Government? Shall we find it in the civil list, or diplomatic intercourse? Shall we find it in the army, the navy, or in any department of the Government? On the contrary, has it been our constant policy to create new offices, and enlarge the salaries of those already existing?

But, said Mr. H., we will have this matter determined by an appeal to facts which cannot deceive us, which the proposed resolution will elicit.

How can the gentleman suppose that I should imagine the expenditures were not increased, in the face of all those facts which the gentleman himself has admitted? Have I not, said Mr. H., risen in my place, repeatedly, to oppose the various new appropriations which have been called for, and received for answer that the increased wants of our growing country required them? If mistaken, therefore, the fault lies upon those who, having our finances in charge, could long since have corrected the supposed error. He was persuaded, however, there was no error—there could be none. Indeed, he understood the gentleman himself to show an average increase of the expenditures. And how could it be otherwise? The gentleman from Missouri, in referring back to the documents this morning, states the average expenditures, for some years back, at nine millions; the Senator from Maryland gives the average of the few last years at twelve millions; and that Senator himself, only a few days ago, set down the future average at fifteen millions. And yet we are gravely told our expenses are not increasing.

At the conclusion of the preceding debate,

Mr. FORSYTH rose, and stated why he (having objected to the bill yesterday for want of certain information) should now vote for it, as he had obtained the information which he desired on the subject, (and which he recapitulated to the Senate,) and was satisfied of the expediency of the bill.

THE ORDNANCE BILL.

The bill providing for the better organization of the ordnance corps was next taken up.

Mr. BENTON, as chairman of the Military Committee, rose to explain it. He first asked for the reading of a letter from the Secretary of War, to whom the bill had been referred by the committee for his remarks and suggestions. [The letter was read by the Secretary of the Senate, and expressed a favorable opinion of the bill.] Mr. B. then proceeded with his explanations. He said the title of the bill was to organize the Ordnance Department; and the title was right. The Ordnance Department had no organization; it had grown up by piecemeal from small beginnings to a great and important branch of the military establishment, and needed an organization suited to its present magnitude. Senators could judge of this magnitude, when he told them that the arms and munitions of war in the care of this department were now worth twelve millions of dollars, and were distributed all over the Union,

from the lakes to the Gulf, from the Atlantic to the Mississippi: and besides this quantity on hand, about one million of dollars was annually expended either to increase it, or to supply the current use and consumption. An establishment having so much property in charge, required an organization, and this was what the bill proposed. The first section provided for the enlistment of two hundred and fifty men for the ordnance service; they would supply the place of about that number of laborers now hired to do the business of soldiers. This single fact would show that the department was without organization. The second section provided for the appointment of a veteran sergeant, to take care of the ordnance stores at each post. Such an appointment was necessary, and would stand in the place of the conductors of artillery, formerly allowed for the same purpose, but dropped, he believed, from inadvertence, in the repeal of different laws. Another section provided for the repeal of existing laws which would clash with the present bill if passed into a law. The concluding section provided for additional officers, and regulated their pay. Mr. B. said the present number of officers was entirely too few, besides being officers detached from the line of the army, and not trained to ordnance duties.

These were the brief reasons for preferring the bill, which was not a new measure, but had been before both Houses of Congress, and favorably reported by their committees for several years. The expense was the next item. On this head, he said, the enlisted men would be no additional expense, but rather an economy, as hired men were now employed. The sergeants put on ordnance duty would be but a trifle; and would be some reward to a veteran, and stimulate him to act so as to deserve it. The only additional expense was in the officering the corps, and that would add about \$12,000 of additional expense. Mr. B. submitted that this was nothing when the question was to provide for the preservation and due accountability of twelve millions of dollars worth of public property, and to secure the most skilful and efficient application of a million per annum to the manufacture of arms, and the acquisition of munitions of war. Mr. B. then said that he had made this brief statement to apprise the Senate of the nature of the bill; and he would now comply with the request made of him by one of the Senators from Pennsylvania, [Mr. WILKINS,] and let the bill lie over a day or two for consideration. When it was called up again, it would afford him pleasure to answer any questions which Senators might put.

Mr. WILKINS expressed his desire to have a little time to look into the bill, and it was laid on the table, to be taken up in a day or two.

[The bill was taken up subsequently, and passed.]

WEDNESDAY, JANUARY 11.

The resolutions submitted yesterday by Mr. BENTON, were taken up and agreed to.

THE TARIFF.

The following resolution, submitted by Mr. CLAY on Monday last, being the special order of the day, was taken up for consideration:

Resolved, That the existing duties upon articles imported from foreign countries, and not coming in competition with similar articles made or produced within the United States, ought to be forthwith abolished, except the duties upon wines and silks, and that those ought to be reduced; and that the Committee on Finance be instructed to report a bill accordingly.

The resolution having been read, Mr. CLAY rose, and addressed the Senate as follows: I have a few observations, Mr. President, and only a few, to submit to the Senate, on the measure now before you; in doing which I have to ask all your indulgence. I am getting old; I feel

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but too sensibly, and unaffectedly, the effects of approaching age; and I have been, for some years, very little in the habit of addressing deliberative assemblies. I am told I have been the cause—the most unwilling cause, if I have been, of exciting expectations, the evidence of which is around us. I regret it; for however the subject on which I am to speak, in other hands might be treated to gratify or to reward the presence and attention now given, in mine I have nothing but a plain, unvarnished, and unambitious exposition to make.

It forms no part of my present purpose, said Mr. C., to enter into a consideration of the established policy of protection. Strong in the convictions, and deeply seated in the affections, of a large majority of the people of the United States, it stands self-vindicated, in the general prosperity, in the rich fruits which it has scattered over the land, in the experience of all prosperous and powerful nations, present and past, and now in that of our own. Nor do I think it necessary to discuss that policy on this resolution. Other gentlemen may think differently, and may choose to argue and assail it. If they do, I have no doubt that, in all parts of the Senate, members more competent than I am, will be ready to defend and support it. My object now is to limit myself to a presentation of certain views and principles connected with the present financial condition of the country.

A consideration of the state of the public revenue has become necessary, in consequence of the near approach of the entire extinction of the public debt; and I concur with you, sir, in believing that no season could be more appropriate than the present session of Congress to endeavor to make a satisfactory adjustment of the tariff. The public debt chiefly arose out of the late war, justly denominated the second contest for national independence. An act, commonly called the sinking fund act, was passed by Congress near fifteen years ago, providing for its reimbursement. That act was prepared and proposed by a friend of yours and mine, whose premature death was not a loss merely to his native State, of which he was one of its brightest ornaments, but to the whole nation. No man, with whom I ever had the honor to be associated in the legislative councils, combined more extensive and useful information, with more firmness of judgment and blandness of manner, than did the lamented Mr. Lowndes. And when, in the prime of life, by the dispensation of an all-wise Providence, he was taken from us, his country had reason to anticipate the greatest benefits from his wisdom and discretion. By that act, an annual appropriation of ten millions of dollars was made towards the payment of the principal and interest of the public debt; and also any excess which might yearly be in the treasury, beyond two millions of dollars, which it was thought prudent to reserve for unforeseen exigencies.

But this system of regular and periodical application of public revenue to the payment of the public debt, would have been unavailing, if Congress had neglected to provide the necessary ways and means. Congress did not, however, neglect the performance of that duty. By various acts, and more especially by the tariff of 1824—the abused tariff of 1824—the public coffers were amply replenished, and we have been enabled to reach our present proud eminence of financial prosperity. After Congress had thus abundantly provided funds, and directed their systematical application, the duty remained to be performed by the Executive was one simply ministerial. And no Executive and no administration can justly claim for itself any other merit in the discharge of the public debt, than that of a faithful execution of the laws—no other merit than that similar one to which it is entitled for directing a regular payment of what is due, from time to time, to the army and navy, or to the officers of the civil Government, for their salaries.

The operation of the sinking fund act commenced with

the commencement of Mr. Monroe's administration. During its continuance of eight years, owing to the embarrassments of the treasury, the ten millions were not regularly applied to the payment of the debt; and, upon the termination of that administration, the treasury stood largely in arrear to the sinking fund. During the subsequent administration of four years, not only was the ten millions faithfully applied during each year, but those arrears were brought up, and all previous deficiencies made good. So that, when the present administration began, a plain, unincumbered, and well-defined path lay directly before it. Under the measures which have been devised, in the short term of fifteen years, the Government has paid nearly one hundred millions of principal, and about an equal sum of interest; leaving the small remnant behind of twenty-four millions.

Of that remnant, thirteen millions consist of the three per cent. stock created by the act of 1790, which the Government does not stand bound to redeem at any prescribed time, but which it may discharge whenever it suits its own convenience; and when it is discharged, it must be done by the payment of dollar for dollar. I cannot think, and, I should suppose, Congress can hardly believe, with the Secretary of the Treasury, that it would be wise to pay off a stock of thirteen millions, entitling its holders to but three per cent. with a capital of thirteen millions, worth an interest of six per cent.—in other words, to take from the pockets of the people two dollars to pay one in the hands of the stockholder.

The moral value of the payment of a national debt consists in the demonstration which it affords of the ability of a country to meet, and its integrity in fulfilling, all its engagements. That the resources of this country, increasing as it constantly is in population and wealth, are abundantly sufficient to meet any debt which it may ever prudently contract, cannot be doubted. And its punctuality and probity, from the period of the assumption, in 1790, of the debt of the revolution, down to the present time, rest upon a solid and incontestable foundation. The danger, perhaps, is, not that it will not fairly meet its engagements, but that, from an inordinate avidity, arising from temporary causes, it may bring discredit upon itself by improvident arrangements, which no prudent man, in the management of his private affairs, would ever think of adopting.

Of the residue of that twenty-four millions of debt, after deducting the thirteen millions of three per cent., less than two millions are due, and, of right, payable within the present year. If to that sum be added the moiety which becomes due on the 31st of December next, of the four million four hundred and fifty-four thousand seven hundred and twenty-seven dollars, created by the act of 26th May, 1824, we have but a sum of about four millions which the public creditor can lawfully demand, or which the Government is bound to pay, in the course of this year. If more is paid, it can only be done by anticipating the periods of its payment, and going into the public market to purchase the stock. Can it be doubted that, if you do so, the vigilant holder of the stock, taking advantage of your anxiety, will demand a greater price than its value? Already we perceive that the three per cents. have risen to the extraordinary height of ninety-six per cent. The difference between a payment of the inconsiderable portion remaining of the public debt, in one, two, or three years, is certainly not so important as to justify a resort to highly disadvantageous terms.

Whoever may be entitled to the credit of the payment of the public debt, I congratulate you, sir, and the country, most cordially, that it is so near at hand. It is so near being totally extinguished, that we may now safely inquire whether, without prejudice to any established policy, we may not relieve the consumption of the country, by the repeal or reduction of duties, and curtail, consi-

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derably, the public revenue. In making this inquiry, the first question which presents itself is, whether it is expedient to preserve the existing duties, in order to accumulate a surplus in the treasury, for the purpose of subsequent distribution among the several States. I think not. If the collection, for the purpose of such a surplus, is to be made from the pockets of one portion of the people, to be ultimately returned to the same pockets, the process would be attended with the certain loss arising from the charges of collection, and with the loss also of interest while the money is performing the unnecessary circuit; and it would, therefore, be unwise. If it is to be collected from one portion of the people, and given to another, it would be unjust. If it is to be given to the States in their corporate capacity, to be used by them in their public expenditure, I know of no principle in the constitution which authorizes the Federal Government to become such a collector for the States, nor of any principle of safety or propriety which admits of the States becoming such recipients of gratuity from the General Government.

The public revenue, then, should be regulated and adapted to the proper service of the General Government. It should be ample; for a deficit in the public income, always to be deprecated, is sometimes attended, as we know well from history, and from what has happened in our own time, with fatal consequences. In a country so rapidly growing as this is, with such diversified interests, new wants and unexpected calls upon the public treasury must frequently occur. Take some examples from this session. The State of Virginia has presented a claim for an amount but little short of a million, which she presses with an earnestness demonstrating her conviction of its justice. The State of South Carolina has also a claim for no inconsiderable sum, being upwards of one hundred thousand dollars, which she urges with equal earnestness. The gentleman from Pennsylvania [Mr. WILKINS] has brought forward a claim, arising out of French spoliation previous to the convention of 1800, which is perhaps not short of five millions, and, to some extent, I have no doubt it has a just foundation. In any provision of a public revenue, Congress ought so to fix it as to admit of the payment of honest and proper demands, which its justice cannot reject or evade.

I hope, too, that either in the adjustment of the public revenue, or, what would be preferable, in the appropriation of the proceeds of the public lands, effectual and permanent provision will be made for such internal improvements as may be sanctioned by Congress. This is due to the American people, and emphatically due to the Western people. Sir, temporary causes may exact a reluctant acquiescence from the people of the West, in the suspension of appropriations to objects of internal improvement; but as certain as you preside in that chair, or as the sun performs its diurnal revolution, they will not be satisfied with an abandonment of the policy. They will come here, and tell you, not in a tone of menace or supplication, but in the language of conscious right, that they must share with you in the benefits, as they divide with you the burdens and the perils of a common Government. They will say that they have no direct interest in the expenditures for the navy, the fortifications, nor even the army, those greatest absorbents of the public treasure. That they are not indifferent, indeed, to the safety and prosperity of any part of our common country. On the contrary, that every portion of the republic is indirectly, at least, interested in the welfare of the whole; and that they ever sympathize in the distresses, and rejoice in the happiness of the most distant quarter of the Union. And to demonstrate that they are not careless or indifferent to interests not directly their own, they may triumphantly and proudly appeal to the gallant part which they bore in the late war, and point to the bloody fields on which some

of their most patriotic sons nobly fell fighting in the common cause. But they will also say that these fraternal and just sentiments ought to be reciprocated by their Atlantic brethren; that these ought not to be indifferent to the welfare of the West, and that they have the same collateral or indirect interest in its success and advancement that the West has in theirs. That it does not ask internal improvements to be exclusively confined to itself, but that it may receive, in common with the rest of the Union, a practical benefit in the only form compatible with its interior condition.

The appropriation of the proceeds of the public lands, or a considerable portion of them, to that object, would be a most natural and suitable disposition. And I do hope, sir, that that great resource will be cherished and dedicated to some national purpose worthy of the republic. Utterly opposed as, I trust, Congress will show itself to be to all the mad and wild schemes, but to that latest, but maddest and wildest of all, recommended by the Secretary of the Treasury, for squandering the public domain, I hope it will be preserved for the present generation and for posterity, as it has been received from our ancestors, a rich and bountiful inheritance. In these halcyon days of peace and plenty, and an overflowing treasury, we appear to embarrass ourselves in devising visionary schemes for casting away the bounties with which the goodness of Providence has blessed us. But, sir, the storm of war will come when we know not; the day of trial and difficulty will assuredly come, and now is the time, by a prudent forecast, to husband our resources, and this the greatest of them all. Let them not be hoarded and hugged with a miser's embrace, but liberally used. Let the public lands be administered in a generous spirit, and especially towards the States within which they are situated. Let the proceeds of the sales of the public lands be applied in a season of peace to some great object; and when war does come, by suspending that application of them during its continuance, you will be at once put in possession of means for its vigorous prosecution. More than twenty-five years ago, when first I took a seat in this body, I was told, by the fathers of the Government, that if we had any thing perfect in our institutions, it was the system for disposing of the public lands, and I was cautioned against rash innovations in it. Subsequent experience fully satisfied me of the wisdom of their counsels, and that all vital changes in it ought to be resisted.

Although it may be impracticable to say what the exact amount of the public revenue should be for the future, and what would be the precise produce of any given system of imposts, we may safely assume that the revenue may now be reduced, and considerably reduced. This reduction may be effected in various ways, and on different principles. Only three modes shall now be noticed.

1st. To reduce the duties on all articles in the same ratio, without regard to the principle of protection.

2d. To retain them on unprotected articles, and augment them on the protected articles.

And, 3d. To abolish and reduce the duties on unprotected articles, retaining and enforcing the faithful collection of those on the protected articles.

To the first mode there are insuperable objections. It would lead inevitably to the destruction of our home manufactures. It would establish a sort of bed of Procrustes, by which the duties on all articles should be blindly measured, without respect to their nature or the extent of their consumption. And it would be derogatory from every principle of theory or practice on which the Government has hitherto proceeded.

The second would be still more objectionable to the foes of the tariff than either of the others. But it cannot be controverted that, by augmenting considerably the duties on the protected class, so as to carry them to the point, or

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near to the confines of absolute prohibition, the object in view, of effecting the necessary reduction of the public revenue, may be accomplished without touching the duties on the unprotected class. The consequence of such an augmentation would be a great diminution in the importation of the foreign article, and of course in the duties upon it. But against entire prohibition, except perhaps in a few instances, I have been always, and still am, opposed. By leaving the door open to the foreign rival article, the benefit is secured of a salutary competition. If it be hermetically closed, the danger is incurred of monopoly.

The third mode is the most equitable and reasonable, and it presents an undebatable ground, on which I had hoped we could all safely tread without difficulty. It exacts no sacrifice of principle from the opponent of the American system; it comprehends none on the part of its friends. The measure before you embraces this mode. It is simple, and free from all complexity. It divides the whole subject of imposts according to its nature. It settles at once what ought not to be disputed, and leaves to be settled hereafter, if necessary, what may be controverted.

A certain part of the South has hitherto complained that it pays a disproportionate amount of the imposts. If the complaint be well founded, by the adoption of this measure it will be relieved at once, as will be hereafter shown, from at least a fourth of its burdens. The measure is in conformity with the uniform practice of the Government from its commencement, and with the professions of all the eminent politicians of the South until of late. It assumes the right of the Government, in the assessment of duties, to discriminate between those articles which sound policy requires it to foster, and those which it need not encourage. This has been the invariable principle on which the Government has proceeded, from the act of Congress of the 4th of July, 1789, down to the present time. And has it not been admitted by almost every prominent Southern politician? Has it not been even acknowledged by the fathers of the free trade church, in their late address, promulgated, from Philadelphia, to the people of the United States? If we never had a system of foreign imposts, and were now called upon, for the first time, to originate one, should we not discriminate between the objects of our own industry, and those produced by foreigners? And is there any difference in its application, between the modification of an existing system and the origination of a new one? If the gentlemen of the South, opposed to the tariff, were to obtain complete possession of the powers of Government, would they hazard their exercise upon any other principle? If it be said that some of the articles which would, by this measure, be liberated from duties, are luxuries, the remark is equally true of some of the articles remaining subject to duties. In the present advanced stage of comfort and civilization, it is not easy to draw the line between luxuries and necessities. It will be difficult to make the people believe that bolica tea is a luxury, and the article of fine broadcloths is a necessary of life.

In stating that the duties on the protected class ought to be retained, it has been far from my wish to preclude inquiry into their adequacy or propriety. If it can be shown that, in any instance, they are excessive or disproportionately burdensome on any section of the Union, for one I am ready to vote for their reduction or modification. The system contemplates an adequate protection; beyond that it is not necessary to go. Short of that, its operation will be injurious to all parties.

The people of this country, or a large majority of them, expect that the system will be preserved. And its abandonment would produce general surprise, spread desolation over the land, and occasion as great a shock as a declaration of war forthwith against the most powerful nation of Europe.

But if the system be preserved, it ought to be honestly, fairly, and faithfully enforced. That there do exist the most scandalous violations of it, and the grossest frauds upon the public revenue, in regard to some of the most important articles, cannot be doubted. As to iron, objects really belonging to one denomination, to which a higher duty is attached, are imported under another name, to which a lower duty is assigned, and the law thus evaded. False invoices are made as to woollens, and the classification into minimums is constantly eluded. The success of the American manufacture of cotton bagging has been such as that, by furnishing a better and cheaper article, the bagging of Inverness and Dundee has been almost excluded from the consumption of the States bordering on the Mississippi and its tributaries. There has not yet been sufficient time to fabricate and transport the article in necessary quantities from the Western States to the Southern Atlantic States, which therefore have been almost exclusively supplied from the Scottish manufactories. The payment of the duty is evaded by the introduction of the foreign fabric, under the name of burlaps, or some other mercantile phrase, and, instead of paying five cents the square yard, it is entered with a duty of only fifteen per cent. ad valorem. That this practice prevails, is demonstrated by the treasury report of the duties accruing on cotton bagging for the years 1828, 1829, and 1830. During the first year the amount was 137,506 dollars; the second, 106,068 dollars; and the third, it sunk down to 14,141 dollars!

The time has arrived when the inquiry ought to be seriously made, whether it be not practicable to arrest this illegitimate course of trade, and secure the faithful execution of the laws. No time could be more suitable than that at which it is contemplated to make a great reduction of the public revenue. Two radical changes have presented themselves to my mind, and which I will now suggest for consideration and investigation. On such a subject, I would, however, seek from the mercantile community and practical men all the light which they are so capable of affording, and should be reluctant to act on my own convictions, however strong.

The first is to make a total change in the place of valuation. Now the valuation is made in foreign countries. We fix the duties, and we leave to foreigners to assess the value on articles paying ad valorem duties; that is, we prescribe the rule, and leave its execution to the foreigner. This is an anomaly, I believe, peculiar to this country. It is evident that the amount of duty payable on a given article subject to an ad valorem duty, may be effected as much by the fixation of the value, as by the specification of the duty. And, for all practical purposes, it would be just as safe to retain to ourselves the ascertainment of the value, and leave to the foreigner to prescribe the duty, as it is to reserve to ourselves the right to declare the duty, and allow to him the privilege to assess the value.

The effect of this vicious condition of the law has been to throw almost the whole import trade of the country, as to some important articles, into the hands of the foreigner. I have been informed that seven-eighths of the importation of woollens into the port of New York, where more is received than in all the other ports of the United States together, are in his hands. This has not proceeded from any want of enterprise, intelligence, or capital, on the part of the American merchant; for, in these particulars, he is surpassed by the merchant of no country. It has resulted from his probity, his character, and his respect to the laws and institutions of his country—a respect which does not influence the foreigner. I am aware that it is made by law the duty of the appraiser to ascertain the value of the goods in certain cases. But what is his chief guide? It is the foreign invoice, made by whom he knows not, certainly by no person responsible to our

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laws. And, if its fairness be contested, they will bring you cart loads of certificates, and affidavits from unknown persons, to verify its exactness, and the first cost of the article.

Now, sir, it seems to me that this is a state of things to which we should promptly apply an efficacious remedy; and no other appears to me, but that of taking into our own hands both parts of the operation, the ascertainment of the value as well as the duty to be paid on the goods. If it be said that we might have, in different ports, different rules, the answer is, that there could be no diversity greater than that to which we are liable from the fact of the valuation being now made in all the ports of foreign countries from which we make our importations; and that it is better to have the valuations made by persons responsible to our own Government, and regulated by one head, than by unknown foreigners, standing under no responsibility whatever to us.

The other change to which I allude, is to reduce the credits allowed for the payment of duties, and to render them uniform. It would be better, if not injurious to commerce, to abolish them altogether. Now we have various periods of credit graduated according to the distance of the foreign port, and the nature of the trade. These credits operate as so much capital, on which the foreign merchant can sometimes make several adventures before the arrival of the day of payment. There is no reciprocal advantage afforded to the American merchant, I believe, in any foreign port. As we shall probably abolish or reduce greatly the duties on all articles imported from beyond the Cape of Good Hope, on which the longest credits are allowed, the moment would seem to be propitious for restricting the other credits in such manner, that whilst they afforded a reasonable facility to the merchant, they should not supply the foreigner, at the instance of the public, with capital for his mercantile operations. If the laws can be strictly enforced, and some such alterations as have been suggested can be carried into effect, it is quite probable that a satisfactory reduction may be made of the duties upon some of the articles falling within the system of protection. And, without impairing its principle, other modes of relief may possibly be devised to some of those interests upon which it is supposed to press most heavily.

There remains one view to present to the Senate in respect to the amount of reduction of the revenue which will be produced by the proposed measure if adopted, and its influence upon the payment of the public debt within the time suggested by the Secretary of the Treasury. The estimate which I have made of that amount is founded upon treasury returns prior to the late reduction of duties on tea, coffee, and cocoa. Supposing the duties on wines and silks to be reduced as low as I think they may be, the total amount of revenue with which the proposed measure will dispense, will be about \$7,000,000. The Secretary of the Treasury estimates the receipts of the present year from all sources at \$30,100,000, and he supposes those of the next year will be of an equal amount. He acknowledges that the past year has been one of extraordinary commercial activity; but on what principles does he anticipate that the present will also be? The history of our commerce demonstrates that it alternates, and that a year of intemperate speculation is usually followed by one of more guarded importation. That the importations of the past year have been excessive, I believe is generally confessed, and is demonstrated by two unerring facts. The first is, that the imports have exceeded the exports by about seventeen millions of dollars. Whatever may be the qualifications to which the theory of the balance of trade may be liable, it may be safely affirmed that when the aggregate of the importations from all foreign countries exceeds the aggregate of the exportations to all foreign countries considerably, the

unfavorable balance must be made up by a remittance of the precious metals to some extent. Accordingly, we find the existence of the other fact to which I allude, the high price of bills of exchange on England. It is, therefore, fairly to be anticipated that the duties accruing this year will be less in amount than those of the past year. And I think it would be unwise to rely upon our present information as to the income of either of these two years as furnishing a safe guide for the future. The years 1829 and 1830 will supply a surer criterion. There is a remarkable coincidence in the amount of the receipts into the treasury during those two years, it having been the first from all sources \$24,827,627 38, and the second \$24,844,116 51, differing only about \$17,000.

The mode recommended by the Secretary for the modification of the tariff, is to reduce no part of the duties on the unprotected articles prior to March, 1833, and then to retain a considerable portion of them. And as to the protected class, he would make a gradual but prospective reduction of the duties. The effect of this would be to destroy the protecting system by a slow but certain poison. The object being to reduce the revenue, every descending degree in the scale of his plan of gradual reduction, by letting in more of the foreign article to displace the domestic rival fabric, would increase the revenue, and beget a necessity for further and further reduction of duties, until they would be carried so low as to end in the entire subversion of the system of protection.

For the reasons which have been assigned, it would, I think, be unwise in Congress at this time to assume, for the future, that there would be a greater amount of nett annual revenue, from all sources, including the public lands, than \$25,000,000. Deducting from that sum the amount of seven millions which it has been supposed ought to be subtracted, if the resolution before you should be adopted, there would remain \$18,000,000 as the probable revenue of future years. This includes the sum of three millions estimated as the future annual receipt from the sale of the public lands—an estimate which I believe will be demonstrated by experience to be much too large.

If a reduction so large as seven millions be made at this session; and if the necessary measures be also adopted to detect and punish frauds, and ensure a faithful execution of the laws, we may safely make a temporary pause, and await the development of the effect upon the revenue of these arrangements. That the authority of the laws should be vindicated, all ought to agree. Now, the fraudulent importer, after an exposure of his fraud, by a most strange treasury construction of the law, (made, I understand, however, not by the present Secretary,) eludes all punishment, and is only required to pay those very duties which he was originally bound for, but which he dishonestly sought to evade. Other measures, with a view to a further reduction of the revenue, may be adopted. In some instances, there might be an augmentation of duties for that purpose. I will mention the article of foreign distilled spirits. In no other country upon earth is there so much of the foreign article imported as in this. The duties ought to be doubled, and the revenue thereby further reduced from \$6,000,000 to a million. The public morals, the grain-growing country, the fruit-raising, and the cane-planting country, would be all benefited by rendering the duty prohibitory. I have not proposed the measure, because it, perhaps, ought to originate in the other House.

That the measure which I have proposed may be adopted without interfering with the plan of the Secretary of the Treasury for the payment of the public debt by the 4th of March next, I will now proceed to show. The Secretary estimates that the receipts of the present year, after meeting all other just engagements, will leave a surplus of fourteen millions applicable to the payment of the

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principal of the debt. With this sum, eight millions which he proposes to derive from the sale of the bank stock, and two millions which he would anticipate from the revenue of the next year, he suggests that the whole of the debt remaining may be discharged by the time indicated. The fourteen millions, I understand, (although on this subject the report is not perfectly explicit,) are receipts anticipated this year from duties which accrued last year. If this be the Secretary's meaning, it is evident that he wants no part of the duties which may accrue during the current year to execute his plan. But if his meaning be that the fourteen millions will be composed in part of duties accruing and payable within the present year, then the measure proposed might prevent the payment of the whole of the remnant of the debt by the exact day which has been stated. If, however, the entire seven millions, embraced by the resolution on your table, were subtracted from the fourteen, it would still leave him seven millions, besides the bank stock, to be applied to the debt, and that, of itself, would be three millions more than can be properly applied to the object in the course of this year, as I have already endeavored to show.

I came here, sir, most anxiously desiring that an arrangement of the public revenue should be made, which, without sacrificing any of the great interests of the country, would reconcile and satisfy all its parts. I thought I perceived in the class of objects not produced within the country, a field on which we could all enter, in a true and genuine spirit of compromise and harmony, and agree upon an amicable adjustment. Why should it not be done? Why should those who are opposed to the American system demand of its friends an unconditional surrender? Our common object should be so to reduce the public revenue as to relieve the burdens of the people, if indeed the people of this country can be truly said to be burdened. The Government must have a certain amount of revenue, and that amount must be collected from the imports. Is it material to the consumer, wherever situated, whether the collection be made upon a few or many objects, provided, whatever be the mode, the amount of his contribution to the public exchequer remains the same? If the assessment can be made on objects which will greatly benefit large portions of the Union, without injury to him, why should he object to the selection of those objects? Yes, sir, I came here, in a spirit of warm attachment to all parts of our beloved country, with a lively solicitude to restore and preserve its harmony, and with a firm determination to pour oil and balm into existing wounds, rather than further to lacerate them. For the truth and sincerity of these declarations, I appeal to Him whom none can deceive. I expected to be met by corresponding dispositions, and hoped that our deliberations, guided by fraternal sentiments and feelings, would terminate in diffusing contentment and satisfaction throughout the land. And that such may be the spirit presiding over them, and such their issue, I yet most fervently hope.

When Mr. CLAY took his seat,

Mr. HAYNE rose. He did not rise, he said, to enter at this time into the discussion of the question. Perhaps he should not, at any time, be disposed to follow the gentleman through the wide field which he had occupied. He certainly had no such intention now: he rose merely to make a motion, and should, in the fewest words possible, state the reasons which had induced him to do so.

The question presented by the resolution, Mr. H. said, was not only one of deep interest to the whole country, but he was persuaded it was by far the most important that could command the attention of Congress during the present session. The period so long and so anxiously looked for and desired, had at length arrived. The public debt was paid, for so gentlemen on all sides had agreed to consider it; and the question necessarily arose, what adjustment of the tariff of duties was to be made in this

new and most gratifying condition of our affairs? Upwards of \$12,000,000 per annum, nearly one-half of the entire amount of the public debt, will (when the debt is paid) cease to be a charge upon the country, and to this extent, at least, the people have a right to expect an immediate reduction of their burdens. But what does the resolution now before us propose? That duties to the amount of only six or seven millions should be taken off, and that the reduction shall be exclusively confined to articles which do not enter into competition with similar articles produced at home; in other words, sir, that articles of universal consumption, and in relation to which every class of the people, and every portion of the country, contribute equally, should be relieved entirely from all taxation, while the high duties on the protected articles were to remain untouched. In a word, that the bands of that mammoth system of injustice and oppression (he meant no offence, but he spoke as he felt) were to remain unrelaxed—a system which was felt and acknowledged in one quarter of the country as a boon and a bounty, and in another as an insupportable burden—a system which, (in the language of the Senator from Kentucky,) if it had “scattered its rich fruits” over any portion of the land, had visited others with its consuming curses.

It could not be denied that the true question here presented was, whether the protecting system was to be wholly untouched, and to be riveted upon the country beyond all hope of relief. And, in this aspect of the question, he must solemnly declare that he considered it as one involving the prosperity, he could say pregnant with the future destinies of this country; for, however this system may have operated elsewhere, it was the deep and settled conviction of those whom he represented, that it had acted upon them as a blight and a pestilence, blasting the fairest fields on which the eye of man had ever rested.

The gentleman from Kentucky had intimated that he had hoped that his proposition might have presented a common ground on which all parties might have met. But how was it possible for gentlemen to suppose that we should meet on ground which involved no concession whatever to our views, but which proposed to maintain the protecting system in all its unmitigated rigor, thus aggravating, instead of diminishing, the inequality and injustice of which we so strongly and so justly complained? The gentleman had, indeed, said that the propriety of some reduction might, perhaps, hereafter be considered; not now, however, when the debt was about to be paid, and the tariff readjusted and fixed on a permanent basis, but at some future and “more convenient season.” But what hope is to be built on this declaration, when the gentleman, in the very same breath, tells us that no considerable or sudden reduction could ever take place. No, that would be destruction; and as to the gradual and moderate reduction recommended by the Secretary of the Treasury, that would be even worse than the other; it would, said the gentleman, be a slow and sure poison, leading to inevitable destruction. It follows, then, clearly, that we are to have no reduction of the protecting duties whatever, either now, or at any future period. In this view of the question, he must repeat that he considered it the most awfully momentous subject that had ever been presented in the course of the history of this Government; and, believing that it required the greatest deliberation, he wished the attention of the Senate to be seriously called to it, that it might be maturely considered, and wisely decided. In the presence of this august body, and before his God, he would repeat his deep conviction that the consequences to grow out of the adjustment of this great question involved the future destinies of this country; and in order that we should approach it with wary steps and becoming caution, he would now move that the further

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consideration of the resolution should be postponed to, and made the order of the day for Monday next.

The motion was agreed to.

THURSDAY, JANUARY 12.

This day's sitting was spent in acting on petitions, resolutions, and private bills.

FRIDAY, JANUARY 13.

After the transaction of some private business, and spending a considerable time with closed doors, The Senate adjourned to Monday.

MONDAY, JANUARY 16.

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The Senate, according to the order of the day, took up the following resolution, submitted by Mr. CLAY on the 10th instant:

Resolved, That the existing duties upon articles imported from foreign countries, and not coming into competition with similar articles made or produced within the United States, ought to be forthwith abolished, except the duties upon wines and silks, and that those ought to be reduced; and that the Committee on Finance be instructed to report a bill accordingly.

Mr. HAYNE moved the following modification of the resolution:

Strike out all after the word "countries," and insert as follows: "be so reduced that the amount of the public revenue shall be sufficient to defray the expenses of Government according to their present scale, after the payment of the public debt; and that, allowing a reasonable time for the gradual reduction of the present high duties on the articles coming into competition with similar articles made or produced within the United States, the duties be ultimately equalized, so that the duty on no article shall, as compared with the value of that article, vary materially from the general average."

Mr. HAYNE addressed the Senate in support of his proposition as follows:

The Senator from Kentucky [Mr. CLAY] commenced his remarks a few days ago, by complaining of the advances of age, and mourned the decay of his eloquence, so eloquently as to prove that it was still in full vigor. He then went on, sir, to make a most able and ingenious argument, amply sustaining his high reputation as an accomplished orator.

With this example before me, Mr. President, said Mr. H., I am almost deterred from offering any apology, lest I should create expectations which it will certainly not be in my power to gratify. And yet, perhaps, it may be permitted to one so humble as myself to say that it belongs not to me at any time, or under any circumstances, and, least of all, at this moment, and on this occasion, to satisfy the expectations of those, if any such there be, who have come here to witness the graces of oratory, or to be delighted with the charms of eloquence. I would not, sir, on this occasion play the orator if I could. I came here to-day for higher and far nobler purposes. I stand on this floor as one of the representatives of a high-minded, generous, and confiding people, whose dearest rights and interests I am now to vindicate and maintain. In such a situation, I would lose every thought of myself in the greatness of the cause. Confiding in the indulgence of the Senate, and deeply sensible of my inability to do justice to the important subject embraced in these resolutions, I shall proceed at once, in the plain, unadorned language of soberness and truth, to the examination of the question before us.

The gentleman from Kentucky set out with the declaration that he did not deem it necessary to offer any ar-

guments in favor of the American system; "that the protecting policy stands self-vindicated; that it has scattered its rich fruits over the whole land, and is sustained by the experience of all powerful and prosperous nations." Sir, we meet these positions at once by asserting, on our part, that the protecting system stands self-condemned; condemned in our own country, by the desolation which has followed in its train, and the discontents it has produced—condemned by the experience of all the world, and the almost unanimous opinion of enlightened men in modern times. And now, having fairly joined issue with the gentleman, we might put ourselves upon the country, and submit the case without argument; nor should I have any fears for the result, if the issue was to be tried and decided by an impartial tribunal, free from the disturbing influence of popular prejudice and delusion, and the strong bias of interests, personal, pecuniary, and political. But, situated as we are, I feel and acknowledge the necessity of making our case to the conviction of this assembly, and the satisfaction of the country. We are seeking relief from an abiding evil—redress from an existing wrong. We cannot stand where we are. We cannot, like the gentleman from Kentucky, rest on mere unsupported assertions. We must submit our proofs, and maintain our positions if we can. It is greatly to be regretted, however, that the gentleman has not seen fit to present some of the strongest arguments in favor of his policy, as such a course might have directed our inquiries to a few leading points, instead of making it necessary for us to wander at large through the wide field of argument presented by the protecting system. The gentleman, however, has so far favored us as to specify two of the advantages which he asserts have been derived from it in this country, and in our day; and I am perfectly willing to try the merits of the system by these tests which he has himself proposed. They shall, if the gentleman pleases, constitute the standard by which its true character shall be determined. In the first place, then, the gentleman asserts, "that the much abused policy of 1824 (the protecting tariff of that year) has filled our coffers, and enabled us to pay off the public debt," a debt of one hundred millions of dollars of principal, and one hundred millions of dollars of interest. Now, sir, if any thing is capable of demonstration, it may be demonstrated that the protecting system could not, by possibility, have contributed, in the slightest degree, to produce this result. One would suppose, indeed, that the very last merit which would be ascribed to this system, was its tendency to fill the "public coffers." It is, unquestionably, to a tariff, arranged and adjusted with a single eye to revenue, that we are to look for such a result. The object of a protecting tariff, as such, certainly is to diminish or exclude importations, and of course to lessen the amount of the revenue derived from duties. The very end and aim of such a system is to substitute for the imported article, paying taxes to Government, the domestic article paying none—to transmute the duty into a bounty to the manufacturers; and just so far as this end is attained, that is to say, just so far as the tariff is protective, must it cut off the public revenue. Do we not all remember that the leading argument in favor of the protecting provisions of the tariff of 1824 was, that they were necessary "to put down a ruinous foreign competition?" and did not one of the fathers of that bill publicly declare "that the vital principle of the system was, that the nation should command its own consumption, and that when the nation did command its own consumption, importations and imposts would cease?" Sir, there are two distinct features in the tariff of 1824—revenue and protection. It is the former that has filled your coffers, and paid off the public debt; and, so far as the latter has operated at all, it must have diminished the revenue, and delayed the extinction of that debt. Sir, I will put it to the candor of the gentleman,

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whether, if the protecting duties under the tariff of 1824 had been less, the revenue would not have been greater, and that, too, without adding to, but, on the contrary, diminishing the burdens of the people, since they would have obtained the articles of their consumption in increased quantities, and at a cheaper rate, and been relieved from the heavy tax which they have been compelled to pay to the American manufacturers. Why, sir, the policy of 1824 actually taxed to prohibition a large amount of goods formerly imported. From a report made by the Secretary of the Treasury in January, 1830, it appears that these prohibited articles amount to about eight millions of dollars per annum, being near one-sixth part of the whole of our imports. Has this part of the policy contributed to fill your coffers? Sir, the case is too plain for further argument; and tried by this test, the policy must be utterly condemned.

The next test by which the gentleman proposes to try this system, is "the rich fruits which it has scattered over the country." Sir, where are they to be found? Is it in the West? I appeal to the gentlemen from that quarter. We have heard a great deal of the flourishing condition of the manufacturing establishments elsewhere; but where are the manufacturing villages, the joint stock companies, the splendid dividends, and other evidences of prosperity to be found in the West? I submit it to the candor of the gentlemen, whether the benefits of the protecting system, so far as the West is concerned, do not rest still in hope—whether the system would be sustained a day, if it were not for its supposed connexion with internal improvements—whether it is not indebted for its popularity in that quarter, to the unhappy, the fatal marriage between the tariff and internal improvements—a union which I yet hope to see dissolved. It was a left-handed—an unlawful marriage; and surely those whom God hath not joined, man may put asunder. Sir, there are, doubtless, some flourishing manufactories scattered here and there throughout the Western country—chiefly confined, however, to situations beyond the reach of foreign competition, and owing nothing to the protecting system. But the West has not been rendered prosperous by these establishments. I appeal confidently to their actual condition at this time. With regard to the gentleman's own State, I will apply a test which cannot deceive us. When the policy of '24 was before Congress, the Senator from Kentucky stood forth as its champion, and it was my lot to attempt to answer his arguments. It is true, sir, that his speech was made in the other House, and mine on this floor; but his argument had been sent forth as the manifesto of the party—it was printed in pamphlet, and laid on the tables of the Senators; and, embodying the views of the tariff party, it was impossible for me to pass it over. I well remember, therefore, that, on that occasion, the gentleman argued that Kentucky was to participate in the protecting system, by raising large quantities of hemp, and supplying the Southern States with cotton bagging; and he strongly insisted that she was then only prevented from so doing, by the ruinous competition of the inconsiderable Scotch towns of Inverness and Dundee. And what is it, sir, that we hear now, after the lapse of eight years? The old story repeated. Kentucky still deprived of the benefits of the protecting system by those formidable rivals, Inverness and Dundee. They still constitute "the lion in the path," and foreign manufactures ever will be "a lion in the path" to those whose prosperity depends on the protecting system. We know that the manufacture of cotton bagging is a simple process, requiring hardly any skill or capital, and yet the great State of Kentucky cannot get along with it, in consequence of the formidable rivalry of two miserable Scotch towns, the inhabitants of which are said to be so poor and destitute that they are obliged to import their fuel, and send to Dantzic, twelve hundred miles up the Baltic, for their hemp, paying a

freight equal to the first cost. It is perfectly clear, therefore, that Kentucky has not realized the promised blessings of the protecting system; and, I am told that this is substantially true of the whole West. But, sir, if the West has gained nothing by the system, she has had her share of the taxes which it imposes—she has paid her proportion of duties to the Government, and bounties to the manufacturers, and, in consequence of the dire calamities which the system has inflicted on the South, blasting our commerce, and withering our prosperity, the West has very nearly been deprived of her best customer. When the policy of '24 went into operation, the South was supplied from the West, through a single avenue, (the Saluda Mountain Gap,) with live stock, horses, cattle, and hogs, to the amount of considerably upwards of a million of dollars a year. Under the pressure of the system, this trade has regularly been diminishing. It has already fallen off more than one-half; and from an authentic return, now before me, it appears that it has been further diminished near one hundred and fifty thousand dollars during the last year. So much for the rich blessings bestowed upon the West by the protecting system.

We come now to the South. If any portion of the rich fruits of this system have been scattered there, they have not fallen under my observation. Sir, we know them not—we see them not—we feel them not. It may be supposed, however, that we are too full of prejudice, or too ungrateful, to acknowledge the blessings it has bestowed upon us. Sir, we have heard of men having honor thrust upon them, and perhaps there may be such a thing as having benefits thrust upon an unwilling people: yet I should think that, even in such a case, they would soon become reconciled to their lot, and submit to their fate with a good grace. But I assure the gentleman that the condition of the South is not merely one of unexampled depression, but of great and all-pervading distress. In my own State, the unhappy change which has within a few years past taken place in the public prosperity, is of the most appalling character. If we look at the present condition of our cities, (and I will take Charleston by way of example,) we find every where the mournful evidence of premature decay. Sir, the crumbling memorials of our former wealth and happiness too eloquently teach us that, without some change in your policy, the days of our prosperity "are numbered." Sir, it is within my own experience, that, in the devoted city in which my lot has been cast, a thriving foreign commerce was, within a few years past, carried on direct to Europe. We had native merchants, with large capitals, engaged in the foreign trade. We had thirty or forty ships, many of them built, and all owned, in Charleston, and giving employment to a numerous and valuable body of mechanics and tradesmen. Look at the state of things now! Our merchants bankrupt or driven away—their capital sunk or transferred to other pursuits—our shipyards broken up—our ships all sold! yes, sir, I am told the very last of them was; a few months ago, brought to the hammer—our mechanics in despair; the very grass growing in our streets, and houses falling into ruins; real estate reduced to one-third part of its value, and rents almost to nothing. The commerce, which we are still permitted to enjoy, diverted from its proper channels, carried on with borrowed capital, and through agents sent among us, and maintained by the tariff policy, bearing off their profits to more favored lands, eating out our substance, and leaving to our own people the miserable crumbs which fall from the table of their prosperity. If we fly from the city to the country, what do we there behold? Fields abandoned; the hospitable mansions of our fathers deserted; agriculture drooping; our slaves, like their masters, working harder, and faring worse; the planter striving with unavailing efforts to avert the ruin which is before him. It has often been my lot, sir, to see the once thriving planter reduced to despair, cursing his hard fate,

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gathering up the small remnants of his broken fortune, and, with his wife and his little ones, tearing himself from the scenes of his childhood, and the bones of his ancestors, to seek, in the wilderness, that reward for his industry, of which your fatal policy has deprived him.

Sir, when we look at our fertile fields, and consider the genial climate with which God has blessed the South—when we contemplate the rare felicity of our position, as the producers of an article which, under a system of free trade, would command the markets of the world—is it not enough to fill our hearts almost to bursting to find the richest blessings that an indulgent Providence ever showered down upon the heads of any people, torn from us by the cruel policy of our own Government, to find the bounties of Heaven thus blasted by the hand of man? Sir, I will not deny that there are other causes besides the tariff which have contributed to produce the evils which I have depicted. Trade can, to some extent, be carried on with greater facility at New York, and cotton may be raised more profitably in Alabama; but these advantages would not have broken up the commerce or depressed the agriculture of South Carolina, while an unrestricted intercourse with foreign nations enabled us to realize the most moderate profits! Men do not quit their accustomed employments, or the homes of their fathers, for any small addition to their profits. It is only when restriction has reached a point which leaves the door still open to one, while it closes it against the other, that this result is produced; and, therefore, it is, that a rapid transfer of capital and population is now added to the other evils with which the old States are afflicted.

In this condition of the country, where is there to be found a fulfilment of the promises held out to the South in 1824? We were then told that we had mistaken the true character of this system. We were entreated only to try it for a short time. We were told that the taxes imposed on foreign articles would be but temporary; that the manufactures would want protection but for a short time—only to give them a start—and that they would soon be able to stand alone. We were to have had a double market for our cotton—high prices, reviving commerce, and renewed prosperity. Sir, after the experience of four years, the tariff of '28 came up for consideration, by which the protecting system was to be further extended and enlarged. And what was found to have been the result of four years' experience at the South? Not a hope fulfilled, not one promise performed—and our condition infinitely worse than it had been four years before. Sir, the whole South rose up as one man, and protested against any further experiment with this fatal system. The whole of the representatives of seven States, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Tennessee, (with, I believe, but three dissenting voices,) recorded their votes against that bill. Sir, do not gentlemen find in this fact some evidence of the dangerous character of that legislation on which this system is based? Can it be wise—can it be just—can it be prudent—to adopt and enforce a policy so essentially sectional in its character? Can we hope for harmony, peace, and concord, while enforcing a system against which an entire section of your country so strongly revolts? It is the essential principle of the representative system, that a mutual sympathy of feeling and of interest should bind together the people and their rulers; and it may be worthy of profound reflection how far that principle is essentially preserved by a scheme of legislation, under which the feelings and interests of so large a portion of the country are outraged and trampled on, when taxes are imposed, not by the representatives of those who are to bear the burdens, but of those who are to receive the bounty.

Now, sir, let us turn our attention to the North. And here I cannot speak from my own knowledge, but I am free to confess that if we are to credit the accounts we

have heard, the rich fruits of the system have been scattered in this quarter with a profuse hand. We are told that manufacturing establishments have sprung up every where as if by enchantment. Thriving towns and beautiful villages cover the whole face of the land. Millions of capital have been withdrawn from other pursuits, and invested in manufactures. Joint stock companies are receiving enormous dividends; and the people (at least in the neighborhood of the establishments built up and sustained by the system) are rejoicing in a prosperity unexampled in the history of the world. But, sir, in the midst of this universal joy, we hear occasionally the voice of lamentation and complaint. There are those north of the Potomac, wise, and experienced, and patriotic men, well acquainted, too, with the actual condition of things, who tell us that this apparent prosperity is in a great measure delusive; that the system has operated in building up a favored class at the expense of the rest of the community; that it has, in fact, made the "rich richer, and the poor poorer." I have before me several statements, all going to prove these assertions, as to several of the most flourishing manufacturing establishments of the North. I will trouble the Senate with but one of them, and that merely by way of illustration. The article is from the pen of one of the ablest political economists in the Union—one who has laid his country under a lasting debt of gratitude.

[Mr. HAYNE here read a statement from the Banner of the Constitution, proving that a flourishing cotton manufactory at the Falls Village, in New Hampshire, was, from their own showing, maintained by a tax on the community, exceeding the entire profits of the establishment by \$101,000 per annum; and that, if a purse was made up, and every operative man, woman, and child paid one hundred dollars per annum for standing idle or turning grindstones, the public would be gainers by \$101,000 annually.]

It will be seen, therefore, that, with regard to some, at least, of our most flourishing manufacturing establishments, the profits derived are drawn from the pockets of the people. But, it will be said, "here is a case in which the South participates in the bounty; here is a home market found for three thousand bales of Carolina cotton." Sir, I seize the opportunity to dispel forever the delusion, that the South can derive any compensation in a home market for the injurious operations of the protecting system. The case before us affords a striking illustration of this truth. The value of the raw material is about one-fourth part of the manufactured article. Now if the cotton goods manufactured at the Falls Village were imported from England, instead of being made in New Hampshire, we should find a market for twelve thousand bales of our cotton instead of three; so that, instead of gaining a market for three thousand bales of cotton, we have lost a market of nine thousand. The home market for our cotton is not a new, or additional, but a substituted market. If the trade were free, the goods manufactured in this country would be imported from England, and paid for in our cotton; but, in cutting off the imports, you, of course, to the same extent, diminish our exports. Now suppose, to make this matter too plain for cavil or dispute, that we exported to Great Britain one hundred thousand bales of cotton, worth (at thirty dollars a bale) three millions of dollars, and that we received in exchange three millions of dollars worth of British cotton goods. How much of our cotton would it take to manufacture these goods? Why, just twenty-five thousand bales, while the remaining seventy-five thousand would be disposed of on the continent. But suppose the importation of these goods prohibited, in order that they should be made at home, what portion of this cotton would find a home market? Only twenty-five thousand bales, and the remaining seventy-five thousand must be left on our hands. Thus, it will

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be seen that the effect of substituting a home market in the place of a foreign market for our cotton, would be to deprive us entirely of a market for three-fourths of our productions. This result is inevitable, unless the domestic manufacturer can enter into competition with the British in foreign markets—an idea altogether too extravagant to be worthy of serious notice; for surely if any thing can be considered certain, we may safely assume that articles which cannot be manufactured at home, without a protecting duty off from fifty to one hundred per cent., cannot enter into competition with foreign manufactures in the markets of the world, where they will, of course, have no protection whatever. But to return to the condition of the North under the protecting policy. If the rich fruits of the system in that quarter were greater even than they are alleged to be, I should still think that they have been purchased at too dear a rate. It has even there depressed our commerce, disturbed all the relations of society, and had a tendency to produce that inequality of fortunes which may, one day or other, be fatal to the liberties of this country.

Surveying, with the feelings of an American, the actual condition of things, I should certainly be disposed to exchange all the blessings which the protecting system has produced, even in New England, for those which it has destroyed. In the place of the splendid villages, flourishing manufactories, joint stock companies, and lordly proprietors, clothed in fine linen, and faring sumptuously every day, as a patriot, I should be disposed to say, give me back the ships which have been destroyed, the merchants which have been reduced to bankruptcy, the sailors that have been forced into foreign service, the "plundered ploughmen and beggared yeomanry," who have been driven from the pursuits of their choice into the gloomy walls of a manufactory; give me back these; and, above all, give me back content; restore the peace and harmony which this system has destroyed, and I will consent that every manufacturing establishment shall be razed to its foundation, which has been built up, and can only be sustained, by this accursed system. Sir, if wealth were the highest good of a nation, and pecuniary profit the only standard by which a wise policy could be measured, it would even then be more than questionable how far this system could be justified. But there are higher and more sacred principles involved in this question, which cannot be safely disregarded; there are considerations of justice and political equality, which rise far above all calculations of mere profit and loss. Sir, what will it profit you if you gain the whole world, and lose the hearts of your people? This is a confederated Government, founded on a spirit of mutual conciliation, concession, and compromise; and it is neither a just, prudent, nor rightful exercise of the high trust with which you are invested for the common good, to resort to a system of legislation by which benefits and burdens are unequally distributed. Sir, can any gentleman look this subject fairly in the face, and not perceive that such a Government as ours (instituted for a few definite purposes, in which every portion of the Union must, from the very nature of things, have a common interest) cannot turn aside from their high duties, and undertake to control the domestic industry of individuals, without undermining the very foundations of our republican system? It is contrary to the whole genius and character of our institutions, the very form and structure of our Government, that it should undertake to regulate the whole labor and capital of this extensive country. A perseverance in this course will sow the seeds of dissension broadcast throughout the land; and let it be remembered that discord is not a plant of slow growth, but one that flourishes in every soil, and never fails to produce its fruit in due season. What a spectacle do you even now exhibit to the world? A large portion of your fellow-citizens, believing themselves to be

grievously oppressed by an unwise and unconstitutional system, are clamoring at your doors for justice, while another portion, supposing that they are enjoying rich bounties under it, are treating their complaints with scorn and contempt. God only knows where all this is to end. But it "will not, and it cannot, come to good." We at the South still call you our brethren, and have ever cherished towards you the strongest feelings of affection; but were you the brothers of our blood, for whom we should coin our hearts, it is not in human nature that we should long continue to retain for you undiminished affection, when all hope of redress shall have passed away, and we shall continue to believe that you are visiting us with a hard and cruel oppression, and enforcing a cold, heartless, and selfish policy.

I shall now proceed, Mr. President, to examine the character of the protecting system. And here I shall assume, that the protection it extends to the American manufactures is something substantial, and affords some advantage, be it more or less, to the protected interests. I shall take it for granted that it is intended to enable the American manufacturers to enter into that successful competition with the foreign, which they could not do without such protection; that the effect of the system is to enable the American manufacturer to obtain more for his goods than he could otherwise command. In a word, that it affords substantial protection, and is not like that extended to cotton—a mere name. For, on this latter point, let it be remembered that the first cotton produced in this country found a market abroad; and that, even now, nearly the whole of it is disposed of in Europe, where it maintains a successful competition against all the world. It is idle, therefore, to talk of the benefit of a protecting duty to cotton at home. It is beyond all dispute, sir, that, if any duty be necessary to protection, it can only be because it enables the manufacturer to sell his goods for more than he could otherwise obtain for them. Now, in this view of the subject, let us see how the question will stand. How must such a system operate? First, on the different interests, and, secondly, on the different sections of the country. We will assume that a particular manufacture cannot be produced in the country, within fifty per cent. as cheaply at home, as the same article could be obtained from abroad, and that a duty which, with charges, should be equal to about fifty per cent. was absolutely necessary to introduce and to sustain it. Such a duty must operate as a tax on every other class in the community, for the benefit of the manufacturer; and, supposing it to be imposed, not for revenue, but protection, would be a double tax. Suppose the value of the imported article to be a million of dollars, the duty would be half a million; and if the protection amounted to an equal sum, here would be a tax of a million of dollars imposed upon the whole people, to secure a bounty of half a million to one portion of them. But it is said the bounty is not confined to the manufacturers—that other classes participate. I admit that there is a circle embraced within the range of the manufacturing influence, that partake of the benefits of the system. Farmers in the neighborhood, who supply the operatives with food—mechanics, who construct the buildings and machinery—clergymen, physicians, lawyers, and others, who make up a manufacturing village, all come in for a share of the gains, and constitute, in fact, the protected class which enjoy the benefits of the system; but all other classes in the community must obviously be laid under contribution, to make that a profitable, which would otherwise be an unprofitable pursuit; and, in the case assumed, would be taxed to the amount of one million of dollars, to secure to the favored class a bounty of half a million. Now suppose, sir, such a system as this to be extended to all the cottons, woollens, iron, and sugar, made in any country, and we will take that country to be the United States. We will suppose, further, that cottons

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could not be profitably manufactured without a protecting duty of from twenty-five to a hundred per cent.; woollens from forty-five to two hundred per cent.; iron from one hundred to two hundred per cent.; sugar from one hundred to one hundred and fifty per cent.; and that these duties were accordingly imposed on these several articles, (amounting in the whole to the sum of nine millions of dollars annually;) that, in consequence of these duties, the protection on all the cottons manufactured in the country was equal to three cents a yard, and amounted to six millions of dollars per annum—woollens to eight millions—iron to one million—and sugar to a million and a half—producing, as the result of the whole system, a tax of nine millions on the foreign article, to secure a bounty of sixteen millions and a half to the home manufacturers. I have supposed protection to be the exclusive object of this system, and it then clearly follows that all other classes would be taxed twenty-five millions of dollars per annum, in order to secure to the favored class a protection of sixteen millions. The Government would, indeed, receive its nine millions: but it would be an aggravation of the evils of the system, that this amount should be levied when it was not wanted, in order to secure the protected classes in their monopoly. The rates of duties which I have here assumed, are those now actually imposed on the protected articles, (and which it is proposed to retain as essential to protection,) and the amount of the protection enjoyed by the manufacturers is stated at the very lowest that has ever been estimated by any person who has undertaken to examine the subject. If you suppose half of the duty here stated to be necessary for revenue, this would not diminish the weight of the burden, though it would lessen to that extent the injustice of the tax; and let gentlemen make what deductions they please, either from the duty imposed or the bounty received, and it will make no difference whatever in the principle. Whether it be one million or twenty, just so far as the system is protective in its character, and imposes any tax upon the foreign article, and affords any protection whatever to the domestic, is the system a tax imposed upon the other classes to render profitable the industry of the manufacturers. And when this tax amounts, as it unquestionably does in the case before us, at the very lowest estimate, to twenty or thirty millions a year, it becomes a scheme of monstrous injustice and oppression. Now let us trace this system one step further. Suppose such a system applied to a country of a homogeneous character, with the same capacity for manufacturing every where, and that manufacturing establishments should consequently be equally diffused through every section. The benefits and the burdens of the system would, in such a case, fall equally upon every portion of the country, though not upon the different interests of the State. It has been said that, if the profits of manufactures were raised by such a system above the average of the profits of the whole community, the labor and capital absorbed in other pursuits would flow into the new employment, and that the whole would ultimately be equalized. Admit that in process of time this might be the result; yet it could not take place at once, because men cannot transfer at pleasure their labor and capital from their accustomed pursuits to others. But if the profits should be thus ultimately equalized in a particular community, yet, if the favored pursuit was only rendered profitable by the protection extended to it, it is clear that the scheme would result in an aggregate loss to the whole community, equal to the full amount of the bounty. I have assumed the case of an unprofitable pursuit being rendered profitable by the protecting system, for to any other case the system is wholly inapplicable. If the domestic manufacturer can make his goods as cheaply, and supply the domestic market on as favorable terms, as they could be obtained from abroad, then it is clear that no protection whatever would

be necessary. It may be that in the very infancy of a manufacture, on its first introduction into a country, a small protection for a short time might hasten its advancement; but, at most, the withholding of such protection could have no other effect than to delay its introduction for a few years; for the existence, in any country, of unemployed capital, and individual sagacity and enterprise sufficient to direct it prudently, would soon lead to the introduction of every branch of manufactures for which such country was really prepared. But this stage of infancy once passed, it is preposterous to talk of the necessity of protecting any article that can really be made as cheaply at home as it can be obtained from abroad; and to assert that to reduce such protection to twenty or thirty per cent. would be ruinous to any manufacture, is to admit at once that such article cannot be profitably made at home, and consequently that it can only be sustained at the expense of the other interests in the community. Now, sir, let us suppose another case, and it is unhappily the very case which now exists in the United States. We will suppose an extensive country, of which one portion is exclusively agricultural, and incapable of changing its pursuits; and that the other portion embraces within its limits all the manufactures and manufacturing capacities of the whole country. The bounty would then be exclusively enjoyed by one section, and the other would share only in the burdens of the system. To make the inequality still greater, it is only necessary to suppose that the agricultural section is not only incapable of manufacturing at home, but is prevented, by insuperable obstacles, from emigrating or removing their property to the manufacturing region; that their industry can only be profitably employed in exchanging their agricultural productions for the very foreign articles which enter into competition with the domestic manufactures, and which are heavily taxed for the protection of the latter; that the effect of such tax is not only to interrupt the intercourse and impair the profits of their industry, but that the agricultural section is thereby exposed to the imminent hazard of having the market for their productions entirely cut off; and, finally, to cap the climax of this injustice and oppression, that the taxes levied on the foreign articles are expended almost exclusively in the favored region; and you then have, Mr. President, the whole case of the South spread open before you. Their pursuits are altogether agricultural—they cannot change them—they cannot transfer their labor and capital to the favored region—they cannot find a market for their productions, except by exchanging them for the very foreign manufactures which are taxed almost to prohibition, and the taxes thus raised are expended in other sections. Is there a man in this assembly who can lay his hand upon his heart, and say that it is a just and equal system? It may be said, however, that all this is merely the result of our peculiar condition, and the nature of our pursuits. It is not so, sir. All we ask, is to be let alone. Leave us to the free enjoyment of the bounties of heaven, and the advantages of our situation, and we ask no more. But where is the justice and equality of a system of legislation which is to make profitable the industry of others by the destruction of our own? And by what right is it that we are to be made victims to the prosperity of others? I will here borrow an illustration to make this matter plain. The Southern States supply themselves with woollens, cottons, and iron, by raising cotton, rice, and tobacco. Now, suppose we should exchange a bale of cotton for a bale of coarse woollens, for the use of our slaves, containing, we will say, a hundred pieces. This bale of cloth is ours. It is the fruit of our own labor, of American capital, and home industry. We may be said to have manufactured it, not with the spindle and the loom, but with the plough and the hoe. Now, sir, we will suppose that a Northern manufacturer has, by the application of an equal amount of labor and capi-

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tal, produced a similar bale of woollens, of precisely the same quality and value. In what respect is the manufacturer entitled to be regarded with more favor than the planter? Does the freight which we may have paid to the ship owner, and the employment given to navigation, entitle us to less favor in the eyes of the Government? Are the plough and the hoe less favored instruments of production than the spindle and the loom? Perfect equality, sir, would seem to require that we should stand, at least, on the same footing, and that, whether these woollens were wanted for consumption or for sale, they should be subjected to exactly the same tax. But how are we treated by a just and paternal Government, who careth, we are told, equally for all her children? Our bale of woollens is stopped at the custom-house, and forty pieces are taken out as a tax to the Government, whereby our stock is reduced to sixty pieces, while the bale of the manufacturer is free from all taxation. If these articles are wanted for our own consumption, we can consume but sixty pieces; while the manufacturer retains his hundred pieces. If the goods are wanted for sale, we have but sixty pieces to be converted into money, or to be exchanged for other commodities; while the manufacturer has his hundred pieces for the same purposes; and if we should happen to meet at the same market, as the two articles should sell at the same price, being of the same quality, the manufacturer will, of course, realize forty per cent. more than the planter. Now, sir, what are we to do in this dilemma? How are we to escape this unequal burden? The Senator from Kentucky, [Mr. CLAY,] on a former occasion, taxed his ingenuity to provide us the means of escape; and I must presume that, if his ingenuity failed, the case is altogether without hope. There are four ways, said the Senator, by which the South may avoid the tax. First, "by abstaining from the purchase of the foreign articles." But, sir, we cannot do without them; and this trade, moreover, furnishes the only market for our productions. To adopt this alternative, would be to seal our ruin. Secondly, said the gentleman, "employ the rival American fabric." But, sir, if the manufacturer would take our cotton in exchange for his productions, (which he cannot do, except to a very limited extent,) we should pay as heavy a tax in the price of the domestic, as in the duty on the foreign fabric; for no one will pretend that, if the quality be the same, there would be any difference of price in the American market. Thirdly, "manufacture for ourselves." Sir, we cannot manufacture. Except as to a few coarse articles, slave labor is utterly incapable of being applied to such an object. Slaves are too improvident, too incapable of that minute, constant, delicate attention, and that persevering industry which is essential to the success of manufacturing establishments. It was but the other day that some of our New England brethren got it into their heads that they understood our institutions better than we did ourselves, and undertook to create a splendid manufacturing establishment in the district represented by my distinguished and valued friend, [Mr. McDUFFIE.] It was accordingly put into operation, but had gone on but a short time, when one of the slaves was tempted to make free with the goods, and, to prevent detection, burnt up the whole establishment. It might be supposed, sir, that the people of South Carolina would not have been inclined to punish such an offence with great severity; and if the culprit had escaped, I presume we should not soon have heard the end of it. Not so, sir, however. We have a law which punishes arson, whether committed by a black or a white man, with death. The offender was brought to trial, and, being convicted on the clearest proof, suffered the penalty of the law. And, sir, to show how little justice is sometimes meted out to the South, I will state the fact, that, since I arrived here, I have seen an account of this transaction in print, headed, with large capitals,

"cruelty to slaves," and representing that a poor innocent negro had recently been hanged in South Carolina for burning down a building by accident. I think, sir, the gentleman will now himself admit that, to embrace this proposition, would only be, to use an old adage, "jumping out of the fryingpan into the fire." The last remedy suggested by the gentleman is, that we should "supply ourselves with household manufactures." What, sir, give up our foreign trade! Abandon our agricultural pursuits, and involve the whole Southern country in desolation and ruin! Are we to be driven from the pursuits of our choice, in order to promote the industry of the manufacturers?

The case which I have stated, of the bale of woollens, illustrates the unequal operation of this system upon the agricultural industry of the South, and the manufacturing industry of the North. What is true of a single bale, is true of the whole amount of foreign importations which are taxed for the protection of the domestic manufacture; true of the eight millions of imports received in exchange for the production of South Carolina; and of the forty millions received in exchange for the productions of the plantation States, or, at least, of so much thereof as embrace the protected articles. Our Northern friends say, however, that part of our cotton and rice belongs to them. Be it so. Whatever remains to us, and is rightfully ours, is subjected to the unequal system which I have above described. Sir, it is put beyond all dispute, that the agricultural industry of the South is taxed, unequally, unjustly, enormously taxed in its foreign exchanges, in order to render profitable the manufacturing industry of the North. Taxed, I will not say to what extent, but precisely to the amount of the duty imposed for protection, and the price added to the domestic article, whatever these may be. It is said, sir, that the consumer pays the tax, and that the tariff States pay their full portion of the tax on their consumption. Sir, I think this may be well doubted—our habits are different. A South Carolina farmer, whose crop is worth a thousand dollars, sends, perhaps, the whole of it to market, and exchanges it for foreign productions, paying, it may be, a duty of fifty per cent.: his tax would be five hundred dollars. The Northern or Western farmer raising produce to the value of a thousand dollars, will consume nine hundred of it on his farm, and exchange but a hundred for foreign articles, and be subjected to a duty of only fifty dollars. This difference of habits between the different parts of the country is greater than would be supposed possible. I have known a wealthy planter in the neighborhood of Charleston, that did not raise a single article that was not sent to foreign markets, and who purchased every thing that was consumed by himself or his slaves. His cloth from England; his wines from France; his horses, mules, and hogs, from the West; his corn from Maryland; wooden ware, potatoes, and other notions, from New England; and I assure our New England friends, that although we do not relish all of their notions, there are some that we prize very highly. But, sir, if the consumer did, in every case, pay the whole amount of the tax, and the consumption was in exact proportion to population, could gentlemen even then fail to see the wide difference in the operation of the protecting system on the two sections, when they consider that the tariff States are remunerated, and more than remunerated, for any tax which they may pay, in the bounties they receive, while we receive no remuneration whatever? If this be doubted, I will apply a test, which, I think, cannot possibly deceive us. Do our New England brethren not understand their own interest? Do you think, sir, that they would be very apt to fall in love with taxation, and court the impositions of burdens? How comes it, then, that they have been taught to believe that "taxation is no tyranny," but, on the contrary, the greatest of earthly blessings? Why is it that they would regard as the heaviest of calamities the reduction of the

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public burdens? Is it not clear, then, that they regard the duties as a bounty to their industry, and that they know that they have the power to indemnify themselves for all that they pay in duties?

But, sir, there is another view of this matter, which demonstrates, I think, still more plainly, the inequality of the system. I allude to its effect upon the people of the South, as producers of the articles which are exchanged for foreign commodities. There are very able men, sir, who have undertaken to prove that we suffer from this system chiefly in our character as producers. To my mind, it is morally certain that the people of the South, either as producers or consumers, support a burden nearly, if not entirely, equal to the whole amount of the tax levied on their importations. The precise manner in which this operates, is a problem not so easy of solution. I will endeavor to explain, however, very briefly, my conception of the process.

We will suppose a perfectly free trade to be carried on between the Southern States and Great Britain: that is to say, that the articles on both sides were admitted duty free. In this state of things, a progressive tax, equal to five per cent. per annum, is imposed on British manufactures for the protection of our own. The first duty of five per cent. would, doubtless, be added to the price. Before this progressive duty had advanced many steps, however, the period would arrive when no additional charge could be sustained by the consumer, without a reduction of his consumption. The next five per cent. then imposed would have to be sustained by the merchant, or the foreign manufacturer, or the producer of the cotton, and would, most probably, be divided among them. In this manner, as the system progressed, the profits of the merchant would be reduced to the lowest scale; those of the manufacturer would also be brought down, and the Southern producer would, in his turn, be compelled to submit to a reduction in the price of his productions. Each successive step in the further progress of the system would sink lower and lower the price of his cotton, until it was reduced to the very lowest sum that would pay the expense of its production. The very next step must, of course, annihilate the trade, by rendering it unprofitable to all concerned. Sir, there may be a difference of opinion as to the point to which we have now arrived in the progress of this system; (for, let it be remembered that the system is still progressing;) but, to my mind, it is clear that we have long since passed the point at which any further reduction of profits could possibly be extorted from the merchant or the manufacturer, and that every successive increase of the tax for years past has fallen almost exclusively upon the producer.

The proof of this is to be found in the fact that cotton has, within a few years, been gradually falling, until it has lost more than two-thirds of its value, and now barely pays the expense of its production, bringing down with it the wages of our agricultural labor and capital to the very lowest point. Some gentlemen insist that the Southern producer now bears nearly the whole of the tax, while the gentlemen on the other side contend that it is a maxim universally true that the "consumer pays the tax." I am inclined to think the truth lies in the middle. I can certainly conceive a state of things in which the producer would, as such, pay nearly the whole of the tax; but, except where the tax is a very moderate one, or is imposed upon the absolute necessities of life, it is impossible that the whole of the weight could be thrown upon the consumer. No one, surely, would contend, that if any community were in the habit of consuming fifty millions of foreign goods, imported duty free, they could afford to consume any thing like the same amount under a duty of fifty per cent., if the whole duty were added to the price. But whether the tax be, in general, paid by the producer or the consumer, or be divided between them,

to my mind it is clear that, in the actual condition of things, the burden falls most unjustly and unequally on the Southern States. I will illustrate this. We will assume that South Carolina annually exchanges eight millions of dollars worth of cotton and rice for foreign goods, paying a duty of fifty per cent., equal to four millions of dollars. Now, suppose the consumer to pay the whole tax, how would the account stand? Assume that no more than one-half our importations are consumed at home, say

\$4,000,000

The tax, at 50 per cent., would be	2,000,000
Suppose two millions exchanged with our Northern brethren for protected articles, the increased price of which would be equal to the duty, this would be	1,000,000

Making,	\$3,000,000
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The remaining two millions being exchanged for unprotected articles, a tax of one million would be paid on the consumption by our Southern and Western brethren. From this state of the case, it would follow that, if the consumer pays the whole tax, we would pay, as consumers, three millions out of these four imposed upon the foreign articles received in exchange for our productions, though we should consume only half of them. But if we take it for granted that the tax cannot be added to the price, we would of course get back no part of the duties paid at the custom-house; and, in that case, we should bear the whole burden. It has been said that the duties on imported articles fall chiefly on the merchant and the foreign manufacturer; but I hold this to be impossible, for surely two or three per cent. is the utmost reduction that can be made from the profits of the merchant, and not much more could be taken off from those of the manufacturer. Indeed, how could it be expected that the American demand for British manufactures would materially affect their price, when not more, probably, than a twentieth part of the whole finds a market in this country? It is on the American producer, therefore, that this tax must chiefly fall. Sir, the duties upon imports are either paid by the consumer, or they are not. If they are paid by him, I have shown that the far greater portion of the duties on the goods received in exchange for our cotton falls upon the planter, and that for this he receives no remuneration whatever. If the duties are not paid by the consumer—that is to say, if they are not added to the price—then it is manifest that the whole amount of duties falls upon us, without the possibility of relieving ourselves from any part of the burden. As to the popular notion that all consumers must pay equally, I will ask any gentleman to tell me how it is with those who consume the tax. Here is a tax of sixteen millions imposed, directly or indirectly, upon Southern production. Fourteen millions of this amount are transferred to the North, and there consumed. Are the consumers of these fourteen millions taxed on their consumption paid as highly as those who have the whole amount?

Sir, I have done with this branch of the subject. Great as are the present evils of the system to the South, there are greater still—in prospect. We are seriously threatened with the entire loss of the foreign markets for our productions. All trade is but an exchange of equivalents, and is founded on the maxim of "give and take." If you exclude British goods from our market, you, in effect, exclude our cotton from their markets. It is in vain to tell us that England must have our cotton. You may force her to do without it. Even now she supplies herself, to a great extent, from other countries; from her East India possessions, Egypt, Brazil, and elsewhere; and you will make it her interest, in the end, to give up the American trade entirely. Even now she is looking to this as a possible event. You find her encouraging the production of

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cotton in the East Indies, by a discriminating duty to which you have forced her, and stimulating the production of the article in South America, where she is furnished with a market for her manufactures, almost duty free. Can we, then, be blind to the fate that awaits us when the American system shall be consummated, and we shall be cut off from a market for seven hundred thousand bales of our cotton?—an event that it is hardly necessary for me to say would involve the whole South in irretrievable ruin. It is idle for gentlemen to pretend that the North can ever furnish a home market for all the cotton of the South. Two or three hundred thousand bales is the utmost extent to which we could find a market in that quarter. The catalogue of the evils of this system, however, is not yet completed. It is not merely the mischief it has done, and the still greater evils which it threatens, but it has arrested our march to greatness, and prevented us from fulfilling our high destinies. What would have been the condition of this country now, if we had never been deprived of the blessings of free trade? Why is it that our tonnage and our exports have not grown with our growth, and strengthened with our strength? It is because our prosperity has been blasted by the restrictive system. Look, sir, at this picture. In 1810, with a population of seven millions, we had a tonnage of one million four hundred thousand. In 1831, with a population of thirteen millions, our tonnage is reduced to one million two hundred thousand; and, going still further back, in the year 1800, our exports amounted to eighty-one millions, while now, with a population of thirteen millions, our exports are reduced to seventy-two millions.

Thus, while our population has increased nearly threefold, our foreign commerce has not advanced at all. Sir, if Washington's free trade system had continued unto this day, (for be it remembered that Alexander Hamilton's protecting system was essentially a system of free trade, imposing duties only of from five to seven and a half per cent.) can it be doubted that we should now have had a tonnage of two millions and a half, and that our exports would have amounted to one hundred and fifty millions? I am told that one of the ablest financiers in this country has recently declared that he should consider an average duty of twelve or fifteen per cent. *ad valorem* as abundantly sufficient for all the purposes of revenue; and that, under such a system, our imports and exports would, in his opinion, exceed a hundred millions of dollars the very first year. I know, Mr. President, that it has sometimes been said that the evils under which the South is suffering arise from the over-production of cotton; but this is not so. Cotton is an article, the production of which cannot be overdone. It is the cheapest of all known raw materials. It is fast superseding silk, wool, hemp, and flax, all over the world. As a proof of this, I will advert to the fact that, during a period, in England, when her woollen manufactures advanced from five millions of pounds sterling to six, the cotton manufactures progressed from one million to more than thirty. If you would take off your duties, and throw open to us the markets of the world, American cottons would, to a great extent, supersede all others, and we should find a market, not for one, but two millions of bales. The whole South would then, indeed, become a "garden spot." But it is insisted by the supporters of the protecting system, that its only effect is to make our goods come cheaper. Sir, if this were true, I will venture to assert that the manufacturers themselves would be the very first to abandon the system. Their object, certainly, is not to lessen, but to increase their prices. Even if this were the case, however, I am unable to discover how the cotton planter could be compensated for the loss of his market. How is this supposed reduction to be brought about? By competition, say the gentlemen, between the British and the American manufacturer. But if it is competition that is to pro-

duce this reduction of prices, the manufacturer, on both sides, must be put on an equal footing. What sort of competition is that which is founded on a discrimination of fifty per cent. in favor of one of the parties? And if, in spite of such a discrimination, the contest can be maintained at all, is it not, by that fact, put beyond dispute, that but for the tax the prices would be still further reduced? Gentlemen take it for granted that the competition among the foreign manufacturers is not sufficiently great to reduce the price to the very lowest rate. They even tell us of combinations among them to keep up their prices. Sir, such combinations are utterly impossible. How are the manufacturers of iron, in Sweden, Russia, and England, or the cotton and silk manufacturers of France, to enter into a combination? The thing is ridiculous. No, sir, if the duties were taken off, the prices of goods would be reduced to their minimum, and much lower than they are now in this country; and it is for this reason, and this only, that the manufacturers are protesting against it. But, sir, where is the evidence to be found that the tariff has produced any reduction whatever in the price of the protected articles? Is there any other foundation for the assertion than this: that the prices of cottons, woollens, and iron, have actually fallen since 1824? But all other articles have likewise fallen, protected and unprotected. Real and personal estate, cotton, flour, and tobacco, all—all have gone down; and most of them have fallen in a much greater degree than woollens, cottons, and iron. Has the tariff done all this? What say the gentlemen? I have here a price current containing the prices of 250 articles, in 1816 and 1831. From this it appears that there has been a universal reduction in the price of articles of every description, and that those admitted duty free have been reduced, at least, in an equal ratio with those paying duties. Indeed, sir, I think that a careful examination of this table will show that reduction in the protected articles has not been so great as in the others. But the reduction has not been confined to this country. It has taken place in England, and all over the world, in an equal, nay, in a greater degree. The very articles most highly protected in this country, cottons, woollens, and iron, are now selling in England much lower than they can be obtained here. This is a fact perfectly notorious to every importing merchant, and I have abundant evidence of it now in my hands. Here are statements showing that such goods have actually been imported within the last year, in Philadelphia, New York, and elsewhere, and, after paying duties of from 50 to 100 per cent., have been sold as low as the domestic manufacture. Sir, I ascertained, before I left home, that the whole quantity of cotton goods imported into Charleston during the last year paid an average duty of fifty per cent., and then they were sold as low as American cottons of the same quality. But I am really ashamed to argue a question so self-evident. How can taxes possibly lessen prices? How can protection diminish the cost of production? What are the elements of price? Are they not the cost of the raw material—the wages of labor—and the interest of capital? and how can these be lessened by a tax on the article? To say so, is to reverse all the rules of proportion. Gentlemen might as well contend that two added to five make three, as that fifty per cent. added to the cost of an imported article lessens its price. If gentlemen can believe this, they may believe any thing. But the truth is, Mr. President, this whole matter of the reduction in the price of goods is very easily explained. It depends on general causes, which have operated to a certain extent all over the world. From a thorough investigation of the subject, which has taken place in Great Britain, it is found to have resulted from the appreciation of the currency, improvements in machinery, and the general restoration of peace. The resumption of specie payments, and the diminished supply of the precious metals, is calculated to

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have lessened the circulating medium to the amount of upwards of £500,000,000. The effect of this single cause has been, within the last ten years, the reduction of prices in that country to the amount of thirty-five per cent., to which fifteen per cent. may be added for the other causes above mentioned—making in the whole a reduction of almost fifty per cent. in the money price of all articles. The same thing has taken place in this country; and, therefore, when gentlemen allege that the price of manufactures has fallen, the naked fact proves nothing, unless they can show that they have fallen in a greater degree than other articles in this country, and similar articles abroad. But this is so far from being the fact, that the truth is, that the protected articles have fallen less in proportion than those which receive no protection. Cotton is a striking example, which has, in a few years, fallen to one-third of its value, while no protected article has, in the same period, fallen one-half.

I trust, sir, that we have now made out our case; that we have shown the unjust and unequal operation, in every point of view, of this system, and that, as far as the South is concerned, and the West also, though not in the same degree, it is an unmitigated system of burdens. And, even with regard to the favored section, I would submit, how far it is wise to insist upon a system which can only be maintained at the expense of other sections. Sir, I feel too much confidence in the justice and magnanimity of our Northern brethren, to suffer myself to doubt their willingness to abandon this system if they could see it in the light that we do. It may enrich them for the moment, but the prosperity it creates is artificial, and will assuredly be unsubstantial. No country can be permanently benefited by a system of bounties. This system may destroy the South, but it will not permanently advance the prosperity of the North. It may depress us, but cannot elevate them. Besides, sir, if persevered in, it must annihilate that portion of the country from which the resources are to be drawn, that are to enrich the Northern manufacturers. And it may be well for gentlemen to reflect, whether adhering to this policy would not be acting like the man who "killed the goose which laid the golden eggs." Let gentlemen be assured that this is a system which cannot possibly last. It will, sooner or later, be utterly overthrown. Would it not be well, therefore, for them to seize this favorable occasion to make some sacrifice of their peculiar interests to the general welfare?

In concluding, Mr. President, what I have to say on this branch of the subject, I must take the liberty of presenting a few general considerations. In a broad view of the question, it never can be expedient to introduce into a country the manufacture of any article that cannot be produced as cheaply at home as it can be obtained from abroad. There are some such now made in this country, and their ability to sustain themselves, without protection, is unquestionable. The only exception I would admit to the rule I have laid down, relates to articles strictly necessary to national defence. I do not allude to the habiliments of a soldier, or to articles necessary to his consumption, but to arms and munitions of war. It is the true policy of all nations to "buy where they can buy cheapest." This is the very instinct of our nature; and when we depart from it in national concerns, we violate the soundest principles of political economy, a science which is in fact but the lessons of wisdom and an enlightened experience applied to the affairs of nations. Sir, the restrictive policy is founded on the triumph of the selfish principle. It assumes that the natural position of nations towards each other is one of enmity and rivalry, founded on a supposed opposition of interests. The doctrine of the old school was, that what was gained by one nation was necessarily lost by another.

The plain and seemingly obvious truth, that, in a fair and equal exchange of commodities, all parties gained, is

a noble discovery of modern times. The contrary principle naturally led to commercial rivalries, wars, and abuses, of all sorts. The benefits of commerce being regarded as a stake to be won, or an advantage to be wrested from others by fraud or by force, Governments naturally strove to secure them to their own subjects; and when they once set out in this wrong direction, it was quite natural that they should not stop short till they ended in binding, in the bonds of restriction, not only the whole country, but all of its parts. Thus we are told that England first protected by her restrictive policy her whole empire against the world, then Great Britain against the colonies, then the British isles against each other, and ended by vainly attempting to protect all the great interests and employments of the State by balancing them against each other. Sir, such a system, carried fully out, is not confined to rival nations, but protects one town against another, considers villages and even families as rivals, and cannot stop short of "Robinson Crusoe in his goat skins." It takes but one step further to make every man his own lawyer, doctor, farmer, and shoemaker—and, if I may be allowed an Irishism, his own seamstress and washerwoman. The doctrine of free trade, on the contrary, is founded on the true social system. It looks on all mankind as children of a common parent—and the great family of nations as linked together by mutual interests. Sir, as there is a religion, so I believe there is a politics of nature. Cast your eyes over this various earth—see its surface diversified with hills and valleys, rocks, and fertile fields. Notice its different productions—its infinite varieties of soil and climate. See the mighty rivers winding their way to the very mountain's base, and thence guiding man to the vast ocean, dividing, yet connecting, nations. Can any man who considers these things with the eye of a philosopher, not read the design of the great Creator (written legibly in his works) that his children should be drawn together in a free commercial intercourse, and mutual exchanges of the various gifts with which a bountiful Providence has blessed them? Commerce, sir, restricted even as she has been, has been the great source of civilization and refinement all over the world. Next to the christian religion, I consider free trade in its largest sense as the greatest blessing that can be conferred upon any people. Hear, sir, what Patrick Henry, the great orator of Virginia, whose soul was the very temple of freedom, says on this subject—

"Why should we fetter commerce? If a man is in chains, he droops and bows to the earth, because his spirits are broken; but let him twist the fetters from his legs, and he will stand erect. Fetter not commerce! Let her be as free as the air. She will range the whole creation, and return on the four winds of heaven, to bless the land with plenty."

But it has been said that free trade would do very well, if all nations would adopt it; but as it is, every nation must protect itself from the effect of restrictions by countervailing measures. I am persuaded, sir, that it is a great, a most fatal error. If retaliation is resorted to for the honest purpose of producing a redress of the grievance, and while adhered to no longer than there is a hope of success, it may, like war itself, be sometimes just and necessary. But if it have no such object, "it is the unprofitable combat of seeing which can do the other the most harm." The case can hardly be conceived in which permanent restrictions, as a measure of retaliation, could be profitable. In every possible situation, a trade, whether more or less restricted, is profitable, or it is not. This can only be decided by experience; and if the trade be left to regulate itself, water would not more naturally seek its level, than the intercourse adjust itself to the true interests of the parties. Sir, as to this idea of the regulation by Government of the pursuits of men, I consider it as a remnant of barbarism disgraceful to an enlightened age,

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and inconsistent with the first principles of rational liberty. I hold Government to be utterly incapable, from its position, of exercising such a power wisely, prudently, or justly. Are the rulers of the world the depositaries of its collected wisdom? Sir, can we forget the advice of a great statesman to his son—"Go, see the world, my son, that you may learn with how little wisdom mankind is governed." And is our own Government an exception to this rule? or do we not find here, as every where else, that

"Man, proud man,
Robed in a little brief authority,
Plays such fantastic tricks before high Heaven
As makes the angels weep."

The gentleman has appealed to the example of other nations. Sir, they are all against him. They have had restrictions enough, to be sure; but they are getting heartily sick of them, and in England, particularly, would willingly get rid of them if they could. We have been assured, by the declaration of a minister of the Crown, from his place in Parliament, "that there is a growing conviction among all men of sense and reflection in that country, that the true policy of all nations is to be found in unrestricted industry." Sir, in England they are now retracing their steps, and endeavoring to relieve themselves of the system as fast as they can. Within a few years past, upwards of three hundred statutes, imposing restrictions in that country, have been repealed; and a case has recently occurred there, which seems to leave no doubt that, if Great Britain has grown great, it is, as Mr. Huskisson has declared, "not in consequence of, but in spite of, her restrictions." The silk manufacture, protected by enormous bounties, was found to be in such a declining condition, that the Government was obliged to do something to save it from total ruin. And what did they do? They considerably reduced the duty on foreign silks; both on the raw material and the manufactured article. The consequence was, the immediate revival of the silk manufacture, which has since been nearly doubled.

Sir, the experience of France is equally decisive. Bonaparte's effort to introduce cotton and sugar has cost that country millions; and, but the other day, a foolish attempt to protect the iron mines spread devastation through half of France, and nearly ruined the wine trade, on which one-fifth of her citizens depend for subsistence. As to Spain, unhappy Spain, "fenced round with restrictions," her experience, one would suppose, would convince us, if any thing could, that the protecting system in politics, like bigotry in religion, was utterly at war with sound principles and a liberal and enlightened policy. Sir, I say, in the words of the philosophical statesman of England, "leave a generous nation free to seek their own road to perfection." Thank God, the night is passing away, and we have lived to see the dawn of a glorious day. The cause of free trade must and will prosper, and finally triumph. The political economist is abroad; light has come into the world; and, in this instance, at least, men will not "prefer darkness rather than light." Sir, let it not be said, in aftertimes, that the statesmen of America were behind the age in which they lived—that they initiated this young and vigorous country into the enervating and corrupting practices of European nations—and that, at the moment when the whole world were looking to us for an example, we arrayed ourselves in the cast-off follies and exploded errors of the old world, and, by the introduction of a vile system of artificial stimulants and political gambling, impaired the healthful vigor of the body politic, and brought on a decrepitude and premature dissolution?

I had intended, Mr. President, to have said something of the constitutional question, but have already taken up so much of your time, that I shall not now enter into it. I must be permitted, however, to remark, that the gen-

tleman is mistaken in supposing that this objection to the protecting system is of recent origin. Up to 1824, the question had not been much considered, simply because the protection which manufactures had derived was merely incidental to duties imposed for revenue. The act of 1790 was surely of that character; and even the act of 1816 provided for a diminution, and not an increase, of duties. But when, in 1824, the true character of this system was developed, the constitutional objection was plainly and strongly insisted upon. Here is the language, sir, that I myself held on that occasion, on this floor:

"Will gentlemen point out to me, if they can, the power which this Government possesses to adopt a system for the avowed purpose of encouraging particular branches of industry? It is my sober and deliberate opinion that the Congress of the United States have no more power to pass laws for the purpose of directly or indirectly inducing any portion of the people to engage in manufactures, than they have to abolish trial by jury, or establish the inquisition."

Since that period, the Legislatures of every Southern State have denounced this system as a violation of their constitutional rights. It was but the last year that South Carolina recorded on the journals of the Senate her solemn protest against it, "as utterly unconstitutional, grossly unequal, and oppressive, and such an abuse of power as is incompatible with the principles of a free Government and the great ends of civil society." I do not know, sir, where the constitutional objections to this system are better summed up, than in the very address of the Free Trade Convention of Philadelphia, to which the gentleman has referred for another purpose. The gentleman is certainly mistaken, when he relies on that exposition as an authority in his favor. Sir, as I understand the argument, it is only admitted incidental protection may be afforded by duties imposed only for revenue, but that the right is expressly denied of "imposing any additional duty for the purpose of affording that protection." I dismiss this branch of the subject, with the remark that, whether we be right or wrong in our views on this question, the opinion is conscientiously and almost universally entertained throughout the whole South, that the protecting system involves a gross violation of the solemn compact which is the bond of our Union.

I come now, sir, to the question of the policy which ought to be adopted at this important era in the history of our Government. We have arrived at a most interesting crisis in our national affairs—one to which the people have been looking up, with intense anxiety, for several years past. They have contemplated the extinction of the public debt as the great day of jubilee, when they were to be relieved from the oppressions which they have so long patiently endured. The people of the South, sir, like the children of Israel of old, have passed through the wilderness, and are now in sight of the promised land. They stand on the top of Mount Pisgah, and look, with delight, at the goodly prospect before them—and it is for you this day to determine whether they shall perish in the wilderness, or be permitted to possess and enjoy their rich inheritance. Sir, I have shown that the whole system of duties is oppressive and unequal—that the very action of the Government is so; yet I do not wish gentlemen to suppose that we are disposed to push our claims to an immeasurable extent. No, we will not ask that Northern manufactures shall be taxed; because duties, to whatever extent imposed, operate as a tax upon our industry. We are willing to agree that the revenue necessary for the ordinary purposes of the Government shall be levied by duties upon imports. The facility with which indirect taxes may be collected, affords an argument in their favor to which we are willing to yield, though we well know that they must operate most injuriously on our interests. But, in yielding this much, we have surely a

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right to expect that no more money shall be levied in this way than shall be absolutely necessary. We think we have a right to insist that, on the extinction of the public debt, the twelve millions of dollars heretofore annually appropriated to that object should no longer be levied; and, further, that no more money shall be raised than may be necessary to meet the ordinary expenditures of the Government. Any other basis of reduction than this must be founded on the idea of a contemplated increase of the public expenditures. And why should they be increased? We have rather a right to expect that they should be diminished. The principal objects of expenditure, for many years past, have been connected with preparations for war; but, with the progress of our works of defence, and the increase of our population, the necessity for this expenditure will, in a great measure, cease. Indeed, it does appear to me that it will be hardly necessary, hereafter, to seek other security against invasion, than will be found in the strong arms and stout hearts of our fellow-citizens. But the gentleman insists that our revenue shall not be reduced below eighteen millions of dollars, while we all know that twelve millions have, heretofore, furnished an abundant supply for every purpose, including a million a year for internal improvements. The gentleman admits that we ought not to provide for a surplus, and says, with great force and truth, that a division of it among the States would be a departure from all sound principles of Government. For, said the gentleman, "to give it back to the States, or the individuals from whom it was drawn, in the same proportion, would be a palpable absurdity; while, to distribute it in different proportions, would be an act of gross injustice." I submit whether this argument is not equally applicable to internal improvement. But, waiving this point, I would ask, if we are to have no surplus, why raise eighteen millions of dollars—six millions more than the ordinary expenditures of the Government? To provide, says the gentleman, for contingencies. But, sir, is it not morally certain that your receipts must exceed your estimates? The reduction of duties will increase importations—and, fix what standard you will, my life upon it, we shall have a surplus, and not a deficit, unless gentlemen mean to provide for some new and grand scheme of national expenditure. Besides, against accidental deficiencies, a sufficient provision will be found in the uncalled-for appropriations, always to be found in the treasury. Having shown the extent to which the revenue ought to be reduced, I proceed to consider the mode in which that reduction ought to be effected. The first scheme suggested by the gentleman is a continuance of existing duties on the unprotected articles, and carrying up the duties on protected articles to prohibition. The gentleman says, however, that he is not in favor of this scheme, because he would put the manufacturers on their good behavior, by exposing them to foreign competition. But what sort of competition is that to which they are exposed, when entrenched behind a protecting tariff, ranging from fifty to two hundred per cent.? I have shown that the existing duties are, to a certain extent, prohibitory; and, when the gentleman declares himself against prohibition, he seals the condemnation of his own resolution, which proposes to retain the existing system untouched, prohibitions and all.

I come now to the schemes advocated by the gentleman himself—to take off the duties entirely from all the unprotected articles, except wines and silks, and leave them as they are upon the protected articles.

The first objection to this scheme is, that it is proposed by it to take off only six millions of dollars of taxes, even after the treasury is to be relieved from a charge of twelve millions of dollars by the extinction of the public debt. That it proposes, therefore, to create an annual surplus of six millions of dollars beyond the wants of the Government, not only without the smallest necessity, but with the

certain effect of changing the character of your Government, and corrupting the people. Why is this surplus to be created? Has the gentleman given a single reason in its favor; or has he not himself sealed the condemnation of his own proposition, when he admitted that no surplus ought to be created for distribution? For, if it is not to be in some shape distributed, for what purposes is it to be raised? The next objection to this scheme is, that it proposes to relieve luxuries from all taxation, while the taxes on the necessities of life are to remain just as they are, subject to duties of from fifty to one hundred per cent. It is true that the gentleman, seeing, I presume, the enormity of the proposition in its original form, now consents that some very moderate duty may be levied on wines and silks. But, sir, I should be glad to know in what wines and silks differ from the numerous other articles which, by the gentleman's scheme, are to come in duty free. Here is a list of some of them, and it will be for the Senate and the country to say how far it is reasonable or just that the consumers of these articles shall contribute nothing to the public revenue, while the honest laboring man is to be taxed from thirty to one hundred dollars on every hundred dollars which he expends on the woollens and the flannels, the iron and the sugar, which are indispensable to the health and comfort of himself and family.

"It is one of the grandest farces ever attempted to be played off upon a free people, to see an attempt made to reduce the taxes on olives and capers, anchovies and brandy fruits, mace, cloves, nutmegs, precious stones, alabaster ornaments, cordials, perfumery, artificial flowers, billiard balls, battledores and shuttlecocks, coral beads and gold snuffboxes, silver spectacles and ivory-headed canes, velvets and lace, mull muslins and gros de Naples, camel's hair shawls, morocco and prunella shoes, fine cambrics, plated chafing dishes, porcelain, and china dinner and tea sets, gold watches, Cologne water, Champagne and Burgundy wines, oranges and pineapples, embroidery, ivory fans, fine Irish linens, parasols, centre tables, gilt books, pier looking-glasses, vermicelli and macaroni, Italian marble, mantel ornaments, rouge, essences and court plaster, chessmen, sweet scented soap, silk stockings, gold and silver thimbles, mantel time-pieces, tooth powder, wax dolls, and a hundred other things used by the rich. We say, it is one of the grandest farces ever played off upon a free people, that such articles as those we have enumerated should be exempted."

I ask for the reason for this distinction which relieves luxuries from taxation, and throws them upon the necessities of life; which burdens the poor, and exempts the rich; and I am told it is necessary to protection. Whose protection? Why, the wealthy proprietors of manufacturing stock; men who are realizing enormous dividends, drawn from the pockets of the people. Sir, no other reason for this distinction has been, or can be, given; for it is acknowledged by all the world, that luxuries are the proper subjects for taxation, and ought rightfully to be taxed higher than the necessities of life. But here the manufacturers interpose their claims, and the claims of justice are disregarded. Again, sir, these are articles of general consumption, at least among the wealthy, and consumed equally, too, all over the country; and yet they must come in duty free, and the whole revenue of the country be levied on articles, in relation to which the duties operate most unjustly and unequally; being in truth a bounty to certain portions of the people, and a burden upon others; and yet the Senator tells us he had hoped that such a proposition as this would not only have met the approbation of all parties, but would have been received as a concession to the complaints of the South. How it was possible for the gentleman to have indulged such an expectation, I am utterly unable to comprehend. Sir, what single concession, or the slightest approach towards it, is made by such a proposition? Does it consist

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in agreeing to take off six millions of taxes, when the demands on the treasury are to be reduced to double that amount? Has the South ever uttered one word of complaint against the duties which it is proposed to reduce? No. These were imposed for revenue; and against duties fairly levied for that purpose, they have never complained. It is against duties, imposed not for revenue, but protection, that they have been so long and so earnestly remonstrating; and, to quiet their discontents, the proposition is gravely submitted, to take off all the revenue duties, and to leave the protecting duties untouched. Sir, it is not so much the amount of this tax, as its inequality and injustice which has roused the whole South to determined opposition. And how is it proposed to relieve our complaints? By aggravating that inequality, and extending and perpetuating that injustice. We tell you that the protecting duties operate as a tax upon us, and a bounty upon the tariff States. We insist that it is a violation of the principles on which our Government is founded, and reduces us to a state of colonial vassalage; and this it substantially does, if we are not mistaken in its operation; and Mr. Grattan's definition of a colony is the true one—"a country governed in reference to the interests of another."

Sir, if we are right, this scheme amounts to neither more nor less than a proposition to relieve the tariff States from all taxation, and to throw the whole burden of the Government upon the other States. It is admitted that the protection enjoyed by the former even now exceeds the amount of the taxes which they pay, but still they do pay their equal portion of duties on the unprotected articles. But when these are taken off, they will be relieved from taxes altogether. Gentlemen who now hear me, well remember, that when the tariff of 1828 was under discussion here, a Senator from a tariff State rose in his place, and supported the bill on the single ground that it operated as a bounty of a million of dollars per annum to the State he represented. Let us assume that calculation to have been correct, and that the State in question now pays half a million in taxes on the unprotected articles. When you take off the tax and leave the bounty, the bounty will obviously be increased by just half a million, and the State in question will be relieved entirely from taxation. Such is the compromise proposed to the South. The evils of which we complain are to be increased—the protecting system is to be riveted upon the country beyond all hope of relief; and we are told we ought to receive all this as a concession. Sir, we say to you, we are willing to submit to have the foreign manufactures for which we exchange our productions taxed for revenue, though we know that such tax must operate as a bounty to the domestic manufacture, and so far diminish the value of our productions; but we invoke you not to aggravate the injustice and inequality of this system, by extending the tax beyond the just revenue standard, and by so arranging the duties as to throw the burden entirely upon the protected articles to relieve the tariff States from all taxation, and to throw the burden entirely on us. Above all, we call upon you to remember that the British manufactures, on which you propose to throw almost the whole burden of the Government, are those which we receive in exchange for our productions; that to burden them is to burden us; and that the end of all this may, and probably will be, that we shall be deprived of our best customers, and be cut off from the only sure market for our cotton, rice, and tobacco.

The policy proposed in the amendment which I have submitted, is founded on the just principles I have advocated. The arrangement of the details we are willing to leave to the committee. We do not propose to destroy, or even to injure, the manufacturers. We are willing they should have the incidental protection afforded by a fair revenue system; and, on any plan of reduction, the duties

and charges on the foreign manufacture will not fall much short of thirty-three and a third per cent.; and surely, sir, if, with a protection equal to one-third of the cost of the article, our manufactures cannot be maintained, they ought to be abandoned at once, since nothing can be clearer than that they would then be sustained at a certain loss to the country. We do not insist on an immediate reduction to the lowest revenue standard. As the public debt is not yet paid, we are willing that the reduction on the protected articles should be gradual, and spread, if gentlemen please, over two or three years; and, if they desire it, we will not object to making an immediate reduction on the unprotected articles, of ten or fifteen per cent. The immediate effect of this plan, so far from being injurious to the manufacturers, will, I am persuaded, serve rather to strengthen them; and even, in its ultimate results, no manufacture will be injured that does not depend on protection for its existence, and is not sustained at the public expense. Suppose the duties on the protected articles were now reduced ten per cent. below their present rates, and by subsequent steps carried down gradually to the true revenue standard, what would be the effect of this first reduction of ten per cent.? If a yard of English cloth cost a dollar, paid a duty of fifty per cent., and, with the addition of charges, could be retailed at two dollars, the effect of this reduction would only be to reduce the price to one dollar and ninety cents. So that the protection to the American manufacturer would be lessened only five per cent. Now if this provision were accompanied by an immediate reduction of the duties on the unprotected articles from fifty per cent. to fifteen, would not the manufacturers derive some compensation in the diminished cost of every article which enters into their consumption? And if, in addition to this, there should be a considerable reduction of duties on the raw material, I would submit to their serious consideration whether their condition then would be worse than it is now. The true policy of the manufacturers, it appears to me, consists in obtaining their raw materials cheap, and having their expenses diminished by taking off unnecessary taxes on their consumption. Sir, if this is to become a manufacturing country, we must look to the markets of the world. A feeble and sickly existence may be preserved at home by a system of protection and of bounties: but to be put on a sure foundation, and to acquire that vigor, strength, and energy, which will enable them to enter into successful competition abroad with the manufactures of other countries, it is necessary they should be prepared for the contest, by being left, in a great measure, to their own unaided efforts. In one respect, the United States possesses an advantage over all the world, of which it seems to me it would be madness not to avail ourselves. We can reduce the cost of production in every department of industry, to the very lowest rates. Our people are not necessarily borne down by an almost insupportable weight of taxation. We have no debt which can never be paid—no burdensome establishments—no kings, lords, and commons, to eat out the substance of the people. In this consists our great advantage, and it will be our own fault if we do not avail ourselves of it to the fullest extent. This, sir, is not only the favorable moment for adjusting this great question, but, if it be suffered to pass away, it can never be re-called. The manufactures now can be let down without a shock, from the position to which they have been so unjustly elevated. They will now be remunerated for any diminution of their protection; but if the plan proposed in the gentleman's resolution should prevail, the immediate effect will be an increase of their protection, an enlargement of their bounty, and, of course, if these are to be reduced hereafter, the shock will be much greater than that to which they would now be subjected. Sir, I do consider that, in making my proposition, I am proving myself a true friend to the manufacturers—and that they are

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their worst enemies (whatever they may themselves believe) who would adopt the policy embraced in the gentleman's resolution. In this opinion, sir, I find I am not singular. The manufacturers themselves, and some of their ablest and most zealous advocates, have avowed the same sentiments. In a work just put into my hands, containing an exposition of evidence, about to be submitted to Congress, in support of the memorial of the Free Trade Convention, lately convened at Philadelphia, (a work to which I earnestly invite the attention of every member of this body,) I find some extracts from the Register of Hezekiah Niles—certainly one of the most uncompromising champions of the protecting system—which furnish decisive authority in favor of my opinion. I there find a letter from a person who is represented to be an extensive manufacturer, in which he says:

"The only true friends of the manufacturers are those who now seek to repeal the ridiculous tariff of 1828. Put a duty of revenue alone on cloths, and remove the duty on wool. It would be much better for us if we were placed in England; for we could there, with our present hands and advantages, make cloth, send it to New York, pay the duties, and take more money than we now do. The difference is in the stock; and this difference is attributable to the absurdities of the American system, as it stands. The duties on dyestuffs, oil, soap, and wool, taken in connexion with the derangement of trade, by making the manufacturer an exporter, amount to a much higher protection to the foreigner than all the tariff affords to us. Such are the facts, and such the fruits, of the 'system' which the American manufacturer has toiled to support."

Thus, sir, it will be seen that we who propose to repeal the tariff of 1828, "are the only true friends of the manufacturers," and that they are the worst enemies who are striving to perpetuate the "absurdities of the American system." Next we have the opinions of Mr. Niles himself, "that the act of 1828 was the result of a political bargain, and passed on principles disreputable to a Congress of the United States," to which the enlightened author of the exposition very justly adds, "that nothing can be more obvious than the folly of pretending to encourage manufacturing industry, and at the same time to tax the raw materials, iron, hemp, flax, wool, lead, indigo, and other component parts of manufactures, and constituting the principal value of them, from fifty to two hundred per cent." And here I am willing to rest my case.

The act of 1828, Mr. Niles affirms, "was the result of a political bargain, and passed on principles disreputable to a Congress of the United States."

The gentleman complains of frauds upon the revenue, and fraudulent invoices, and smuggling; but it is his system which has produced these evils. Smuggling, from the very nature of things, must exist, when the duties exceed the risk and expense of the illicit intercourse. For a season, sir, the high moral sense of a young and uncorrupted people may oppose some obstacle to these practices. No Government on earth can prevent them. Napoleon, in the plenitude of his power, was unable to maintain his continental system. His prohibitions and restrictions were constantly violated with impunity. Yes, sir, he who sported with kingdoms, who constructed thrones on the ruins of empires, and appointed the officers of his household to fill them; whose armies were his custom-house officers who drew his cordons around the nations which he conquered, was utterly unable to put down the great principles of free trade. It has been well said, sir, "that when all Europe was obedient to his nod, the smuggler disputed his commands, set at naught his edicts, laughed to scorn his power, and overthrew his policy." How is it with England, that sea-girt isle, surrounded with a thousand ships, and thirty thousand guardians of her revenue? Sir, do we not all know that smug-

gling is there a profitable trade, and that the revenue laws of England are constantly violated with impunity? And how is it in Spain? A modern traveller asserts that there are a hundred thousand persons in that unhappy country who live by smuggling, and that there are thirty thousand others paid by the Government to detect their practice, but who are in league with the offenders; and as to the condition of things in our own country, the gentleman has told us a tale this day, which, if he be not himself deceived, shows what fearful progress these practices have already made. The time was when smuggling was absolutely unknown any where in this country, as it still is in the Southern States. It is your protecting system which has introduced it. It is the natural consequence of high duties; the evil was foretold, and, as we predicted, it has come upon us. The protecting system has already, in the minds of many, removed the odium which formerly rested on this practice. It was but the last year that a distinguished Senator rose up in his place here, and held this language: "Your tariff policy compels respectable men to violate your law; you force them to disregard its injunctions, in order to elude its oppression. It was his perfect conviction that there was not a virtuous man throughout the Union who would now think it criminal to smuggle into the country every article consumed in it—and why? Because you force them to it in self-defence." Sir, when these sentiments shall become prevalent, what think you will become of that system? How long will it last after the payment of duties shall come to be considered as a badge of servitude?

Mr. President, the proposition of the Senator from Kentucky is, that the protecting system, as it now stands upon your statute book, shall remain untouched; that all its contradictory provisions, its absurdities, injustice, and inequality, shall be maintained inviolate. Let us look, then, at some of the existing provisions of this system. Some of them, in the exposition to which I have before referred, are detailed with a clearness to which nothing can be added by me. Here are tables of the duties on woollens, flannels, baizes, and carpeting, ranging from forty-five to upwards of two hundred per cent. I will read a few extracts in illustration of the effect of these duties.

[Here Mr. H. read several extracts from the work in question, showing that the duties on coarse woollens, such as are used by stage drivers, watermen, and other laborers, for great coats, pea jackets, &c. are so exorbitantly taxed, as to raise the cost of the articles to about "three times the price which the English laborer has to pay for the same kind of clothing;" that the Western farmer, in consequence of the high duty, is compelled to pay four dollars a yard for cloth which costs the English farmer but one dollar seventy-five cents; that flannels, so indispensable to all the women and children in the country, are subjected to a duty of from ninety to a hundred and fifty per cent., whereby an article which cost in England from eight to nine cents, is sold here for twenty cents; and that which cost in England twenty-nine cents, our manufacturer can obtain fifty cents for; that cottons are charged with a duty of from twenty-five to two hundred per cent., whereby the cost to the American consumer is, in many instances, increased one-half; and that the duty upon iron is from a hundred and fifty to two hundred and eighty per cent. On this point, Mr. H. read from the report on the blacksmiths' petition, made to the Senate during their last session, and quoted the testimony of John Sarchet, a witness examined on oath before the committee, from which it appeared "that, under the existing rate of duties, a ton of hammers and sledges can be imported, for the use of the American manufacturer of those very articles, at a less cost than the bar iron from which they are made; that wheel tire has actually been imported, in a finished state, for about forty-seven dollars a ton, while bar iron, suitable for the purpose, is selling for about ninety dollars

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the ton; that tea-trays can be imported for half the price of the raw material out of which they are manufactured; knitting needles for a hundred and forty-three dollars a ton less than the raw materials out of which they are made; that a ton of chain cables can now be imported into this country at a less cost than the rods out of which they are made; and that the necessary consequence has been, that a number of workers in iron, and of mechanics, estimated at one hundred thousand, had their profits so diminished, that Mr. Sarchet had declared that he had never seen any blacksmiths so poor, or carrying on a less prosperous business, than those of the United States, owing, as he believed, to the high duties they are compelled to pay on the raw iron."]

Look, continued Mr. H., through your whole protecting system; your duties every where are so arranged as to fall most heavily upon the poor. The poor man is taxed five dollars upon a coat which cost him ten, and a rich man ten upon one which cost him forty—a tax of eight dollars upon coarse cottons for his wife and children, which cost no more than eight; and the rich man but eight dollars for what costs him upwards of thirty. Can any thing be conceived more monstrous than the system of minimums, to impose a duty of twenty-five per centum ad valorem on cotton goods, but provide that, if they should cost less than thirty-five cents per square yard, they shall be deemed and taken to have cost thirty-five cents, and pay duty accordingly—to provide that a duty of forty-five per centum ad valorem shall be imposed upon woollens, but provide that goods which cost more than one dollar, shall be deemed and taken to have cost two dollars and a half? This is like imposing an income tax of fifty per cent., and then providing that every man's income shall be deemed and taken to be three thousand dollars; or a tax of fifty cents per gallon upon stills, and providing that every still shall be considered as containing fifty gallons. Now, are gentlemen prepared to say that such a system as this, with all its imperfections on its head, is to be held as sacred as the laws of the Medes and Persians? I trust not.

Let not gentlemen so far deceive themselves as to suppose that the opposition of the South to the protecting system is not based on high and lofty principles. It has nothing to do with party politics, or the mere elevation of men. It rises far above all such considerations. Nor is it influenced chiefly by calculations of interest, but is founded in much nobler impulses. The instinct of self-interest might have taught us an easier way of relieving ourselves from this oppression. It wanted but the will, to have supplied ourselves with every article embraced in the protective system, free of duty, without any other participation on our part than a simple consent to receive them. But, sir, we have scorned, in a contest for our rights, to resort to any but open and fair means to maintain them. The spirit with which we have entered into this business, is akin to that which was kindled in the bosom of our fathers when they were made the victims of oppression; and if it has not displayed itself in the same way, it is because we have ever cherished the strongest feelings of confraternity towards our brethren, and the warmest and most devoted attachment to the Union. If we have been, in any degree, divided among ourselves in this matter, the source of that division, let gentlemen be assured, has not arisen so much from any difference of opinion as to the true character of the oppression, as from the different degrees of hope of redress. All parties have for years past been looking forward to this crisis for the fulfilment of their hopes, or the confirmation of their fears. And God grant that the result may be auspicious.

Sir, I call upon gentlemen on all sides of the House to meet us in the true spirit of conciliation and concession. Remove, I earnestly beseech you, from among us, this never-failing source of contention. Dry up at its source

this fountain of the waters of bitterness. Restore that harmony which has been disturbed—that mutual affection and confidence which has been impaired. And it is in your power to do it this day; but there is but one means under heaven by which it can—by doing equal justice to all. And be assured that he to whom the country shall be indebted for this blessing, will be considered as the second founder of the republic. He will be regarded, in all aftertimes, as the ministering angel visiting the troubled waters of our political dissensions, and restoring to the element its healing virtues.

I will conclude by invoking the authority of one whose name is deservedly dear to the American people; whose life was the practice of virtue; from whose lips there constantly flowed the lessons of political wisdom, and whose example will be to the remotest generations a light to our feet, and a lamp to our path. The restorer of that liberty which Washington achieved; the man "who saved the constitution even at its last gasp"—I mean Thomas Jefferson.

In Mr. Jefferson's inaugural address, he bears the following strong testimony in favor of the true American system:

"Entertaining a true sense of our equal rights to the use of our own faculties, to the acquisitions of our own industry, * * * enlightened by a benign religion * * * with all these blessings, what more is necessary to make us a happy and a prosperous people?"

"Still one thing more, fellow-citizens—a wise and frugal Government, which, restraining men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government; and this is necessary to close the circle of our felicities."

That God may inspire us, gentlemen, and all who are entrusted with the administration of our public affairs, with such dispositions, is my constant prayer to Him who holds in his hands the destinies of nations.

Mr. DICKERSON next rose, and said that the extensive range of facts and arguments taken by the gentleman from South Carolina, and the great ability with which he had presented them, induced him to ask for a postponement of the discussion till sufficient time was afforded for meeting those facts and arguments. In addition to this, he required delay for the purpose of calling the Senate to avail itself of the views of the intelligent convention lately assembled at New York and Philadelphia. The movements in relation to the tariff in the Southern States had resulted in the Philadelphia convention, while the popular feelings in the North and West had given rise to the New York convention. The Senator from South Carolina had been able, in his remarks, to avail himself of the report of the Philadelphia convention; and in a few days, he understood that Senator to say, the report would be distributed among the members of the Senate. He had not seen that report, and he wished, before the discussion went any further, to look at it. He was also anxious to see the report of the New York convention, which, he was informed, would be here in the course of this week. The views of the gentlemen assembled at these conventions, representing, as they did, a large portion of our most active and intelligent population in every part of the country, were entitled to the deliberate consideration of the Senate. He, therefore, moved that the consideration of the resolution be postponed to Monday next, and be made the special order of the day for that day.

Mr. HAYNE took occasion, he said, to remark that, in the hurry of argument, he had omitted one topic of great importance—the constitutional question. He should not now enter into it, but would state that it had been his purpose to show that the South had uniformly considered duties for protection as unconstitutional; that he himself had uniformly sustained that doctrine; that Congress had

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no more power to protect industry by taxation, than they had to abolish the trial by jury, or to establish an inquisition; and the system was at war with the whole plan of our Government. He also had intended to remark that the Senator from Kentucky had erroneously understood the opinion of the Free Trade Convention to be, that the duties on imported articles should be arranged with a view to the protection of domestic manufactures. They had only expressed the opinion that the protection incidentally afforded to manufactures by a tariff arranged for revenue, was not unconstitutional.

Mr. CLAY doubted, he said, whether so distant a day as Monday was required for the consideration of the subject. It was now evident that the discussion would cover the entire field of argument; and, though not all the information would be before us, a part of it would be, before Monday next, and the discussion might proceed.

Mr. DICKERSON said, those who prepared the statements of the convention, took great interest in their promulgation. They wished to see them placed before Congress, and they could not, he thought, be expected before Monday next.

Mr. CLAY certainly would not oppose the wishes of the gentleman; but he expected that, when the subject was taken up again, we should go through it, without further postponement or delay.

Mr. FORSYTH said there was no disposition to hinder gentlemen from fully deliberating on the subject; but he would suggest whether any good result would follow from a continuance of the discussion. By discussing these incidental questions, can we settle any principle in reference to the tariff? The proper course, he thought, was to send both propositions to the Committee on Finance, and to discuss the questions involved in them, after the committee has reported, or to wait for the bill from the other House. It was proper, he thought, to submit both propositions to the Committee on Finance, for we cannot here decide upon either of them. There was another consideration; discuss the question as much as you please here on these resolutions, still the details are ultimately to be arranged; and, when they are considered, the same subjects must again be discussed, and the same arguments be again repeated. The feelings, too, of gentlemen would become more irritated and aggravated by this course. He moved, therefore, that, without further discussion, the two propositions be submitted to the Committee on Finance.

The VICE PRESIDENT said that the question of postponement had precedence of the latter motion.

Mr. TYLER said it occurred to him, that, after all the discussion, there would be much difficulty in settling the details. Whether one proposition or the other be adopted, not an inch of ground would be yielded—and the whole battle must be fought over again, when we come to details. Is it possible that, in the discussion of this question, you can settle the details belonging to it? If ever there was a question, and a period operating upon a question, which required deliberation, it was this question and this period. We had seen how much both parties to the question were interested; we had seen the system of protection sustained by one, and by another repudiated; all that ability, research, and experience could elicit, in reference to either side of the question, had already been laid before the Senate. Shall we continue to bandy words; to act the part of mere gladiators? He sincerely hoped the discussion would now be discontinued. If any thing was to be done in this business, it must be done without this discussion. The propositions should go to the Committee on Finance, and he was certain that any reference to them would command their special attention. In the expectation, but not so much in the expectation as in the hope that this momentous question might be settled at this session, he should vote against the motion to postpone.

Mr. DICKERSON said it appeared to him that the Senate must decide which of the propositions before them should go to the Committee on Finance. It was the object of the resolution to bring on a discussion. It was expected every where in the Union. This is the occasion, now that the public debt is near extinction, which is taken for altering the system of protection. We did not now deliberate upon and discuss details, but systems. The Senator from South Carolina has gone into the whole subject, and is he not to be answered? As the discussion had begun, he thought it proper that the general principles of the tariff should be discussed now; that they should be considered in reference to their constitutionality, and to their bearings on foreign Powers, and the interests and policy of the several States of the Union. When the details come up, we can discuss them. He hoped, therefore, that the discussion would go on, and that opportunity would, by the delay he proposed, be afforded for collecting facts to meet those which had this day been advanced.

Mr. FORSYTH did not understand, he said, the mover of the original resolution as expressing a wish to discuss the question on that resolution. He did not think it important, on that resolution, to discuss the questions connected with the protective policy. He thought differently. His object was to explain his own opinions on the financial condition of the country, and to throw out some plans for a conciliation of the conflicting interests and views of the different sections of the country. But the gentleman from New Jersey thinks we shall not discuss any principles in settling these details. His opinion was contrary to past experience, and would be so to future experience. We, said Mr. F., will fight from post to post, and die in the last ditch. He had come here with the hope which, as yet, had undergone no abatement, that this question would be settled at this session, on principles satisfactory to all parts of the Union. To do this, we must exercise all that justice and moderation which ought to characterize the American Senate. With the Senator from South Carolina, he would say, that he would go as far as a reasonable man can go, in accommodating this dispute.

Mr. CLAY replied that, in reference to the resolution which had produced this discussion, he did state, and still thought, that it was unnecessary, in its consideration, to go into the general policy of the protective system. But he added that he did not prescribe any rule for the course of others, who might think that the policy of the protective system was involved in the resolution. The first gentleman who followed him, went into the discussion of that policy in the fullest manner. That argument must go unanswered, with the tacit assent of the Senate to the propriety of considering the reduction of the tariff, in reference to the revenue alone—and still we were told by the opponents of protection, that they will die in the last ditch, yielding no one point in dispute. He was not in the habit of throwing out menaces; but he would tell the gentleman from Georgia that, with whatever vigor the onset should be made against the system, with equal vigor would the system be sustained. But it is said you will repeat the same arguments in arranging the details which you now use in discussing the principles. He did not believe this would be the case. He, for one, should not repeat arguments which he now used. He knew not what the Committee on Finance might be engaged in; but it had been stated by one of its members that they had taken up the whole subject of the tariff, which they proposed to arrange. They would, he hoped, persevere. But they did not, he thought, act under the authority of the Senate, in taking into their hands subjects which had been committed to the Committee on Manufactures. He hoped that the course proposed for the resolution would not be adopted. The friends of the protective system in

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this, as well as in the other House were placed in a condition of peculiar embarrassment. It was impracticable for them to bring the subject up for discussion and decision, without the co-operation of the Committee on Finance: for the Committee on Manufactures would view the subject in reference only to its bearing on manufactures, not upon revenue. He had urged a speedy report from the Committee on Finance of the Senate, and it had been promised from time to time, but had not yet been submitted. It was a part of the policy of the opponents of protection, to delay any decision of the question, in order that the revenue might accumulate, till its amount became embarrassing. He urged, therefore, upon the Senate the propriety of expressing its opinion, at once, which of the two resolutions should go to the committee, as the basis of their bill. We were, indeed, placed in a singular situation, if, after the full and able argument of the Senator from South Carolina, the subject should be suffered to go to the Committee on Finance, and the questions which involved millions of property, and the future prosperity of the country, be thereby submitted to that committee, to be considered by them merely as a matter of revenue. This course, he hoped, would not be adopted, and the subject would, he trusted, be postponed to a proper day.

Mr. FORSYTH said it was no part of his purpose to prevent a reply to the Senator from South Carolina, if any Senator wished to reply. He proposed only a postponement of the discussion; and it was of little consequence whether it was postponed to next Monday, or a much longer period, as he proposed. The gentleman from Kentucky seemed to think that an assault was to be made upon his favorite system, and he has assumed the amiable character of a defender. But, in fact, he is himself the assailant; and we know from experience that he will not relax or desist as long as he has any hope of success.

Mr. WILKINS should vote, he said, for the motion of the gentleman from New Jersey. He did not throw any indication of his intention to enter into the discussion, though it had become his duty and his wish to engage in it, in consideration of the deep interest which his State had in its subject. He wished the consideration of the resolution to be postponed, in the hope that some course might be stricken out, in accordance with the generous offers of the Senators from Georgia and South Carolina, by which this question can be harmoniously settled and compromised. If the Senator from South Carolina, and his friends, had rested their opposition to the system on constitutional ground, there would be no hope of compromise; but, in all questions of expediency, there is room for mutual concession and compromise. Some proposition would, he hoped, be made by Monday next, which might serve as a basis for the compromise.

Mr. SMITH thought nothing would be gained by the postponement. He hoped no later day than Thursday would be fixed upon.

Mr. WILKINS again urged the propriety of postponing the consideration of the subject, with a view to see what conciliation of conflicting interests and opinions in regard to it could be effected. He would say, however, that, in proposing a compromise, he had no idea of abandoning the principle of protection. If desolation had followed the system in South Carolina, as the gentleman had stated, he was certain desolation in his State would mark its abolition. But he still hoped that the principle might be so modified as to meet the views of all sections and interests; and, in this hope, he asked for the question on the motion to postpone.

The question being taken on the motion to postpone the further consideration of the resolution and amendment till Monday next, it was decided in the affirmative.

The Senate then adjourned.

TUESDAY, JANUARY 17.

A message was received from the President of the United States, transmitting the annual report of the Director of the Mint, exhibiting the operations of that institution for the year 1831.

[The report states that the coinage of the past year amounts to \$3,923,473 60; comprising \$714,270 in gold coins, \$3,175,600 in silver coins, and \$33,603 60 in copper—consisting, altogether, of 11,792,284 pieces, viz: Half eagles, 140,594; quarter eagles, 4,520; half dollars, 5,873,660; quarter dollars, 398,000; dimes, 771,350; half dimes, 1,242,700; cents, 3,359,260; and half cents, 2,200. Twenty-six thousand dollars worth of the gold coined was received from Virginia; two hundred and ninety-four thousand dollars from North Carolina; and from Georgia one hundred and seventy-six thousand dollars worth. Alabama and Tennessee also furnished gold bullion to the amount of about one thousand dollars each, "indicating (as the report remarks) the progressive development of the gold region." The coinage of copper yielded a profit of about ten thousand dollars the last year; and, consequence, reduced the expense of the mint establishment for that time to twenty-eight thousand dollars.]

After receiving petitions, and disposing of sundry private bills, the Senate spent two hours in the consideration of executive business; and then

Adjourned.

WEDNESDAY, JANUARY 18.

NORTHEASTERN BOUNDARY.

The following resolutions, submitted yesterday by Mr. SPRAGUE, were taken up for consideration, viz:

Resolved, That the President of the United States be requested to communicate to the Senate all the correspondence between the Executive of the United States and Great Britain, relative to the selection of an arbitrator under the convention of 29th September, 1827; and, also the correspondence between the Executive of the United States and the King of the Netherlands, relative to the acceptance, by the latter, of the office of arbitrator, under said convention.

Resolved, That the President of the United States be requested to communicate to the Senate the arrangements which, in the letter of the Secretary of State to the Governor of Maine, under date of the 21st of October, 1831 is said to have been made between the United States and Great Britain, "for preserving the state of things as then existed on both sides, until a final disposition could be made of the question" respecting our Northeastern boundary, and all the correspondence in relation thereto, and to inform the Senate when, and in what manner, said "arrangement between the two nations" was made, and when, and in what manner, it was communicated to the Governor of Maine, as mentioned in the said letter of the Secretary of State.

Mr. GRUNDY submitted to the gentleman from Maine whether such a call as that embraced in the resolution would be proper, while the Senate, in a capacity different from its legislative, was acting on the same subject. Would not the adoption of the resolution have the effect of exposing to view matters which it would be injurious to the country to make public in their present state? Mr. G. thought it would be better to lay the resolution on the table.

Mr. SPRAGUE said that he had offered the resolution now under consideration, in open Senate, because the information requested was, in his opinion, of a character that might, without injury to the interests of the country be laid before the Senate and the people. He was not in favor of the custom of keeping the acts of Government secret, when there was no sufficient reason for doing so. The resolution simply requested the President of the

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United States to furnish the Senate with the correspondence between the Executive of the United States and Great Britain on a public question. Now, what reason can be given for keeping this correspondence locked up in the archives of the Executive, while all the other facts relative to the treaty, together with the decision of the King of the Netherlands, have long since been laid before the nation? The protest of our minister at the Hague, and of the Government of Maine, against that decision, and the accordance of the Governor of Massachusetts with that protest, were also publicly known. He could, therefore, see no reason why the whole subject should not be brought to light, nor any impropriety in requesting the information required. If the President should think that there was any part of the correspondence that it was improper should meet the eye of the public, he might send it in a confidential manner.

He should object to the suggestion of the gentleman from Tennessee to have the resolution laid on the table, because, however they might differ in the manner in which the communication should be made, he conceived that it was highly important to obtain it, which would be prevented by such a course. If the gentleman objected to the form of the resolution, he was not opposed to having it so modified as to be agreeable to the wishes of all, but he wished some other disposition to be made than to lay it on the table, which would be in effect giving it up altogether.

Mr. EWING hoped the Senator from Tennessee would withdraw his motion. He [Mr. E.] had, on examining into the subject of the Northeastern boundary question, met with many serious difficulties, arising from the want of sufficient information, for which he would have found it necessary himself to apply, had he not been anticipated by the resolution of the gentleman from Maine.

Mr. CLAY was inclined to think, from the general recollection he possessed, not only of that portion of the subject embraced in the first resolution, relating to a selection of an arbiter under the convention, but of that portion of it contained in the second resolution, relating to the arrangement mentioned in the letter of the Secretary of State for preserving a *status quo* until a final settlement, that no part of them were of such a nature as to render their publication injurious to the country. If, however, there were any doubts whether the President or Secretary of State would consider a publication at this time inexpedient, as suggested by the gentleman from Tennessee, he would advise a postponement for a few days, until a conference could be had with them.

Mr. GRUNDY said he had no sort of objection to any course that might be most agreeable to those interested in the resolution, for it was not a matter of any particular interest, either to himself or to those he represented; his only fear had been, that by calling for information under the circumstances he had before adverted to, something might be done that would become the subject of after regret. As the mover thought no difficulties could arise from the publicity of the affair, he would not oppose the resolution, but he still thought the most advisable course would be for the Senate to obtain the desired information in executive session, and then lay it before the public, if no objections were found to so doing.

Mr. CLAY suggested to the Senator from Maine to modify the resolution, in accordance with the views of the Senator from Tennessee, so as to request the President, at his option, to send the information either to the open or secret session of the Senate.

Mr. SPRAGUE then amended both resolutions in conformity with the suggestions of Mr. CLAY, and they were adopted.

COLONEL JOHN LAURENS.

The Senate then proceeded to the consideration of the

bill for the relief of the personal representatives of Colonel John Laurens, deceased.

Mr. TAZEWELL said that the bill had frequently been before Congress, and different committees had reported unfavorably on the claim. He thought the bill ought not to pass.

Mr. KANE explained the reasons which had induced the committee to report favorably in the present instance, and spoke at length in support of the bill.

Mr. HOLMES observed that this bill was an old friend or rather an old acquaintance of that body, and inquired whether any new facts favorable to the claim had been adduced. He was not in favor of the bill.

Mr. ROBBINS rose, and said, John Laurens, whose child and grandchild are before us with this claim, was one of those revolutionary patriots who devoted all his faculties and all his means to the cause of his country in that arduous conflict, and who, to crown his merits, made a sacrifice of his life to that cause. Liberty has her martyrs, as well as religion; and he was one of them. This claim by his family is for expenses disbursed by him while on a special foreign mission—a mission which he performed with extraordinary despatch, and with entire success. At a period of great difficulty and distress, the then Congress took him from the army, and sent him to France to solicit the means of relief; he prevailed, and obtained them. From the time he left the army to go on this mission, to the time he resumed his command in the army, after having successfully performed his mission, was less than nine months.

The reimbursement of these expenses is claimed on the ground of such then being the settled usage of the Government. That usage was to allow and pay our foreign ministers a sum certain as a salary; and, besides, to allow and pay their expenses. The records of all our foreign missions at that time will show this to have been the settled usage. It was done in the case of Dr. Franklin, in the case of Mr. Jay, the case of the elder Adams, and so of every other foreign minister, down to the time when an outfit was allowed in lieu of the allowance of expenses. This is the solitary instance in which it has not been done; and how it has happened in this instance, I will directly endeavor to explain. But, independently of this, I consider this reimbursement to have been guaranteed by an express resolution of Congress taken in this very case. The resolution is in these words:

“Resolved, That in settling the accounts of the late Lieutenant Colonel Laurens, as special minister to the court of Versailles, he be allowed the same pay that was given at that period to the minister plenipotentiary of the United States at foreign courts, from his appointment to that embassy until his return.”

Now, said Mr. R., what was that pay? It was, as I have before stated, a sum certain as a salary, and, in addition thereto, the amount of his expenses. It may seem strange that, in stating the account in this case, the treasury should have omitted, as it did, to credit these expenses; a credit so manifestly required both by settled usage and express authority. A review of the circumstances will account for this omission. Let it be recollected that Colonel Laurens himself never called for pay, either as a soldier or as a minister. He had some resources of his own; he had larger in the liberality of his opulent father; on these he drew. Such was the cast of his mind, that pecuniary matters were beneath his thoughts—he thought only, as he lived only, for his country and for glory. On his return from France, his only petition to Congress was, to be permitted to return to his command in the army. He did return; and soon after, in the affair at Yorktown, acted the distinguished part which history has noticed. He thence repaired to the standard of General Greene, and engaged in the battles of the Southern war. There the gallantry of his spirit laid his body in the dust—there

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terminated the short but brilliant career of the heroic Laurens. At this time, his only child was an infant, in a foreign land, and doubly an orphan, the mother having previously deceased. His father, the venerable Henry Laurens, was a prisoner in the Tower of London. Then there was no one to exhibit and solicit the claim of the unfortunate orphan. On the return of the father, after his captivity, and after performing his illustrious share in the great peace-mission to France, among his son's papers he found not a scrap of any account either against or with the Government. He knew not how his affairs stood with the Government, whether as final debtor or creditor; he only knew that he had made him large advances. In this situation, he preferred a memorial to Congress upon the subject—not making any claim, but referring the case to that body, to be disposed of according to their own sense of justice. The memorial was committed; the committee reported; and the resolution which I have before recited, was adopted upon the report. The resolution, we have seen, established the principle by which the settlement of the case was to be made, and which principle embraced this claim. This was in 1784. The Government not being in funds, nothing more was done in the case till 1790, when the new Government began the work of liquidating and providing for the claims of the public creditors. Then the statement of the account in this case was made. The expenses of this mission were not credited, because no account of them, owing to the circumstances which I have detailed, had been furnished to the Government. The statement was made upon the evidence as it existed in the Treasury Department; it did not embrace a credit for these expenses, because as to them the treasury had no evidence. It is apparent that Henry Laurens, the father, was under the mistake that the expenses could not be claimed, because among his son's papers he found no account, no charge of them against the Government. I say it is apparent, because, though he complained of the statement as made by the treasury, he did not complain of it on this ground. And in his memorial, before referred to, he states that he did not know whether his son meant to make any claim. But surely this mistake, as it does not affect the justice, so it ought not to affect the validity of this claim. The Government owes it to itself, it owes it to its own honor, not to profit by this mistake; especially to the prejudice of an orphan, and more especially to the orphan of such a parent.

The amount of these expenses, at least the amount reported, was \$7,335 86. This report and the report of the last session agree in this. The data on which this conclusion is founded, seem to me entirely satisfactory. The whole of this amount he received, while in France, on this mission, by drafts from his father, and by an order from Doctor Franklin, except a small sum he received from the superintendent of finance, Robert Morris, in Boston, on his arrival there from his mission—a small sum, to enable him to return to his command in the army. It will be found that any reasonable estimate of the necessary disbursements for himself and suite will carry the amount at least to that sum. And, collated with the expenses in other parallel cases, the same conclusion will result. On embarking for France, he must have taken funds with him, which were all exhausted, but of which no notice is taken in the estimate reported. We may be sure, then, that this sum falls within the limits of his actual expenses, at least that it does not transcend them.

There is another claim, but to a small amount, growing out of errors in the account as stated by the treasury. These errors are apparent to inspection on the face of the account. One is an item to which the scale of depreciation was applied, when that item was a special credit due from the United States. The amount of this error is \$101 85. The other is an item of credit in the account, amounting to \$104 70, but which amount is not

carried out, nor reckoned, in reckoning up the credits. The report then makes the gross sum—the amount of the expenses, together with the amount of these errors—\$7,542 41.

This report puts the claim upon the common footing of debts then due from the United States, and provides for it accordingly; allowing the same interest that was paid to the other public creditors, neither more nor less. It appears to me that this principle is the principle which ought to govern in this case. These expenses, paid by Colonel Laurens, were paid for the United States; and they were as substantially a loan to the United States, as if the money had been paid into the treasury of the United States, and a loan office certificate had been taken therefor. He was to all intents and purposes a public creditor to that amount; and to pay interest to the other public creditors, and to refuse it to him, would be an act, as it appears to me, of gross partiality; would be an outrage upon every sentiment of equal justice—and, I may add, of national justice, too; for these very expenses, so far as they were advances made by his father, (and they mostly were such,) became a debt on interest against him, and the amount, both principal and interest, have been deducted from the portion of his daughter. Colonel Laurens then loaned this money to the United States, for which he paid interest; he asks a return of that loan, not with the same interest, but with a less interest, much less. I say he—but I mean his orphan child, who speaks in his name. Were he living, and now here, I think it probable he would not speak—he was too magnanimous—too careless of every thing but virtuous fame, and too much absorbed in that pursuit; and building fame, as he did, on services and sacrifices to his country, I think it probable that if his country did not think of this debt to him, he would never speak to put her in mind of it; but, like his brother in arms and compatriot, Hamilton, he would place this claim upon the justice of his country, as a resource for them for whom nature had bound him to provide. It is pleasing to reflect that the distinguished and disinterested patriot, in this country at least, has this resource, and may look to it with confidence—of which the proofs are many and illustrious. I hope this case may furnish another.

There are many circumstances in this case, which might be alluded to, recommending this claim to favor, but, perhaps, addressing themselves to our feelings rather than to our reason; these, I therefore omit, and content myself with stating and explaining, as I have done, those grounds only which appear to me to establish the justice of the claim, and which will control my vote.

Mr. KANE, in answer to the gentleman from Virginia, went into a full explanation of the grounds on which the claim rested, and maintained that it was clearly shown from the acts of Congress, that the present claim was justly due, and that it had never been paid; explained the reasons why it had been delayed till the present day—which delay he considered no sufficient reason why justice should not finally be awarded in the same manner as it had been to other public ministers at the same period.

Mr. HAYNE answered some of the objections of those opposed to the claim, and explained the reason why the former committee, to which it had been referred, had reported favorably, and why the Senate were almost unanimous against the report. It was not because they doubted the justice of the claim, but because they differed with the committee in the amount justly due. Mr. H. went into an earnest argument in favor of the claim, and of the distinguished services and magnanimity of Colonel Laurens, whom he represented to have sacrificed not only his fortune, but his life, in the defence of his country, at a period when, of all others, those sacrifices and patriotic services were most needed. It was from the very circumstance of his patriotic and disinterested devotedness to the cause which he had embraced, that the claim was yet

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unpaid; for Colonel Laurens had, in his zeal for liberty, refused to demand the payment for his services, and fell a sacrifice to that cause, without leaving a claim upon the Government, or even a statement of his expenditures.

The question therefore now was, whether Congress should refuse justice to an orphan child, because the father had too much magnanimity to demand it. He trusted not.

At the suggestion of Mr. EWING, the bill was then laid on the table for the present.

THURSDAY, JANUARY 19.

Soon after meeting, the Senate went into executive business, and remained with closed doors until 4 o'clock; and then adjourned.

FRIDAY, JANUARY 20.

BANK OF THE UNITED STATES.

Mr. BENTON rose to ask leave to introduce the following resolution, of which he had given notice some days ago, viz.

A joint resolution declaratory of the meaning of the charter of the Bank of the United States on the subject of the paper currency to be issued by the bank.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the paper currency, in the form of orders, drawn by the presidents of the offices of discount and deposite on the cashier of the Bank of the United States, is not authorized by any thing contained in the charter, and that the said currency is, and is hereby declared to be, illegal; and that the same ought to be suppressed.

Mr. BENTON rose to ask leave to bring in his promised resolution on the state of the currency. He said he had given his notice for the leave he was about to ask, without concerting or consulting with any member of the Senate. The object of his resolution was judicial, not political; and he had treated the Senators, not as counselors, but as judges. He had conversed with no one, neither friend nor adversary; not through contempt of counsel, or fear of opposition, but from a just and rigorous regard to decorum and propriety. His own opinion had been made up through the cold, unadulterated process of legal research; and he had done nothing, and would do nothing, to prevent, or hinder, any other Senator from making up his opinion in the same way. It was a case in which politics, especially partisan politics, could find no place; and in the progress of which every Senator would feel himself retiring into the judicial office—becoming one of the *judices selecti*—and searching into the stores of his own legal knowledge, for the judgment and the reasons of the judgment which he must give in this great cause, in which a nation is the party on one side, and a great moneyed corporation on the other. He [Mr. B.] believed the currency, against which his resolution was directed, to be illegal and dangerous; and so believing, it had long been his determination to bring the question of its legality before the Senate and the people; and that without regard to the powerful resentment, to the effects of which he might be exposing himself. He had adopted the form of a declaratory resolution, because it was intended to declare the true sense of the charter upon a disputed point. He made his resolution joint in its character, that it might have the action of both Houses of Congress, and single in its object, that the main design might not be embarrassed with minor propositions. The form of the resolution gave him a right to state his reasons for asking leave to bring it in; the importance of it required those reasons to be clearly stated. The Senate, also, has its rights and its duties. It is the right of the Senate and House of Representatives, as the founder of the bank cor-

poration, to examine into the regularity of its proceedings, and to take cognizance of the infractions of its charter; and this right has become a duty, since the very tribunal selected by the charter to try these infractions had tried this very question, and that without the formality of a *scire facias*, or the presence of the adverse party, and had given judgment in favor of the corporation; a decision which he [Mr. B.] was compelled, by the strongest convictions of his judgment, to consider both as extra-judicial and erroneous.

The resolution, continued Mr. B., which I am asking leave to bring in, expresses its own object. It declares against the legality of these orders, AS A CURRENCY. It is the currency which I arraign. I make no inquiry, for I will not embarrass my subject with irrelevant and immaterial inquiries—I make no inquiry into the modes of contract and payment which are permitted, or not permitted, to the Bank of the United States, in the conduct of its private dealings and individual transactions. My business lies with the currency; for, between public currency and private dealings, the charter of the bank has made a distinction, and that founded in the nature of things, as broad as lines can draw, and as clear as words can express. The currency concerns the public; and the soundness of that currency is taken under the particular guardianship of the charter; a special code of law is enacted for it: private dealings concern individuals; and it is for individuals, in making their bargains, to take care of their own interests. The charter of the Bank of the United States has authorized, but not regulated, certain private dealings of the bank; it is full and explicit upon the regulation of currency. Upon this distinction I take my stand. I establish myself upon the broad and clear distinction which reason makes, and the charter sanctions. I arraign the currency! I eschew all inquiry into the modes of making bargains for the sale or purchase of bills of exchange, buying and selling gold or silver bullion, building houses, hiring officers, clerks, and servants, purchasing necessities, or laying in supplies of fuel and stationery.

A preliminary inquiry might have been resorted to, and was for some time intended, to know from the bank directory whether these orders were issued as a currency under the charter, and what exemptions were claimed for them from the restrictions provided in the charter, for a currency of promissory notes. But this preliminary inquiry has become unnecessary. A decision has been made in a high branch of the federal judiciary—the United States' circuit court in Philadelphia—affirming the legality of this species of currency, and stating the exemptions claimed for it; and this decision has been received with a degree of approbation by the bank directory, which announces it to be accordant with their own opinions. Inquiry of the directory is, therefore, unnecessary. A resort to the opinion of the court, and that opinion has been authoritatively published, may be considered as the answer of the bank, and, what is far more material, as the law of the land until reversed.

Here is the opinion, that part of it which relates to these orders as a currency; for I omit all that relates to the trial of the prisoner for the counterfeiting one of these orders:

“The only restriction on the issuing of any paper is in the proviso to the 12th fundamental article in the 11th section of the charter. The bank can make no bill obligatory, or of credit, under its seal, for the payment of a less sum than five thousand dollars; the bills or notes issued by order of the corporation, signed by the president and cashier, are made as binding and obligatory on the bank as those of private persons, but all their bills and notes must be payable on demand, unless of a sum not less than one hundred dollars, and payable to order; none of these restraints apply to an order or check; the notes or bills alluded to are such as contain a promise to

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'pay money, and the bills obligatory are such only as are under seal, and for sums not less than five thousand dollars.

"The bank is left free to contract debts by any other mode than by their promissory note or an obligation under seal, with no other limitation than is contained in the 8th fundamental article, which is merely as to amount, the only effect of which is not to exempt the bank from liability for the excesses, but to make the directors, under whose administration it shall happen, personally liable.

"The act of establishing a branch is, *per se*, the creation of an agency; it is an authority not only to the extent of the regulations under which the agent acts, but to the extent of all acts and transactions of the officers of the branches, which the bank have been in the habit of adopting and confirming, on the same principle that individuals are liable on the contracts of their wives and servants, who have been permitted to deal on their credit, and in their names; or a merchant, whose clerk is in the habit of writing letters, signing notes, bills, and checks, in his name, though without any written or express authority, by the adoption and recognition of which he authorizes the public to consider his clerk as his agent, authorized to do in future what he has been in the habit of doing with his knowledge and assent. It would be strange indeed that the bank should not be liable for checks or orders, drawn by its agents, at their own branches, which not only form a very important item in the currency of the country and the operation of the branches, but which the bank have, for years, daily ratified and sanctioned by their payment: the uniform course of business transacted between the bank and its branches furnishes such a strong legal inference and presumption of its being authorized by the regulations under which they have been established, that the burden of proof to the contrary is clearly thrown on the bank, or any other person who would attempt to show that the paper was not obligatory upon them. It would be a severe reflection on the bank to suppose that they would for a moment refuse payment of these checks and orders; and our system of jurisprudence would deserve little of public respect or confidence, if the law would not coerce it.

"By the 17th article, the bank is bound to pay in gold and silver all its notes, bills, and obligations, and all deposits in the bank or its offices; and the proviso enacts, that Congress may enforce and regulate the payment of other debts under the same penalties as are prescribed for the refusal to pay its notes, bills, obligations, and deposits.

"The mode in which the bank contracts a debt, the shape it assumes, or the places where contracted, is of no importance. The offices being its agents, the debts contracted by them become the debts of the corporation, imposing a duty to pay them, which may be done at or by the branches or the bank. If the payment is made in coin, the debt is extinguished; if made by a draft, order, or check, the debt remains until they are actually paid. Unless the holder expressly takes them as payment, and at his own risk, they create a new duty or obligation, which the bank is as much bound to perform as the old one for which it is intended to make satisfaction. It is a matter of mutual convenience, whether the old debt or duty shall be extinguished by payment or taking paper, whether in their promissory notes of the bank, or orders or checks drawn upon it. They may be in large drafts or orders for remittance, or small ones for currency or circulation, and in any form, with or without ornaments, devices, or marks. Whether they resemble,

'in these particulars, the notes of the bank, is immaterial; their substance and legal effect are the same; they create a new debt or duty, obligatory on the bank. It is bound to honor all the paper which it issues or gets into circulation by its authority or agents."

After reading the extracts, Mr. B. continued. I take the substance of this decision, Mr. President, to be—

1. That these branch bank orders are legal currency, under the charter of the Bank of the United States.

2. That the bank may lawfully issue this description of currency to the whole amount of its capital stock.

3. That this currency is free from every regulation, restriction, limitation, and provision, contained in the charter, except the single limitation as to the maximum amount to be issued, to wit, thirty-five millions of dollars.

4. That the bank may employ what agents she pleases in signing and issuing this currency."

I take this to be the substance of the decision. Justice to that decision, and the fair conducting of my own argument, will require me to examine the grounds upon which the court proceeded. These grounds are found in two clauses of the charter; one clause in the 18th section; the other in the 8th fundamental article of the constitution of the bank. The penal clause in the 18th section against counterfeiting "checks or orders," and the phrase "other contract," in the 8th fundamental article, comprise those grounds. I will examine each in its turn; but must first make a stand in the name of all that is safe and sure in the administration of law, protesting, as I do hereby protest, against going into a penal section, or into the construction of a phrase, to find a power to issue currency, and that without restrictions, when the charter had given that power in the proper place in express words, and subject to numerous and vital restrictions. I make this protest, not from the least apprehension of finding in a penal clause, or in the construction of a detached phrase, the great power for the exercise of which the bank was created, that of issuing a paper currency to the people of these States, but as an act of justice to the constitution of the bank, to its cautious prohibitory preamble, and to its seventeen fundamental articles. I make it in the name and upon the behalf of the lawful rights of other parts of the charter. Let us now proceed to the examination; and, first, let us read this 18th section, the whole of it, as the only fair way to find its meaning.

"Sec. 18. If any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any bill or note in imitation of, or purporting to be a bill or note ISSUED BY ORDER of the president, directors, and company of the said bank, or any order or check on the said bank or corporation, or any cashier thereof; or shall falsely utter, or cause or procure to be falsely uttered, or willingly aid or assist in falsely uttering, any bill or note ISSUED BY ORDER of the president, directors, and company of the said bank, or any order or check on the said bank, or corporation, or any cashier thereof; or shall pass, utter, or publish, as true, any false, forged, or counterfeited bill or note purporting to be a bill or note ISSUED BY ORDER of the president, directors, and company of the said bank, or any false, forged, or counterfeited order or check upon the said bank or corporation, or any cashier thereof, knowing the same to be falsely forged or counterfeited; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any falsely altered bill or note ISSUED BY ORDER of the president, directors, and company of the said bank, or any falsely altered order or check on the said bank or corporation, or any cashier thereof, knowing the same to be falsely altered, with intention to defraud the said corporation, or any other body politic, or person; or shall sell, utter, or deliver, or cause to be sold, uttered, or delivered, any forged or counterfeit bill or note ISSUED BY ORDER of the president and

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directors of the said bank, knowing the same to be false, forged, or counterfeited, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced, &c.

I do deny, Mr. President, that any power, of any kind, is given to the bank by this section. It is a mere provision to punish the violation of existing rights. So far as the issues of bills or notes are mentioned, it is a recital of what the bank was authorized to do in the 12th fundamental article of its constitution; so far as checks and orders are mentioned, it is a recital of the pre-existing right which every depositor possesses. The object of the section is to provide for the security of existing rights; namely, the chartered right of the bank to issue bills or notes, and the inherent right of depositors to draw for their own money. This is the object of the section; and the violation of either of these rights is made felony. Both rights are protected, but they are not granted; neither are they confounded. The distinction is clear between them, between the currency which is to issue from the bank, and the orders which are to be drawn upon it. The separation is complete, the contrast is perfect, the antithesis is regular, the contradistinction is manifest, between these two classes of paper. The whole frame of the section, the structure of every member of the long sentence which composes it, the natural and obvious meaning of every word in every sentence, establishes and defends this clear and emphatic distinction. Five times in five different members of the sentence, the same form of expression, the same order of construction, and the same repetition of words, regularly occur. Five times the line is drawn, the distinction is set up, between the bills or notes which are to be issued by order of the bank, and the checks and orders which are to be drawn upon it. The two classes of paper are kept distinct, and cannot be confounded. Let any gentleman try. Let him include, if he can, the words "checks and orders" under the action of the verb which governs the issuing of the *bills or notes* of the bank. The thing cannot be done. It is a grammatical impossibility. I repeat it, the clear, undoubted object of the section is, not to grant powers, but to protect rights. Its object is penal, not concessive; to punish, not to grant.

This is my view, Mr. President, of the 18th section. Does any gentleman doubt the correctness of that view? Then let him follow me into the next section—the 19th—still occupied with the crime of counterfeiting, and taking up the inchoate class of offences involved in the process of perpetrating the crime. The authorized currency of all banks, in all countries, is protected from the process, from the progressive course, of being counterfeited, as well as from the consummation of the crime itself; but this protection is never extended to private and individual papers. A man is punished for having in his possession, with intent to use it unlawfully, the plate from which bank notes are struck, the notes themselves in blank, and even the kind of paper which is used for bank notes. Not so in the case of private or individual writings. The reason is obvious. Banks have peculiar plates and paper for their notes which are to constitute currency; neither individuals, nor banks, have any thing peculiar for their private and individual writings. The plate and paper with which a bank note is to be counterfeited, can be known and identified as such; the goose quill pen, the common types, and the common writing paper, which are used for all the ordinary transactions of life, cannot be known or identified. Upon this distinction turns all the law upon the subject of punishing the inchoate offence of counterfeiting; upon this distinction turns the 19th section of the charter; upon this distinction it is that the currency of the bank, its bills or notes, are protected from the process of being counterfeited, and the orders and checks of depositors are unnoticed. Listen to the section.

'If any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his possession or custody, any metallic plate, engraved after the similitude of any plate from which any notes or bills issued by the said corporation shall have been printed, with intent to use such plate, or to cause or procure the same to be used, in forging or counterfeiting any of the notes or bills issued by the said corporation; or shall have in his custody or possession any blank note or notes, bill or bills, engraved and printed after the similitude of any notes or bills issued by the said corporation, with intent to use such blanks, or cause or suffer the same to be used, in forging or counterfeiting any of the notes or bills issued by the said corporation; or shall have in his custody or possession any paper adapted to the making of bank notes or bills, and similar to the paper upon which any notes or bills of the said corporation shall have been issued, with intent to use such paper, or cause or suffer the same to be used, in forging or counterfeiting any of the notes or bills issued by the said corporation, every such person, being thereof convicted by due course of law, shall be sentenced, &c.'

What fatuity, or unkindness, in the framers of this charter! What inattention to this constructive currency, created in the 18th section, and abandoned in the 19th! Eight times the bills or notes, issued by order of the bank, are named and protected. Eight times the checks and orders are passed over without a word. No protection for them against the process of being counterfeited. The plates, the blanks, the paper, for their imitation, may be paraded in the face of the world. The whole process may be carried on in the face of the bank; and no legal authority to interrupt the forgers, to seize their unfinished work, or to arrest their persons. Can any thing be more emphatic of the sense of the Congress which framed the charter? Could words be more expressive than this silence? Could a positive declaration fix these checks and orders more completely in the class of those private writings which have no peculiar plates, no blanks, no peculiar paper?

The second ground on which the court relied, is the phrase, "other contract," as used in the 8th fundamental article of the constitution of the bank. In resorting to this phrase, the court has at least got into the right chapter, but missed the verse; it has got into the constitution; it has got among the seventeen articles; but it has not got to the article which grants powers, but the one which recites, and that for the purpose of limitation, the powers which are elsewhere expressly granted. To crown this error, the court has again had recourse to construction, and has given an import and meaning to the phrase "other contract," which it cannot be made to endure, either in common parlance, nor in legal acceptance, nor without reducing the rest of the charter to a blank. We will read the article.

"The total amount of debts which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, over and above the debt or debts due for money deposited in the bank, shall not exceed the sum of 35,000,000 dollars, unless the contracting of any greater debt shall have been previously authorized by the United States. In case of excess, the directors under whose administration it shall happen shall be liable for the same in their natural and private capacities; and an action of debt may, in such case, be brought against them or any of them, them or any of their heirs, executors, or administrators, in any court of record in the United States or either of them, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant, contract, or agreement, to the contrary notwithstanding. But this provision shall not be construed to exempt the said corporation, or the lands, tenements, goods, or

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'chattels of the same from being also liable for, and 'chargeable with, the said excess. *Such of the said directors as may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the President of the United States, and to the stockholders at a general meeting, which they shall have power to call for that purpose.*'

What is the meaning of this article? Is it to grant authority to the bank to make bonds, issue bills or notes, and form other contracts? No, sir; authority to do all these things is elsewhere granted, namely, in the 12th fundamental article, to make bonds and issue bills or notes; in the tenth section, to form other contracts in dealing and trading in bullion and bills of exchange; and in other places, to do other things. The manifest object of this eighth section is to prohibit the bank from owing more debts, at one time, on all these accounts, than the amount of the capital stock; and to make the directors personally liable if they exceeded that amount. The words "other contract" was evidently intended to include the individual dealings of the bank; to add its private debts to its public ones; and to limit the whole to the amount of its capital. Will any person undertake to derive the right of the bank to make bonds, and issue bills or notes, upon the recital of the names of these instruments in this eighth article, and then argue that they are free from all limitations, except the single one as to maximum amount found in that article? Certainly not, and yet this would be the precise mode of reasoning with respect to the phrase "other contract," if it is to be treated as a grant of power, instead of a reference to the various contracts for bullion, bills of exchange, buildings, salaries, expenses, &c., which the bank was elsewhere authorized to make, and for the form or terms of which contracts the charter nowhere made any regulations or provisions. I repeat it, bonds, bills, or notes, are merely recited in this article for the purpose of adding a new limitation and a new penalty; reference to *other contracts* is made for the purpose of including them in the same limitation, and subjecting them to the same penalty. This is the construction which satisfies the phrase; which gives it a full and natural operation, and that without conflicting with any other part of the charter, much less reducing all the rest to a blank.

I have given to this phrase, Mr. President, the meaning which fairly and naturally belongs to it, and which harmonizes it with every other part of the charter. This is what the books tell us it is the duty of courts to do in construing statutes. I will now take three specific objections to the courts' construction, and show it to be erroneous in every point of view in which it can be examined.

1. I object to it because it authorizes an issue of *currency upon construction*. The issue of currency, sir, was the great and main business for which the bank was created, and which it is, in the twelfth article, expressly authorized to perform; and I cannot pay so poor a compliment to the understandings of the eminent men who framed that charter, as to suppose that they left the main business of the bank to be found, by construction, in an independent phrase, and that phrase to be found but once in the whole charter. I cannot compliment their understandings with the supposition that, after having authorized and defined a currency, and subjected it to numerous restrictions, they had left open the door to the issue of another sort of currency, upon construction, which should supersede the kind they had prescribed, and be free from every restriction to which the prescribed currency was subject.

2. I object to the courts' assumption that these orders are contracts; and this objection leads to a definition, and to the recollection of our early reading, when we were ap-

prentices to the law. What is a contract? The books tell us it is an agreement, upon a sufficient consideration, to do, or not to do, a particular thing. Now, bring these orders to the test of this definition; and for that purpose let us read one:

"Cashier of the Bank of the United States,

'Pay to Jas. L. Smith, or order, five dollars.

'Office of discount and deposit in Utica,

'The 3d day of September, 1831.

'JOHN B. LEVING, *President*.

'N. V. GRAZIER, *Cashier*."

And on the back these words:

"Pay to the bearer.

JAS. L. SMITH."

Here is no agreement, sir! No consideration expressed or understood; no promise or undertaking to do, or not to do, any thing whatever. It is literally an order, such as one neighbor gives to another, and governed by the same law. It is the very opposite of a contract, for it is a command; it is the opposite of a debt, for it implies the extinction of one. It is a mandate, and that an imperious one, from a gentleman in Utica, whose name I cannot read, to a gentleman in Philadelphia, who is not named at all, to pay five dollars to Mr. Jas. L. Smith, or to the person he shall name. Call this a contract? If so, Mr. President, those who studied law twenty-five years ago must burn their books, and recommence in the new school. The only species of contract that can attach to it is the implied one which the law creates between the giver and receiver of the order; and that is an implied promise, on the part of the giver, that he will pay it if the cashier in Philadelphia does not, provided the receiver of the order will lose no time in going after the money, and bringing the order back if he does not get it.

I object to these orders as coming under the phrase in the eighth article, because they are issued from branch banks, and by the presidents of these banks, while the words and the tenor of the eighth article require the whole of the debts which are there referred to; those by "other contract," as well as those by bond, bill, or note, to be contracted by the directors of the parent bank in person. Observe the words. *The directors under whose administration the excess may happen; the exception in favor of those who shall have been absent when the excess was contracted; the further exception in favor of those who dissented from the resolution which created the excess; and the qualification of both exceptions to a notice forthwith to be given to the President of the United States and to the stockholders of such dissent or absence:* all these expressions refer to the directors of the parent bank, and imply personal presence at the formation of every contract, at the creation of every debt, those by "other contract," as well as those by bond, bill, and note, which enters into the aggregate mass of the thirty-five millions, which the bank, at any one time, may owe. According to the opinion of the court, not only a part, but the whole of these thirty-five millions may be contracted by agents, scattered all over the Union. The whole currency of the bank may be issued by Tom, Dick, and Harry; and if they issue a thousand millions instead of thirty-five, why, the directors are not responsible; the corporators are not responsible; the United States of America are not responsible; the assets of the bank only are liable; and who ever heard of assets in a broken bank? The opinion of the court, that agents may issue currency, and create these thirty-five millions of debt, is at war not only with the words and tenor of the eighth article, but with the whole tenor of the entire charter. By that instrument, the great business of issuing currency is confided to the directors of the parent bank. It is a personal trust which they cannot devolve upon agents. There is a personal liability attached to the abuse of that trust, of which they cannot divest themselves. These directors are to be numerous, not less than twenty-five. One-fifth of their

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number must pass the ordeal of this Senate upon the nomination of the President of the United States. The whole of them must be stockholders. Here is something like responsibility. Not so with the president and directors of the branch banks. They may be but seven in number, and four of them a quorum. None of them required to be stockholders; none to pass this body. The President of the United States has no voice in their appointment or removal. They are breath in the nostrils of the Philadelphia directors. One breath they are made; another they are gone. And upon these evanescent and shadowy beings the power of issuing a national currency is to be devolved!

This finishes, Mr. President, the examination which I have felt it proper to make into the grounds of the decision pronounced by the federal court in Philadelphia. I will now take up the constitution of the bank, and bring this constructive currency to the ordeals of prohibitions, as well as of the grants to be found in that instrument. The Congress of 1816 gave to the Bank of the United States a constitution, with a preamble to it, and seventeen fundamental articles in it; and if the bank has construed itself out of this congressional constitution, it may seem to some to be an act of retributive justice on the Congress for construing itself out of the constitution of the United States to give a constitution to the bank. We will see. The preamble stands at the head of the eleventh section, and runs thus:

"The following rules, restrictions, limitations, and provisions, shall form and be fundamental articles of the constitution of the said corporation."

This preamble is sufficiently expressive of the intention of Congress to bind the bank, and to regulate its conduct, a difficult task, I admit, but bravely attempted by the Congress of 1816. We pass over many regulations to come to the main article, the 12th, which applies to the currency, and which we will read:

"The bills, *obligatory* and of *credit*, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and his, her, or their executors or administrators, and of his or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees, and his, her, or their executors, or administrators, to maintain an action thereupon, in his, her, or their own name or names: *Provided*, That said corporation shall not make any bill *obligatory*, or of *credit*, or other *obligation* under its seal, for the payment of a less sum than five thousand dollars. And the bills or notes which may be issued by order of the said corporation, signed by the president, and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her, or their order, or to bearer, although not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with like force and effect, as upon any private person, if issued by him, her, or them, in his, her, or their natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons; that is to say, those which shall be payable to any person or persons, his, her, or their order, shall be assignable by endorsement in like manner and with like effect as foreign bills of exchange now are; and those which are payable to bearer shall be assignable and negotiable by delivery only: *Provided*, That all bills or notes so to be issued by said corporation, shall be made payable on demand, other than bills or notes for the payment of a sum not less than one hundred dollars each, and payable to the order of some person or persons; which bills or notes it shall be lawful for said cor-

poration to make payable at any time not exceeding sixty days from the date thereof."

This is the article, Mr. President, which authorizes the Bank of the United States to make bonds to individuals, and to issue a currency to the public. This is the article which prescribes the manner in which the assents of the numerous individuals who compose the corporation shall be expressed, and their corporate effects bound for the payment of money. This article establishes two species of paper securities; first, bonds under the common seal of the corporation; secondly, bills or notes signed and countersigned by named officers. Thus sealed, or signed, the article declares these securities to be binding and obligatory on the corporation; and other articles go on to attach a multitude of limitations, restrictions, provisions, and penalties, all referring to these bonds, bills, or notes, by a precise allegation, and intended to guard their solvency, to secure the public in the safe handling of them, and to facilitate the recovery of their contents, with heavy damages, in the case of non-payment on demand. I here remark, for the purpose of freeing a material part of this discussion from any ambiguity, that the bills or notes mentioned in this article, and referred to throughout the charter, are one and the same thing. A bank bill, and a bank note, are equivalent terms in common parlance; they are the same thing in legal acceptance; they are the same instrument in the eye of the charter. They are created together, and created not as two things, but as one thing, having the same origin, the same qualities, and the same design. The bill or note (for the charter never once uses the phrase, bill and note) are to be issued by order of the president and directors, are to be for the payment of money, are to be signed by the same officers, are to be transferable in the same mode, are not to be on credit for a less sum than one hundred dollars, nor for a longer time than sixty days, and are subjected to a great variety of regulations and restrictions. The federal court in Philadelphia pronounces these branch bank orders to be free from all the limitations, restrictions, and provisions which apply to bills or notes; and so do I. But the court pronounces these orders to be legal currency under the charter; I say they are not; and this is the question for the Senate and the American people to decide. I take the position, that every species of paper currency issued by the bank, upon the construction of words and phrases, found in, or out of, penal sections, and differing in form or substance from the paper currency prescribed in the 12th fundamental article, or violating the rules and provisions to which that currency is subject, is unauthorized and illegal.

How stand these branch bank orders under the enactments of this fundamental article? I leave out what relates to bonds in the first clause of the article, for they were evidently intended for large operations and special transactions, and confine my examination to the issue of currency under the second clause. Is this order a bill or note promising the payment of money? It is not. Is it signed by the president of the bank, and countersigned by the principal cashier? It is not. Is it subject to the limitation which prevents a bill or note of less size than one hundred dollars to be on credit, and that for a longer time than sixty days? It is not. Then it is condemned, utterly condemned, upon the words of the 12th fundamental article. In the next place, how does it stand under the restrictions, limitations, and provisions which were to govern and control the prescribed currency of the bank? We will see, and that in detail; but, first, let us have another quotation from another part of the bank charter.

It is in the 7th section, at the end of the enumeration of the general powers of the bank. The section begins with creating the corporation, giving it a name, and enumerating its powers; and, after a long enumeration, winds up in these words:

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"And, generally, to do and execute all and singular the acts, matters, and things which to them it shall or may appertain to do: subject, nevertheless, to the rules, regulations, restrictions, limitations, and provisions, hereinafter prescribed and declared."

Now, Mr. President, it does seem to me that I have the advocates of this branch bank currency at a point from which they cannot move, without first admitting that the issue of thirty-five millions of currency, for to that amount the court says these orders may go, is not an *act*, is not a *matter*, is not a *thing*, APPERTAINING to the bank to do: for, unless they admit all this, they subject this currency to all the rules, regulations, restrictions, limitations, and provisions found in the charter after the 7th section; and to the ordeal of which it cannot be brought without utter annihilation. This is not the age for admissions, but for argument after conviction rather. The progeny of Goldsmith's schoolmaster is not yet extinct. I will not pause for admissions; but will proceed directly to annihilate this currency by bringing it to some of the tests (a part only of what the charter contains) to which every act, every matter, every thing, appertaining to the bank to do, must be brought, and must stand, before its legality is admitted.

The 15th fundamental article provides a guard for the safety of the public, which does not apply to these orders, and furnishes an argument against their legality as currency. We will read it.

"The officer at the head of the Treasury Department of the United States shall be furnished from time to time, as often as he may require, not exceeding once a week, with statements of the amount of capital stock of the said corporation, and of the debts due to the same; of the moneys deposited therein; of the notes in circulation, and of the specie in hand; and shall have a right to inspect such general accounts in the books of the bank as shall relate to said statement: *Provided*, That this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank."

Mark, Mr. President, the phraseology of this important article. The statement to which the Secretary of the Treasury is entitled, extends to five points, each of them essential to the solvency of the bank, and the security of the public.

1. The capital stock.
2. Debts due to the bank.
3. Money in deposite.
4. Notes in circulation.
5. Specie on hand.

The right of inspecting the books of the bank, for the verification of the statements, extends to these heads, and no others. Branch bank orders are not included. The court at Philadelphia decides that these orders are not notes. Every body knows they are not. The bank knows it, and makes no return of them. Here are the monthly statements of the last year to the Secretary of the Treasury. It is for the month of December, 1830. It is the last which has been communicated to Congress, and printed for the use of the members.

1. Capital stock,	-	-	\$34,996,269 63
2. Due to the Bank of the United States and offices,	-	-	18,818,207 65
3. Deposites,	-	-	16,722,701 12
4. Notes issued,	-	-	31,972,247 76
5. Specie,	-	-	10,808,047 07

This is the statement under the five heads required. No return of these branch bank orders! No statement of this new-fangled currency, which may be issued to the amount of thirty-five millions, and for which there is no responsibility if issued to the amount of thirty-five myriads, instead of millions. No return of these orders up to December, 1830; yet every citizen of the South and West knows that they have been creeping and crawl-

ing into existence since the year 1826. If any one says they are included under the head of *notes*, then it will be confessed that they have worn a name which is not their own, and that they are smuggled through the monthly returns in the ranks of a company to which they do not belong. The directors cannot give a weekly report of these orders; they can never tell how many are issued: for the five and twenty branches may have issued five and twenty millions since the last return. But the great point is, that the bank is not obliged to return them, and that the Secretary of the Treasury has no right to inspect the bank books to ascertain their quantity. It is this which makes the test of the 17th article so fatal to their legality. And now what becomes of the wisdom of the Congress of 1816? What the value of these monthly statements? What the utility of this national sentinel, this standing guard, this permanent supervisor, in the person of the Secretary of the Treasury, over the solvency of the bank? All vain and nugatory. His vigilance may cease; his alarm bell may sleep; his deep and dismal *tocsin* may never utter her fearful, direful sound. He can no longer see the disproportion between the currency in circulation, and the specie in the vaults. Countless millions of orders may flow from the branches; their beggarly coffers may have nothing to take them up; no returns to be made; no right of inspection; no liability in the directors; no means for the country to learn its danger, till the people are roused from their sleep by the convulsions of a nation in ruins—by the cries of national and individual bankruptcy—by the explosions of a Mississippi scheme and a South Sea bubble.

I proceed to the application of another test.

The 17th fundamental article contains a limitation on the minimum size of the *notes* to be issued by the bank. The object of the limitation is obvious; it is to save the country from being afflicted with the pestiferous circulation of a paper currency below the amount of five dollars. This is the article:

"No note shall be issued of less amount than five dollars."

This is the article, the whole article, and nothing but the article. Notes alone are mentioned. Why? Because bank notes alone were to constitute the currency; the currency was the thing which concerned the public; and the public was the ward which the framers of the charter placed under the guardianship of the Secretary of the Treasury. Bills of exchange are not included, because they cannot circulate; they cannot enter into circulation; they are an individual transaction. A bill of exchange for a dollar may answer a man's purpose who wishes to send a dollar to a distance. The Bank of the United States may condescend to sell it. It is nobody's business. It does not annoy the public. It goes straight to its destination, fulfils its object, performs its function, and dies. The article does not include bonds under seal, and upon credit, because already limited. It does not include checks and orders, because they are individual transactions, and equally individual, whether drawn by a natural or an artificial person, by a bank president or a chimney sweeper. A depositor uses checks and orders. He draws for the money he has, or wants, be it a dollar or an eagle. It is nobody's business. It does not annoy the public. The article does include "other contracts," because, as has been shown, they were to consist of individual and authorized transactions, having nothing to do with the currency, and enter into no part of the circulation. The terms of the limitation do not include checks or orders; they cannot apply to currency composed of orders; the court at Philadelphia decides that it does not apply to the orders in question; their general decision covers it, and their specific words reach it. They say they may be in large sums for remittance, and in small ones for currency; and they might have carried out the

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case, by saying smaller still for change. Under this decision, the bank may give us thirty-five millions of national currency, in sixpenny bills and twopenny tickets; and all these on such terms of extended credit as the bank chooses to prescribe: for the limitation of sixty days for maximum credit has no more application to these orders than the limitation on the minimum size.

The 17th section shall furnish us with the next *order* to which we will subject these *orders*. It runs thus:

"That the said corporation shall not, at any time, suspend or refuse payment in gold and silver, of any of its *NOTES, BILLS, or OBLIGATIONS*; nor of any moneys received upon deposits in said bank, or any of its offices of discount and deposit. And if the said corporation shall, at any time, refuse or neglect to pay, on demand, any *bill, note, or obligation*, issued by the corporation, according to the *contract, promise, or undertaking*, THERE-
 IF EXPRESSED, or shall neglect or refuse to pay on demand any moneys received in said bank, or any of its offices aforesaid, on deposit, to the person or persons entitled to receive the same, then, and in every such case, the holder of any such *note, bill, or obligation*, or the person or persons entitled to demand and receive such moneys aforesaid, shall, respectively, be entitled to receive and recover interest on the said *bills, notes, and obligations*, or *moneys*, until the same shall be fully paid and satisfied, at the rate of twelve per centum per annum from the time of such demand as aforesaid: *Provided*, That Congress may, at any time hereafter, enact laws enforcing and regulating the recovery of the amount of the *notes, bills, obligations, or other debts*, of which payment shall have been refused as aforesaid, with the rate of interest above mentioned, vesting jurisdiction for that purpose in any courts, either of law or equity, of the courts of the United States, or territories thereof, or of the several States, as they may think proper."

This section has no application to a currency of branch bank orders. The enumeration excludes them, for they are neither bills, bonds, notes, or deposits; the enactments exclude them, for they contain no promise or undertaking for the payment of money; no such promise is expressed therein. The prohibition to suspend specie payment, the right to sue, and to recover twelve per cent. damages, are all inapplicable to these orders. This is the opinion of the federal court in Philadelphia, and I concur, in that opinion, with the court. But this might leave the holders of the orders in a miserable predicament. For their consolation, then, the court goes into the *proviso* of this seventeenth section, which reserves to Congress the right to legislate further on the subject, and to provide by a future law for putting "other debts" on the same footing with respect to non-payment and double interest, which had just been awarded to debts by bill, note, bond, and deposit. Can any thing be more clear to mark the distinction between the two classes of debts, the public and the private, the currency and the individual securities? The former are provided for; they are taken under the guardianship of the charter; the prohibition to suspend payment, the right to sue, and the right to recover double interest for delayed payment, are all secured and attached to them; nothing with respect to them, except to give additional remedies to facilitate recovery, namely, summary judgments, is left to future Congresses. Not so with respect to the latter class, the "other debts," among which this branch bank currency is driven to take refuge. They are left to the general laws of the land, and the vigilance of the contracting parties. They are private transactions, and the charter does not stand guardian over them. A provision, *in terrorem*, only is made. Congress is authorized to provide for them hereafter; to put them on the same footing with the currency, but not even to do that until after payment shall have been refused. Now, withdraw the whole currency from the ope-

ration of the main clause, and bring it under the *proviso*, as these orders are made to do, and what then? Why the whole paper currency of the bank is left without any existing prohibition against suspension of payment, without any chartered right in the holder to sue, and without any right to recover twelve per cent. damages for delayed payment. The whole business of providing for the recovery of the sums due on this currency is left to future Congresses, and until after the contingency of suspended payment shall occur. And what may be the condition of Congress then? The same with that of the British Parliament in 1797, when the Bank of England had more friends in power than the people; when a suspension of specie payments, instead of being resisted, was sanctioned; instead of being speedily terminated, was prolonged through twenty years; when the whole power of Government, and of national legislation, fell into the hands of a moneyed oligarchy, already bloated with the wealth and gorged with the spoils of a plundered empire.

The 14th section of the charter furnishes the next order, to the test of which this branch bank currency will be brought. A main object in the establishment of the Bank of the United States was to provide a paper currency in which the revenues of the Union could be safely collected. The 14th section makes the bills or notes of the bank receivable for that purpose. Listen to it:

"That the bills or notes of the said corporation, originally made payable, or which shall have become payable, on demand, shall be receivable in all payments to the United States, unless otherwise directed by act of Congress."

Branch bank orders are not included. Bills or notes only are named. No other bills or notes are intended than those prescribed and described in the 12th fundamental article. We have the authority of the federal court in Philadelphia for saying that these orders are not the bills or notes mentioned in the 12th article, and in that I agree with them. Then, sir, they cannot be receivable in payment of the public revenues! We have the authority of the same court for saying that these orders are not subject to the restrictions of the charter; and in that I agree with them, and add, that, not being subject to the restraints, they are not to be entitled to the privileges of the charter. The greatest of these privileges—the one which gives credit and circulation to the paper currency of the bank, which almost supersedes the necessity of specie capital—is the receivability of it in payment of all dues to the Government. And shall this eminent privilege be enjoyed by a species of currency not subject to a single restriction in the charter, even to the one which would enable the Secretary of the Treasury to know whether the revenues were paid—were being paid—in the paper of a solvent or insolvent institution?

The 14th section is conclusive upon the exclusion of these orders from payments to the United States. But it is not all. Another clause of statute law bears upon the same point, and with equal force and clearness. It is the joint resolution of 1816 for the better collection of the public revenue. This resolution was made contemporaneously with the charter. It was made by the same Congress, and at the same session, which granted the charter. It is only twenty days posterior in date; the charter being approved the 10th, the joint resolution the 30th of April, 1816. Taken as a legislative interpretation, explaining the 14th section, or as a legislative enactment controlling it, and it is equally decisive of the fate of these orders. It will exclude them, irrevocably exclude them, from revenue payments. Here it is:

"That the Secretary of the Treasury be, and he hereby is, REQUIRED and DIRECTED to adopt such measures as he may deem necessary to cause, as soon as may be, all taxes, duties, debts, or sums of money, accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or treasury

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'notes, or notes of the Bank of the United States, as by law provided and declared, or in notes of banks which are payable, and paid, on demand, in the said legal currency of the United States; and that, from and after the twentieth day of February next, no such duties, taxes, debts, or sums of money, accruing or becoming payable to the United States as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or treasury notes, or notes of the Bank of the United States, or in notes of banks which are payable, and paid, on demand, in the said legal currency of the United States.'

Now, Mr. President, if there is any power in words, any virtue in language, any force or strength in legal enactments, any capacity in the Congress of the United States to bind the Bank of the United States; if the sarcasm of the Scythian is not true of this young republic as well as of the old monarchies to which it was applied, *that laws are cobwebs, which catch the weak flies, and let the strong ones go through*, then are these orders excluded from all revenue payments to the United States. Notes alone are receivable under the joint resolution, and these orders are not notes, nor their similitude or equivalent. Then, what becomes of the wisdom of the Congress of 1816? They created a bank to issue a currency to be received in all revenue payments; and that bank issues a currency which cannot be received, in a single instance, without violating the law of its creation and of its contemporaneous exposition. Was the Congress of 1816 an assemblage of idiots who counteracted and destroyed their own work as they made it? or is it already proved that this bank is too powerful for the control of laws? Sir, the Congress of 1816 were not idiots. They were eminent men, and anxious to accomplish a great public good; but they undertook an impossibility! they undertook to bind a great moneyed corporation! they stuffed and crammed the charter of the new bank with new and multiplied provisions; they made it three times as long as the charter of 1791; many republicans appeased their own jealous spirits by this accumulation of new modifications; and now they must be astonished to see the bank slip out of the whole of their restrictions as easily as the vernal serpent slips out of its last year's skin.

Yet what is the fact? Is the joint resolution of 1816 respected or violated? It is doubly violated—I speak of my own State with perfect knowledge—by receiving in payment of public lands these branch bank orders, which are not notes of the Bank of the United States, and rejecting the notes of all the specie-paying banks in the Union! The execution of the resolution (it would seem) has been committed to the Bank of the United States; and she executes it, in the Northwest at least, to her own advantage, by excluding the notes of all other specie-paying banks which are receivable under that resolution, and receiving her own branch orders, which are not receivable under it. The notes of all the State banks are excluded from reception in the Missouri land offices, even those of the States on the Lower Mississippi and in the South, where all our cash trade finds its market; from whence the mass of our emigrants come, and with which we have incessant intercourse and immense commerce. They are all excluded from the land offices and from the United States' branch bank, and thus become uncurrent; and whatever is brought there by misfortune, becomes a prey to the brokers. Twenty-five per cent. discount has been exacted in St. Louis for cashing the notes of the best State banks in the Union. They will not pass at all, except at a discount proportioned to the wants of the holder, and the conscience of the broker. The very night I left St. Louis to come on to this place, I fell in company with a gentleman from New Orleans—I will name him—Colonel Morgan, the sheriff of the city, who informed me that he had in vain offered the best Louisiana notes in payment of his expenses and purchases in

St. Louis; that he could get nothing for them without large discount, not even an empty trunk! And this, Mr. President, is what is called *promoting commerce, and favoring State banks, and reducing the rates of exchange!*

Let us recapitulate. Let us sum up the points of incompatibility between the characteristics of this currency, and the requisites of the charter: let us grouse and contrast the frightful features of their flagrant illegality. 1. Are they signed by the president of the bank and his principal cashier? They are not! 2. Are they under the corporate seal? Not at all! 3. Are they drawn in the name of the corporation? By no means! 4. Are they subject to the double limitation of time and amount in case of credit? They are not; they may exceed six days' time, and be less than one hundred dollars. 5. Are they limited to the minimum size of five dollars? Not at all! 6. Are they subject to the supervision of the Secretary of the Treasury? Not in the least! 7. The prohibition against suspending specie payments? They are not subject to it! 8. The penalty of double interest for delayed payment? Not subject to it! 9. Are they payable where issued? Not at all, neither by their own terms, nor by any law applicable to them! 10. Are they payable at other branches? So far from it, that they were invented to avoid such payment! 11. Are they transferable by delivery? No; by endorsement! 12. Are they receivable in payment of public dues? So far from it, that they are twice excluded from such payments by positive enactments! 13. Are the directors liable for excessive issues? Not at all! 14. Has the holder a right to sue at the branch which issues the order? No, sir, he has a right to go to Philadelphia, and sue the directors there! a right about equivalent to the privilege of going to Mecca to sue the successors of Mahomet for the bones of the prophet! Fourteen points of contrariety and difference. Not a feature of the charter in the faces of these orders. Every mark, a contrast; every lineament, a contradiction; all announcing, or rather denouncing, to the world the positive fact of a spurious progeny; the incontestable evidence of an illegitimate and bastard issue.

I have now, Mr. President, brought this branch bank currency to the test of several provisions in the charter, not all of them, but a few which are vital and decisive. The currency fails at every test; and upon this failure I predicate an argument of its total illegality. Thus far I have spoken upon the charter, and have proved that if this currency can prevail, that instrument, with all its restrictions and limitations, its jealous, prohibitory constitution, and multiplied enactments for the safety of the public, is nothing but a blank piece of paper in the hands of the bank. I will now have recourse to another class of arguments—a class extrinsic to the charter, but close to the subject—indispensable to fair examination, and directly bearing upon the illegal character of this currency.

1. In the first place, I must insist that these orders cannot possibly serve for currency, because they are subject to the law of endorsable paper. The law which governs all such paper is too universally known to be enlarged upon here. Presentation for acceptance and payment, notice of default in either, prompt return of the dishonored paper, and all this with rigorous punctuality, and a loss of recourse for the slightest delay at any point, are the leading features of this law. Now it is too obvious that no paper subject to the law of endorsement can answer the purposes of circulation. It will die on the hands of the holders while passing from one to another, instead of going to the place of payment. Now it is incontestable that these orders are instruments negotiable by endorsement, and by endorsement alone. Whether issued under the charter, or under the general laws of the land, they are still subject to the law of endorsable paper. They are the same in either case as if drawn by one citizen upon another. And this is a point which I mean to make

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clear: for many worthy people believe there is some peculiar law for bank paper, which takes it out of the operation of the general laws of the land. Not so the fact. The twelfth fundamental article of the bank constitution declares that the bills or notes to be issued by the bank shall be negotiable in the same manner as if issued by a *private person*; that is to say, those payable to a named person or his order, by endorsement, in like manner and with the like effect as foreign bills of exchange; and those made payable to bearer shall be negotiable by delivery alone; in the same manner, we may add, as a silver dollar. So much for these orders, if drawn under the charter; if not drawn under it, they are then issued under the general law of the land, or without any law at all. Taken either under the charter or out of it, it comes to the same point, namely, that these orders are subject to the same law as if drawn by one private person upon another. This is enough to fix their character, and to condemn them as a circulating medium; it is enough for the people to know; for every citizen knows enough of law to estimate the legal value of an *unaccepted order*, drawn upon a man five hundred or one thousand miles off! But it has the word *bearer* on the back! Yes, sir, and why not on the face as easily as on the back? Our school-time acquaintance, Mr. President, the gentleman from Cork, with his coat buttoned behind, had a sensible, and, I will add, a lawful reason for arraying himself in that grotesque habiliment; but what reason can the bank have for putting bearer on the back of the order, where it has no effect upon its negotiable character, and omitting it on the face, where it would have governed that character, and secured to the holder all the facilities for the prompt and easy recovery of the contents of a paper transferable by mere delivery? The only effect of this preposterous or cunning endorsement must be to bamboozle the ignorant—pardon the low word, sir—to bamboozle the ignorant with the belief that they are handling a currency which may at any time be collected without proof, trouble, or delay, while in reality it is a currency which reserves to the bank all the legal defences which can be set up to prevent the recovery of a parcel of old, unaccepted, unrepresented, unauthorized bills of exchange.

2. I take a second exception to these orders as a currency. It is this, that being once paid, they are done with. A note transferable by delivery, may be reissued, and its payment demanded again, and so on forever. But a bill of exchange, or any paper subject to the same law with a bill of exchange, is incapable of reissue, and is payable but once. The payment once made, extinguishes the debt; the paper which evidenced it is dead in law, and cannot be resuscitated by any act of the parties. That payment can be plead in bar to any future action. This law applies to checks and orders as well as to bills of exchange; it applies to bank checks and orders as well as to those of private persons, and this allegation alone would annihilate every pretension of these branch bank orders to the character of currency.

3. I take a third objection to this constructive currency. It is this, that these orders are not evidenced by any act or sign which can import the assent of the corporators to their issue, or bind the corporate effects for the payment of money. The Bank of the United States is a corporation aggregate; it is composed of various members; and the assents of these members can only be evidenced, and their effects bound, by modes of acting known to the law. The common seal is the evidence of assent at common law; signatures of natural persons are sometimes, and in some instances, substituted by statute. Thus it is with the Bank of the United States. The seal is to be used in some cases; signatures in others. Bonds are to be sealed, not signed; bills or notes are to be signed, not sealed. The common seal is the general mode of evidencing the acts of the corporation; signatures are the exception, and

can only be used as the substitute for the seal in the cases specified in the exception. The words of the charter in the twelfth article are pregnant with law meaning, and import a clear declaration that without a statutory substitute the common seal would be necessary to bind the corporate effects. The words are these: "The bills or notes signed by the president, and countersigned by the principal cashier or the treasurer, *although not under the seal of the said corporation, shall be binding and obligatory upon the same.*" This is law, not law enacted, but law recognised by the charter. The seal must be used where the substitute is not allowed, and when used it is the equivalent of the seal, and no more. Now let us see how far a seal is necessary in the acts of a corporation aggregate. Let us refer to books.

Sir William Blackstone says:

"Corporations have, as incident to them, a common seal. For a corporation, being an invisible body, cannot manifest its intention by any personal act or oral discourse; it, therefore, acts and speaks only by its common seal. For though the particular members may express their private consents to any act by words, or signing their names, *yet this does not bind the corporation*; it is the fixing the seal, and that only, which unites the several assents of the individuals who compose the community, and makes one joint consent of the whole."

So says Mr. Justice Blackstone, and the uniform, uninterrupted current of the adjudged cases bears him out. I hold it to be clear law that the seal must be used where the statutory substitute is not allowed. I do not go into trifles: for I know it is admitted, in the same cases, that a corporation may act in a small matter; for example, may retain a servant, or employ a cook, or a butler, without seal; but where an interest is to be vested or divested in or out of a corporation, the evidence of the common seal, or the statutory substitute, is indispensable. I know, also, that there is a reference, between brackets, stuffed into Matthew Bacon's abridgment, which seems to the contrary in the case of the Bank of England in issuing her bills or notes; but the contrariety is in the seeming only; the reported case in Peere Williams proves the necessity of the seal. But the elucidation of this point belongs to the next head of objection, and I will pass it over for the present. I assume the law to be incontrovertible, that a corporation cannot be bound for the payment of money except by its common seal or the statutory substitute; and these branch bank orders having neither, being without the impression of the common seal, and without the signatures of the officers which was to make them *binding and obligatory* upon the corporation, *although not under their seal*, I hold them to be illegal.

4. I take a fourth objection to these currency orders, extrinsic to the charter. It is this: That the orders are not drawn in the *corporate name* of the Bank of the United States. A corporation, Mr. President, must have a name, as well as a natural person. It is an artificial person, constituted of a great number of natural persons, always varying. The individual names of the corporators cannot be used; but a name must be used, and that name can be no other than that which is bestowed upon it by the founder or the Legislature; and this name must be used in all corporate acts. Sign who may, affix the seal who may, still the promise made, the act, the matter, the thing done, or promised to be done, must be done or promised in the *name* of the corporation. By that name it must call and it must answer; sue and be sued; buy and sell; have and hold; give and take; bind and loose. Slight variations, as of a letter or a syllable, may be tolerated in the case of ancient corporations whose origin is not known; but no variation is permitted in the case of modern corporations, whose origin is within the memory of man, that is to say, legal memory, which dates from the first of Richard II. So say all the books. Let us see some of them.

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Lord Coke, in his tenth report:

"The name of incorporation is a proper name, or name of baptism; and, therefore, when a private founder gives his college or hospital a name, he does it only as a godfather, and by that same name the King baptizes the incorporation."

Sir William Blackstone, in his commentaries:

"When a corporation is created, a name must be given to it; and by THAT name ALONE it must sue and be sued, and do all legal acts; though a very minute variation therein is not material. Such a name is the very being of its constitution; and, though it is the will of the King that creates the corporation, yet the name is the knot of its combination, without which it could not perform its corporate functions."

Matthew Bacon, in his abridgment:

"There is a difference between an ancient corporation, and a corporation newly created; for an ancient corporation, by use, may have a special name differing in substance; but otherwise of a corporation created within memory; for this regularly can only have the name by which it is instituted."

So say the English books. What says the charter of the Bank of the United States? Has it failed to give a name? or has it granted a dispensation of its use? Neither. It has given a name; and it has ordered that name to be used. The seventh section is wholly taken up with this matter. It declares the name of the corporation to be: "*The President, Directors, and Company of the Bank of the United States.*" This is the name. Now for the use. "And by THAT name shall be, and hereby are, made able and capable in law, to have, &c., to sell, &c., to sue, &c., to make and use a common seal, &c., to ordain by-laws, &c., and generally to do and execute all and singular the acts, matters, and things which to them it shall or may appertain to do, &c."

This is corroboration, Mr. President, instead of dispensation, of the common law. And now, sir, I must be permitted to say that I see the advocates of this order currency penned up in the same narrow corner in which I placed them half an hour ago, and from which, I apprehend, they will never come forth. They must say that the issue of this currency is not an act, is not a matter, is not a thing, appertaining to the bank to do, and, therefore, need not be done in the name of the corporation. They must say this, or give up the question. For these orders are not drawn in the name of the corporation, nor upon it. The name of the corporation, the baptismal name of the artificial person, begot by the kingly power of the Congress of 1816, "the president, directors, and company of the Bank of the United States," is not upon the paper, neither as drawer or drawee, payer or payee, endorser or endorsee; no, not even as an acceptor in the character of friend, to save the honor of the drawer. And I hold this currency, for that single reason alone, to be invalid and illegal; as much so as the acts of this Congress would be if made in the name of the District of Columbia, instead of the name of the United States of America, and signed by the mayor and aldermen, instead of the presiding officers of the two Houses and the President of the United States.

But the federal court in Philadelphia has decided, and that, as it would seem, upon the authority of the case of the King vs. Bigg, that bank currency may be issued by agents, and that these agents may be appointed at the will of the bank, and without seal, and that the court will presume these to be agents whose orders have been paid. We will see that case, not in 1st Sir John Strange, where it is briefly and imperfectly reported, but in 3d Peere Williams, where the whole case is fully shown. It was a criminal case, tried at the Old Bailey as far back as the year 1717. The indictment set forth,

"That, on the 19th day of February, 1714, and long before, one Joshua Adams was entrusted and employed by the governor and company of the Bank of England,

'to sign notes for the said company for the payment of money by them payable; and, afterwards, the same day and year, the said Joshua Adams, being so entrusted and empowered by the said company, did make a certain note under his own hand, and signed by himself, on behalf of the said company of the Bank of England, did promise to pay to Mr. James White, or bearer, one hundred pounds sterling on demand; that, afterwards, on the 22d day of February, 1714, the sum of ninety pounds sterling, on behalf of the said company of the Bank of England, part of the said one hundred pounds sterling, was paid to the bearer of the note, and that payment endorsed on the note; that the said John Bigg erased the endorsement," &c. with the usual averments.

The jury brought in a special verdict, finding every thing as laid in the indictment, and two additional facts, namely, first, that Joshua Adams's appointment was not under the common seal of the company; and, secondly, that the endorsement was written, not upon the back, but upon the face of the note. Upon this special verdict the judgment of all the judges at Sergeant's Inn, Fleet street, was taken upon solemn argument. The main question was on the validity of Adams's appointment without seal, and the decision was in favor of that validity; not that the seal was unnecessary, but that the court would presume it to have been used; that the court would not look into that fact; for it would not be allowed that the bank should free itself from the payment of notes signed by its agent, by showing that they had made an irregular appointment. Here is the argument on which the decision turned.

"In an action brought against the bank upon a bill or note signed by Adams, when it shall be proved that Adams is an agent entrusted by the bank, and has been used to sign bills and notes, which from time to time have been duly paid and answered by the bank; this is evidence, and will carry with it the highest presumption that Adams was lawfully authorized so to do, and, consequently, authorized under the common seal; and at the same time it may be impossible for a third person, that sues this bill or note, to produce such authority under the common seal of the bank; and it would be unreasonable in the court to put him upon it, in regard the same does not belong to him; yet, upon such evidence, it shall be presumed that Adams was well authorized under the common seal to sign such bills or notes, and, consequently, they will be good."

This is the case upon which, from the similarity of language and sentiment, the opinion of the federal court in Philadelphia seems to have turned; all that part of it, at least, which went to support the Bank of the United States in employing agents to issue currency, and making the bank liable for the currency so issued. It seems to support the court, but *cognoscere causas rerum*—to know the causes of things—is as indispensable in the science of the law, as it is desirable in the mysteries of nature. Now, sir, observe with what ease one single word will change the whole direction of Bigg's case, will take it from the court, and turn it against the court, and annihilate all the pretensions of the United States' bank to issue currency through agents. The case of Bigg turned upon British statute law; upon an act of Parliament made in 1697, in amendment of the charter of the Bank of England, such as the Bank of the United States applied for here and could not obtain. This is the clause:

"That the forging or counterfeiting of the common seal of said corporation of the governor and company, or of any sealed bank bill made or given out in the name of the said governor and company, for the payment of any sum of money, or of any bank note of any sort whatever, signed for the said governor and company of the Bank of England, or the altering or raising any endorsement on any bank bill or note of any sort, shall be, and is hereby, declared and adjudged to be hung, without benefit of clergy."

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This is the act under which Bigg was indicted. The note which he was charged with altering, or rather erasing a credit from it, was signed by Joshua Adams, and Adams was appointed under the clause which authorized the Bank of England to get their notes *signed for the company*. Having a right to sign notes by an agent, and the notes signed by Adams for the company having been always paid at bank, the court would not look into his appointment; they would presume him to be the agent of the bank, and to be duly appointed; that is, under seal. Now, apply this to the branch bank presidents. Who authorized them to sign the currency of the Bank of the United States? Where is the statute giving the bank power to use agents for signing? There is none. The power was applied for in 1821, and refused; and now it must require a power of presumption, equal to the power of legislation, to presume that the branch bank presidents are agents of the United States' bank to sign currency, when the bank is not allowed to have any agent at all for such a purpose.

The case of Bigg, Mr. President, shows five points of difference between the notes he signed and these branch bank orders, and every point fatal to the orders.

First. The Bank of England had statutory authority to appoint an agent to sign their notes; the Bank of the United States has no such authority with respect to their currency.

Secondly. The agent of the Bank of England only signed the notes; the branch bank presidents both sign and issue these orders.

Thirdly. The Bank of England's agent signed the notes for and in behalf of the governor and company of the Bank of England; the branch bank presidents sign in their own names, and on their own account.

Fourthly. The notes signed by Adams were drawn in the corporate name of the Bank of England, and contained the promise of the governor and company of that bank, by their corporate style and name, to pay the amount of the note to the bearer, on demand: the orders in question are not drawn in the corporate name of the Bank of the United States; they contain no promise or acceptance of the president, directors, and company of the Bank of the United States to pay any thing, to any body, at any time whatever.

Fifthly. The notes signed by Adams were the real promissory notes of the Bank of England, such as the charter expressly authorized the bank to issue for currency; these orders, signed and issued by the branch bank presidents, are not authorized to be issued as currency by any clause in the charter of the Bank of the United States.

Upon these five points of difference, each of them sustained in point of fact, 1, by the indictment against Bigg; 2, by the special verdict; 3, by the argument before the court; 4, by the act of Parliament of 1697; and, 5, by the judgment of the court, I must insist that the case of Bigg is the most complete and perfect authority for the condemnation of this branch bank currency, which the wit of man could have devised. Yes, sir, it is omnipotent. It opens a battery of thunder and lightning upon the Philadelphia decision. It pulverizes that decision. Yet the bank is triumphant! It carries all before it! It bestrides, as a Colossus, the prostrate charter which Congress gave it. It claps a foot upon a word here, and a phrase there—rears her gigantic form above all law, and boldly places an empire at defiance! And yet there are people to talk about new restrictions to bind this gigantic power; as if it was in the destiny of man that the weaker should ever bind the stronger party. No, sir; we are engaged with the real presence of that fabled monster—once believed to be the fabulous creation of frenzied poets—that monster which no art nor power could ever bind! which changed his form, at will, from man to beast—from lion to serpent—from serpent to water—from a river of flowing water to a column of blazing fire; and thus eluded, in the act of re-

ceiving them, the grasp and catch of every chain that was thrown upon him.

Mr. President, this finishes my argument to show the illegality of this species of currency; and believing the fact of this illegality to be fully and incontrovertibly established, I might here terminate my labor, and rest my case. But, sir, I deem nothing in human operations sufficiently known until the reasons of it are known. I will, therefore, advance a step further, and lay open the reasons and causes for the invention of these branch bank orders, and for their imposition upon the public, to the exclusion, in many States, of the lawful promissory notes of the president, directors, and company of the Bank of the United States. To do this I shall have recourse to evidence, not to argument; and to make that evidence the more easily intelligible, I will rapidly review the three great points of history in the career of this bank; namely, 1. Its apparent but delusive prosperity at the start; 2. Its sudden engulfment in the vortex of bankruptcy; 3. Its apparent but delusive prosperity now.

The bank went into operation with the beginning of the year 1817; established eighteen branches, half a dozen of which in the South and West; issued its own notes freely, and made large issues of notes payable at all these branches. The course of trade carried the branch notes of the South and West to the Northeast; and nothing in the course of trade brought them back to the West. They were payable in all demands to the Federal Government: merchants in Philadelphia, New York, and Boston received them in payment of goods, and gave them—not back again in payment of Southern and Western produce—but to the collectors of the customs. Become the money of the Government, the bank had to treat them as cash. The fourteenth section of the charter made them receivable in all payments to the Government, and another clause required the bank to transfer the moneys of the Government to any point ordered; these two clauses (the transfer clause being harmless without the receiving one contained in the fourteenth section) laid the bank under the obligation to cash all the notes of all the branches wherever presented; for, if she did not do it, she would be ordered to transfer the notes to the place where they were payable, and then to transfer the silver to the place where it was wanted; and both these operations she had to perform at her own expense. The southern and western branch notes flowed to the Northeast; the gold and silver of the South and West were ordered to follow them; and, in a little while, the specie of the South and West was transferred to the Northeast; but the notes went faster on horses and in mail stages than the silver could go in wagons; and the parent bank in Philadelphia, and the branches in New York and Boston, exhausted by the double operation of providing for their own, and for southern and western branch notes besides, were on the point of stopping payment at the end of two years. Mr. Cheves then came into the presidency; he stopped the issue of southern and western branch paper, and saved the bank from insolvency! Application was then made to Congress to repeal the fourteenth section of the charter, and thus relieve the bank from this obligation to cash its notes every where. *Congress refused to do so.* Application was made at the same time to repeal a part of the twelfth fundamental article of the constitution of the bank, for the purpose of relieving the president and principal cashier of the parent bank from the labor of signing the five and ten dollar notes. *Congress refused that application also.* And here every thing rested while Mr. Cheves continued president. The southern and western branches ceased to do business as banks; no bank notes or bills were seen but those bearing the signatures of the president and his principal cashier, and none of these payable at southern and western branches. The profits of the stockholders became considerable, and the prospect of a renewed charter was lost

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in the actual view of the inactivity and uselessness of the bank in the South and West. Mr. Cheves retired. He withdrew from an institution he had saved from bankruptcy, but which he could not render useful to the South and West; and then ensued a set of operations for enabling the bank to do the things which Congress had refused to do for it; that is to say, to avoid the operation of the fourteenth section, and so much of the twelfth fundamental article as related to the signature of the notes and bills of the bank. These operations resulted in the invention of the *branch bank orders*. These orders, now flooding the country, circulating as notes, and considered every where as gold and silver, (because they are *voluntarily* cashed at several branches, and *erroneously* received at every land office and custom-house,) have given to the bank its present apparent prosperity, its temporary popularity, and its delusive cry of a sound and uniform currency. This is my narrative; an appalling one, it must be admitted; but let it stand for nothing if not sustained by the proof. Here, then, is the proof!

MR. CHEVES'S REPORT.—*Extracts*—1822.

"The bank immediately upon its commencement did a very extensive business, imported vast sums of specie, paid its notes and those of the offices (without reference to the places where they were payable) at the bank, and all the principal offices north of the Potomac, while they were (under the charter) necessarily received every where in payment of debts to the Government of the United States; and drafts were given, without limit, on the parent bank, and on the northern offices, by the western offices, at par, or at a premium merely nominal. As soon as the notes of the southern and western offices were paid, or received by the bank and northern offices, they were returned to them, and re-issued in perpetual succession.....The result was, that the bank and the great northern offices were drained of their capital; and on the 20th of July, 1818, only eighteen months after the institution began its operations, it was obliged to commence a rapid and heavy curtailment of the business of the bank and its offices. During this time it had the advantage of immense Government deposits, (EIGHT MILLIONS AND UPWARDS.).....Curtailments were ordered, from time to time, at the southern and western offices.....At that moment (1st of April, 1819) the discount line of the important office at Boston was only \$94,594 37! and when, in this wretched state, the southern and western circulation was pouring in upon these weak points, (Philadelphia, New York, Boston,) and the Government at liberty, according to the practice of the time, to draw on either office, or the bank, for the gross amount of its deposits throughout the whole establishment, whether South, North, East, or West.....The specie in the vaults (at the parent bank in Philadelphia) at the close of the day, on the 21st of April, 1819, was only \$126,745 28, and the bank owed to the city bank, deducting balance due to it, an aggregate balance of \$79,125 99. It is true there were in the mint \$267,978, and *in transitu* (i. e. on the road) from Kentucky and Ohio, two hundred and fifty thousand dollars; but the treasury dividends were payable on that day to the amount of near five hundred thousand dollars, and there remained at the close of the day more than one-half of the sum subject to draught, and the greater part, even of the sum which had been drawn during the day, remained a charge upon the bank in the shape of temporary deposits, which were almost immediately withdrawn. Accordingly, on the 12th of the same month, the bank had in its vaults but \$71,522, and owed to the city banks a balance of \$196,418.....It must be again remarked, that it had yet the sum before mentioned in the mint, as well as the sum on the road from Kentucky and Ohio, (two

hundred and fifty thousand dollars,) which arrived very seasonably on the next day, or a day or two after. The bank in this situation, the office at New York little better, and the office at Boston a great deal worse.....ALL THE RESOURCES OF THE BANK WOULD NOT HAVE SUSTAINED IT IN THIS COURSE OF BUSINESS ANOTHER MONTH!!.....Such was the prostrate condition of the bank of the nation, which had, only twenty-seven months before, commenced business, with an untrammelled, active capital of twenty-eight millions of dollars.....I was elected, and took my seat as president of the board on the 6th of March, 1819.....The southern and western branches were immediately directed not to issue their notes, and the bank ceased to purchase and collect exchange on the South and West."

This was Mr. Cheves's report to the stockholders; they consulted as to the means of relief, especially on the great points of signing the currency, and getting rid of the fourteenth section. The result was a conviction that Congress alone could relieve them; that legislative remedies were indispensable; and a memorial was draughted accordingly. Its introductory paragraph is remarkable, and deserves to be read.

"That the institution of which they are managers is laboring under several grievances, not only injurious to the bank, but, as they respectfully conceive, to the nation also, which call for legislative relief; some of these arise from the original omissions of appropriate legal enactments, others from certain provisions of the charter, not suited to the condition and circumstances of the bank, and one of very important character, from a regulation concerning the fiscal receipts of the Government of the Union. For the remedy of these evils, the stockholders of the Bank of the United States can only look to Congress."

Mark, I beseech you, Mr. President, the phraseology of this memorial, and consider who was the man that signed it, and most probably drew it. It complains of original omissions, and existing provisions in the charter, for the remedy of which legislative aid is prayed, and Congress declared to be the only power that can grant it. One of the evils thus complained of was, the labor imposed upon the president of the bank, and the principal cashier, in signing the five and ten dollar notes; another was the difficulty of providing payment for the same note at the branch bank which issued it, and at the other branches to which it might be carried in the course of trade and business. The memorial was accompanied by an argumentative remonstrance, strongly urging Congress to grant the relief prayed for. The appointment of an agent and register to sign notes was urgently pressed, for the purpose of relieving the president from manual labor, that he might give his attention to the higher and more important business of the bank, but to no purpose; Congress refused the request. The other branch of the memorial shared the same fate. It was the main application, and every argument was used to induce Congress to grant it, but without effect. Mr. Cheves represented, and most truly, that the bank could not provide payment for the same note, at the same time, in eighteen different places. His language was: "*To-day, a branch shall have a million of capital; in three months it may be without a cent.*" All this was true, is now true, and forever will be true. But the bank was established to furnish a *sound and uniform* currency; that soundness and uniformity could only be attained by cashing the notes wherever they were presented; if that could not be done, *the public object for establishing the bank had failed*; and Congress refused to let its branches degenerate into local institutions, issuing a local paper for the private gain of the stockholders, when the great public object was no longer attainable. The refusal was peremptory; and as the bank could not go on according to the charter, and cash its notes at all the branches, the branches were shut up. They issued no notes; made few or no discounts;

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confined themselves to dealing in exchange, and collecting the gold and silver of the South and West, and remitting it to the parent bank. This state of things continued about seven years, and during all that time the bank was forfeiting its charter for *non-user*, that is to say, for not using its powers for the public and beneficial object for which it was granted. This was an unprofitable season for the stockholders; dividends were small; the odium of the institution great; its inability to furnish a sound and uniform currency admitted; the charter daily liable to forfeiture; and all hope for its renewal perfectly desperate. In these circumstances action became indispensable. It was neck or nothing. Inaction was death; action could be no worse, and might lead to life. Some new remedy must be tried; some daring experiment must be adventured; however doubtful the issue, however hazardous the trial, the venture must be made; it was a case for *digitals*! and the venture was made. What that venture was, and how wonderfully it has succeeded, to the astonishment of its delighted projectors, I will now show you in the words of the present president of the bank.

MR. BIDDLE'S Report to the stockholders at the triennial meeting, September, 1831.—*Extracts.*

"The Bank of the United States was established for the purpose of restoring specie payments, which had for a long time been suspended throughout a great part of the country—of furnishing a sound circulating medium, and of giving more uniformity to the exchanges between distant sections of the Union. By importing more than seven millions of specie, and by a free issue of notes immediately after its establishment, the bank with great sacrifices succeeded for a time in attaining these objects; but it seems to have been afterwards considered that its powers were exhausted by the effort, and that the continuance of it would be entirely impracticable. The essential difficulty was presumed to lie in the provision of the charter, making the notes universally receivable for debts due to the Government, which, by obliging the bank to provide payment for the same note at various places, would require it to retain a greater amount of specie than it could issue of notes; thus diminishing rather than increasing the sound circulation. The consequence was, the bank issued its own notes sparingly, more especially in the Southern and Western States, where it often preferred the reissue of the notes of the State banks, being unwilling to issue freely its notes which it might be compelled to pay at some one of the many places remote from the point of issuing them.

"Having, in compliance with the directions of the stockholders in 1822, applied without success to Congress for a modification of this disabling provision in the charter, it became necessary for the board of directors to re-examine the constitution of the bank, in order to discover whether there was really any organic defect which prevented it from performing the functions to which it was destined, or whether some different combination of its powers might not overcome its difficulties.

"The experiment was interesting and hazardous. It was to try how far the institution could succeed in doing that which had never yet succeeded elsewhere, in diffusing over so wide a surface of country a currency of large amount and of uniform value, at all places and under all circumstances; and also whether it could bring down to its extreme limit the necessary expense of commercial intercourse between distant sections of country, whose exchangeable productions were of such various and unequal values.

"This system has now been in operation for several years. It was at first experimental, and of doubtful issue; and as the consequences were equally important to the

bank and the community, its progress has been watched with deep solicitude. Its success, therefore, has been seen with proportionate satisfaction."

Mr. President, it is not my fashion to put a strained construction upon any gentleman's words—upon the words of one present, much less one who has no place, no voice, here. I will, therefore, put no construction at all upon the language which I have read. I will let every word stand for itself; will let every phrase be taken in its literal, natural, obvious, inevitable meaning. And what do they tell you? Why, that payment of the same note at various places was impossible; that compulsory payments were fatal to the bank; and, to get rid of them, she has done for herself what Congress refused to do for her, and what her directory, in the time of Mr. Cheves, solemnly declared that Congress alone could do! This is what the president of the bank tells you. Look at the words.

Bank established to keep up a sound uniform currency; exhausted by the effort to do so; entirely impracticable; essential difficulty in the provision of the charter (the 14th section) which made the notes universally receivable by Government; compellable to pay at places remote from the point of issuing; applied without success to Congress for a modification of this disabling provision; re-examination of the constitution of the bank; discovery of new powers; the difficulties overcome; experiment hazardous; never succeeded elsewhere; the issue doubtful; progress watched with deep solicitude; great satisfaction at the success.

And now, Mr. President, what was this experiment, of hazard so great, of issue so doubtful, which never succeeded elsewhere, the progress of which was watched with so much fear and trembling, and the fancied success of which is announced with so much satisfaction? Sir, it is the invention of this branch bank currency! 'It is the substitution of branch bank orders for the promissory notes of the Bank of the United States! And surely, from the first establishment of banks to the present day, a more potent medicine was never invented for the cure of the diseases to which banks are most subject. It has completely overcome all the difficulties which the bank lay under at the time of Mr. Cheves's memorial, and which were then admitted to be fatal to it. What were those difficulties? They were a twofold impediment; first, a total inability to sign notes fast enough; secondly, a total inability to pay for them, according to the charter, after they were signed. The remedy wanted was, increased facilities for signing; diminished liabilities for paying! And the orders have completely answered this double object. Signers enough now, and compulsory payment nowhere! This is the glorious relief which the experiment has brought. This is the cataplasm which has healed the wounds of the bank. This is the medicinal drug—the balsamic drink—the restorative infusion—which has poured a new portion of strength into the exhausted machine, and enabled it to bear its infirmities a little longer. Fifty signers at work, and one hundred and fifty endorsing clerks, pouring out from five and twenty places their perennial streams of paper. When out, it is not payable by law any where. Not at the branch which issues it; for there is neither promise, nor law, to exact the payment there. Not at any other branch, for the 14th section of the charter does not apply to orders, and we have just seen that they were invented to evade that section. Not in Philadelphia; for, notwithstanding that may be the purport of the order, yet it is an absolute impossibility; for the people of this wide confederacy, the laboring people especially, who handle these small orders, can never go up to Philadelphia to demand the hard money for them. Yes, sir, these orders are the thing. It is the currency of which they are composed which has enabled the machinery of the bank to go to work after the inaction from 1819 to 1827. It is this currency which has enabled it to flood the South and West (as I will show

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presently) with paper for which it has not the means of redemption. It is this which has enabled its votaries to raise the cry, brief and delusive, of sound and uniform currency. It is this which enables the retainers of the bank to contradict *President Jackson* for repeating its own words; yes! repeating their own words: for the message of 1829, declaring the failure of the bank to furnish a sound and uniform currency, is nothing but the repetition of what the bank directory itself had declared, and what all intelligent men know to be true. It is this illegal, irresponsible currency which has enabled the bank to fill the Union with debtors in chains, who scream incessantly for the life and glory of their *Juggernaut*, and attack with the fury of wild beasts every public man who will not square his public conduct by the devouring miseries of their own private condition, and the remorseless cravings of their insatiate idol.

I have now established, Mr. President, as I trust and believe, the truth of the first branch of my proposition, namely, that this currency of branch bank orders is unauthorized by the charter, and illegal. I will now say a few words in support of the second branch of the proposition, namely, that this currency ought to be suppressed.

The mere fact of the illegality, sir, I should hold to be sufficient to justify this suppression. In a country of laws, the laws should be obeyed. No private individual should be allowed to trample them under foot; much less a public man, or public body; least of all, a great moneyed corporation wielding above one hundred millions of dollars per annum, and boldly contending with the Federal Government for the sceptre of political power—*money is power!* The Bank of the United States possesses more money than the Federal Government; and the question of power is now to be decided between them. That question is wrapped up in the case before you. It is a case of clear conviction of a violation of the laws by this great moneyed corporation; and that not of a single statute, and by inadvertence, and in a small matter, which concerns but few, but in one general, sweeping, studied, and systematic infraction of a whole code of laws—of an entire constitution, made for its sole government and restraint—and the pernicious effects of which enter into the revenues of the Union, and extend themselves to every moneyed transaction between man and man. This is the case of violated law which stands before you; and if it goes unpunished, then do I say, the question of political power is decided between the bank and the Government. The question of supremacy is at an end. Let there be no more talk of restrictions or limitation in the charter. Grant a new one. Grant it upon the spot. Grant it without words! Grant it in blank! to save the directors from the labor of re-examination! the court from the labor of constructions! and yourselves from the degradation of being publicly trampled under foot!

I do insist, Mr. President, that this currency ought to be suppressed for illegality alone, even if no pernicious consequences could result from its circulation. But pernicious consequences do result. The substituted currency is not the equivalent of the branch bank notes, whose place it has usurped; it is inferior to those notes in vital particulars, and to the manifest danger and loss of the people.

In the first place, these branch bank orders are *not payable in the States in which they are issued*. Look at them! they are nominally payable in Philadelphia! Look at the law! It gives the holder no right to demand their contents at the branch bank, until the order has been to Philadelphia, and returned. I lay no stress upon the insidious circumstance that these orders are now paid at the branch where issued, and at other branches. That voluntary, delusive payment may satisfy those who are willing to swallow a gilded hook; it may satisfy those who are willing to hold their property at the will of the bank. For my part, I want law for my rights. I look at the

law, to the legal rights of the holder, and say that he has no right to demand payment at the branch which issued the order. The present custom of paying is voluntary, not compulsory; it depends upon the will of the bank, not upon law; and none but tyrants can require, or slaves submit to, a tenure at will. These orders, even admitting them to be legal, are only payable in Philadelphia; and to demand payment there, is a delusive and *impracticable right*. For the body of the citizens cannot go to Philadelphia to get the change for the small orders; merchants will not remit them; they would as soon carry up the fires of hell to Philadelphia; for the bank would consign them to ruin if they did. These orders are for the frontiers; and it is made the interest and the policy of merchants to leave them at home, and take a bill of exchange at a nominal premium. Brokers alone will ever carry them, and that as their own, after buying them out of the hands of the people at a discount fixed by themselves.

This contrivance, Mr. President, of issuing bank paper at one place, payable at another and a distant place, is not a new thing under the sun; but its success, if it succeeds here, will be a new thing in the history of banking. This contrivance, sir, is of European origin. It began in Scotland some years ago, with a banker in *Aberdeen*, who issued promissory notes payable in *London*. Then the Bank of Ireland set her branches in *Sligo*, *Cork*, and *Belfast*, at the same work, and they made their branch notes payable in *Dublin*. The English country bankers took the hint, and put out their notes payable in *London*. The mass of these notes were of the smaller denominations, one and two pounds sterling, corresponding with our five and ten dollar orders; such as were handled by the laboring classes, and who could never carry them to *London* and *Dublin* to demand the contents. At this point the British Imperial Parliament took cognizance of the matter; treated the issue of such notes as a vicious practice, violative of the very first idea of a sound currency, and particularly dangerous to the laboring classes. The Parliament suppressed the practice. This all happened in the year 1826; and now this practice, thus suppressed in *England*, *Scotland*, and *Ireland*, is in full operation in our *America!* and the directors of the Bank of the United States are celebrated, as the greatest of financiers, for picking up an illegal practice of Scottish origin, and putting it into operation in the United States, and that, too, in the very year in which it was suppressed in Great Britain!

In the next place, these orders are impoverishing and destructive to the States in which they are issued, because they lead to the *abduction of its gold and silver*. If notes are issued, they are payable at the branch bank, and an adequate supply of gold and silver must be kept on hand to redeem them; but these orders being drawn on Philadelphia, the gold and silver of the State must be sent there to meet them. This is the clear undoubted theory of this new-fangled currency; it is also the proved established practice and effects of it. Every body in the South and West knows that the hard money of the country is constantly disappearing; but those only who have observed the working of the machinery of the Bank of the United States, can tell where all this hard money is gone. The monthly statements of the bank will tell this secret. They will show that the gold and silver of the South and West go to the Northeast; and that the branches are the channels of collection and remittance. Here are some items from the returns of the year 1830, the last which have been yet printed, and which will throw a little light upon this subject:

	Specie.	Notes issued.
New Orleans, April, 1830,	700,815	6,421,275
Mobile, August,	55,368	1,557,745
Nashville, October,	185,304	2,080,500
Louisville, December,	200,825	1,088,560
Lexington, December,	78,430	1,484,110

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St. Louis, June,	126,603	679,880
Cincinnati, November,	155,157	977,455
Pittsburg, April,	38,620	736,897
Richmond, August,	170,510	1,064,415
Fayetteville, October,	26,342	1,192,205
Savannah, August,	304,547	1,735,700
Charleston, December,	266,962	1,425,255
PHILADELPHIA, August,	3,728,626	2,531,080
New York, November,	2,351,190	1,764,627
Boston, August,	1,327,755	721,505
Baltimore, October,	738,000	780,657

Here is a picture for you, Mr. President, and a contrast with it. On one side, a most beggarly exhibition of empty boxes; on the other, fulness and distension to bursting. West of the Alleghanies, and south of the Potomac, no hard money; in the Northeast, millions at every point. But, as a compensation for this deficiency of metal, we have a most bountiful supply of paper. Ten, twenty, thirty, forty, fifty to one is our proportion of paper to silver. And for all this paper the country is in debt, and pays interest (bank interest) to non-residents and foreigners! Gentlemen of the South complain of the tariff, and doubtless with much reason; but the day is at hand when every eye shall see, and every tongue shall confess, that the tariff is not the only, nor the largest, nor the most voracious vampire which sucks at their veins! The Bank of the United States divides that business with the tariff, and, like the stronger brother, takes the largest share to herself. She furnishes her brood of these insatiable suckers. She hangs them on every vein of gold and silver which the South and West exhibit. They gorge to repletion, then vomit their load into the vast receptacles of the Northeast, and gorge again. The hard money of the country, that money which pays no interest, is sucked up and sent away; the paper money of a company, for which bank interest is exacted, takes its place. The people of the country are in debt for this paper, the greater part of them at second and third hand, borrowers from borrowers, paying rack-interest to the intermediate lenders. The labors of the year barely suffice for the payment of the sixty days' collection of all this interest. The principal is still behind, to come upon these exhausted countries when delayed payment has doubled the difficulty of making payment. When that dread day comes, and come it will, and nothing is gained by putting it off, the towns and cities of the South and West—the fairest farms and goodliest mansions—will be set up at auction, to be knocked down to the bank agent, at the mock prices fixed in the compting room of the bank itself. And in these mock sales of towns and cities may be laid the foundation for the titles and estates of our future nobility—Duke of Cincinnati! Earl of Lexington! Marquis of Nashville! Count of St. Louis! Prince of New Orleans! Such may be the titles of the bank nobility to whom the next generation of American farmers must “crook the pregnant hinges of the knee.” Yes, sir! when the renewed charter is brought in for us to vote upon, I shall consider myself as voting upon a bill for the establishment of *lords and commons* in this America, and for the eventual establishment of a *King*; for when the *lords and commons* are established, the *King* will come of himself!

In the third place, the emission of these orders has deluged the country with *counterfeits*. The evils of counterfeiting was one of the objections made to the application of the bank for the leave to appoint an agent and register to sign the five and ten dollar notes. The danger was so obvious and imminent, that the memorial of the directors candidly admitted it, and entered into the suggestion of many precautionary measures to prevent it. They admitted that if the signers were *numerous or temporary* the danger of counterfeiting would be excessive and destructive; but declared that the bank, with a view to its own interest, would not suffer them to be either *numerous*

or *temporary*, although the act might not limit the number. The directors proposed, however, to limit the number to two: to make them permanent officers in the bank; and to publish their appointment in the Washington city gazettes before they should begin to act. A bill with all these provisions was reported; but Congress refused to pass it, and for this reason, among others, that the power of signing the notes involved the power of judging their genuineness; and this power was too high and dangerous—too easily abused—and too hardly remedied, to be trusted to any but the very highest officers of the bank—those whose character and station would afford the strongest guaranties to the public for the fair exercise of a power so delicate and responsible. Congress refused to pass the bill. What next? Why, sir, Mr. Cheves and his directory submitted; but a new directory came in, and what did they do? They re-examined the constitution of the bank, and discovered the means of overcoming the difficulty. They substituted branch bank *orders* for branch bank *notes*; and set, not two, but fifty signers and one hundred and fifty endorsing clerks at work upon these *orders*. What is the consequence? Counterfeiting to an excess, and audacity never paralleled before! I saw in Missouri, before I left home, a descriptive list of ninety-nine varieties of counterfeits on the Bank of the United States and its branches alone; most of them of the class of these five and ten dollar orders. This list was contained in a periodical sheet, called “Counterfeit Detector,” a work wholly given up to describing counterfeits on the United States’ bank and its branches; for to such excess has this crime arisen, as to give birth to a new species of literary publication; a periodical newspaper wholly devoted to the description and detection of counterfeit paper currency. The remedy only announces the extent of the evil; it does not cure it. None but business men in cities, and a few official characters, can afford to buy and study these periodicals; the body of the people have no benefit from them. After all, the Detector is no guide; the marks of a counterfeit detected and described in one number of the periodical, are corrected and amended in the next edition of the counterfeits. They instruct the counterfeiters how to amend their work. The fact is, nobody can tell the good from the bad. Brokers and bank officers assume to do it; but they had as well assume to be conjurors and astrologers; they had as well practise incantations, and deliver oracles in convulsions and contortions, as to look at this paper, and pronounce judgments; they had as well gaze at the stars, and judge by the motions of the heavenly bodies, as to look at these orders, and judge from the writing and engraving; they had as well do as the soothsayers of old—go out upon a high hill—watch the flight of birds—and then prognosticate that the *order* is good or bad, as the bird chances to fly, dexter or sinister, as it passes the hill. Far from knowing the handwriting, they hardly know of the existence of the writers! Yet these solemn judges condemn, and condemn irrevocably, the property of the people! They all know how to draw the sign of St. Andrew’s cross; and that fatal sign, drawn through the face of an order, is decisive of its fate. True or false, good or bad, from that moment it falls into the receptacle of things; not lost, but damned, on earth.

I do not stand here, Mr. President, to enlarge upon the general evils of a counterfeit currency, such as belong in common to the forging of all bank paper; but there are evils peculiar to the circulation of these counterfeit orders, which give a distinctive character to the mischiefs which they inflict, and demand a particular animadversion. These evils grow, first, out of the wide extent of the circulation of these counterfeits, which carries the forgeries of every State of the Union into every other State, thus affecting each part with the miseries of the whole—swelling the mass of crime and fraud, and augmenting the difficulties of detection in proportion to the distance from which the

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intrusive counterfeits came. The next peculiar evil is in the multitude of incompetent judges; already about one hundred and fifty in number, and annually increasing. A third peculiar evil is in the one-sided character of these judges—all appointed at the will of the bank—all holding their appointments at her will—and all feeling it to be their interest to commit no mistakes to her prejudice. The last, and greatest, of these peculiar evils is in the small size of these orders, which throws their counterfeits upon that class of the community who are least capable to detect the imposition, and least able to bear the loss. The laboring classes, the middle sized farmers, and the country people, are the peculiar victims of this species of counterfeits. They handle small sums, and the small sized counterfeits fall upon their hands. Every counterfeit must stop somewhere. Sooner or later it must stop in somebody's hands; and the mass of these small ones will certainly stop in the hands of poor people. Thus it was in England. In the space of six years, from 1812 to 1818, no less than 154,454 counterfeit notes were presented and detected at the Bank of England; of which 128,800 were for one pound, corresponding with our five dollar orders; and 18,562 were for two pounds, corresponding with our ten dollar orders; leaving only about 8,000 notes out of upwards of 154,000 for all denominations above two pounds, or ten dollars; thus incontestably proving that the poor were the losers and the victims. This was stated in his place by the honorable Henry Grey Bennet, who stated, at the same time, that out of five hundred and one persons convicted of forging, or passing, or offering counterfeit notes, in the short space of thirteen years, of whom two hundred and seven had been hung, and others deported, the mass of them were poor people; and the notes for which they died, were small ones of one and two pounds, equal to five and ten dollars. And he said, at the same time, that the stockholders of the Bank of England, in this frightful mass of crime, and fraud, and misery, and death, had found their consolation and their profit in dividing among themselves *twenty-five millions of pounds sterling!* equal to about *one hundred and twenty millions of dollars!* This is what the counterfeiting part, or forgery department of the banking system, arrived at in England: this is the point to which the forgery of these branch bank orders is rapidly carrying the American people. And for all the crime and misery which has grown out of the counterfeiting of these orders, and all that shall grow out of them, the directors, who violated their charter to do what Congress forbid, are justly accountable to God and man!

I have carefully abstained, Mr. President, from the use of any topic of a general or exciting nature. I have confined myself to a mere judicial pleading. But there is one argument against the issue of this currency, which goes so directly to the honor, the dignity, the independence of the States, that I cannot forbear to hold it up for an instant, and to pass it as a shadow before you. It is this. We all know the high and responsible nature of the coining power. It is an attribute of national sovereignty; in its nature belonging to the highest authority in every form of Government. The States of this confederacy, each for itself, became invested with this high power the moment they burst the chains of British vassalage. Possessed of the right in full, they divided it, in part, with the Congress of the confederation. The convention of 1789 gave it exclusively to the new Federal Government; and since that time no State can coin money, regulate its value, emit bills of credit, or make any thing but gold and silver a tender in discharge of debts. Congress alone has the full power to coin and regulate its value; a disputed power to emit bills of credit, and no power to make any thing but gold and silver a lawful tender. Well, the Bank of the United States refers its origin, in the opinion of many, to the coining and regulating clause in the constitution.

What is admitted by all, is, that Congress has granted to the bank a power to issue a paper currency far beyond the amount of the coined currency in the Union; that this paper currency is receivable in payment of all dues to the Federal Government; and, being so receivable, thence enjoys a degree of credit and circulation coextensive with the limits of the Union. Names, Mr. President, are nothing; substance is every thing. The substantial power of coining, and of regulating the currency, is in the bank; for it issues a currency which exceeds the coin in quantity, and supercedes it in circulation. Congress gave this great power—in effect, one of the highest attributes of national sovereignty—to the company of individuals incorporated under the misnomer of the Bank of the United States; this company has devolved its power, so far as the branch bank orders are concerned, upon their subaltern agencies, called branch banks; and, according to the opinion of the federal court, may devolve it upon whatever agents they please. These subaltern agencies are protruded into the States, and there exercise a power superior to that which the State Governments surrendered to the Federal Government. They issue a paper currency within the State, which supersedes and expels the hard money. They issue a paper currency *not payable within the State, nor within the next State; nor within five hundred or one thousand miles; nor practicably payable any where! and for non-payment of which there is neither prohibition nor penalty in the charter.* This currency necessarily, and practicably, becomes a currency of bills of credit, redeemable at the will of the issuer, and not at the will of the holder; and these bills all people (in the South and West, at least) are under a virtual duress to receive; because all other currency is chased away. And thus these bills of credit become a forced and irresistible tender in the payment of debts. Can the States stand this? If they can, they are ripe and ready to sink into the condition, not of provinces of the empire, but of farms—the rack-rent farms—of a great moneyed oligarchy.

Sir, I stop; not that I have finished, but that every thing must have an end, even the overflowings of grief and indignation at viewing the frightful progress which a great moneyed oligarchy is making over the sinking liberties of the land. The cause demands a different advocate. It calls for that rare man who rebuked and overthrew the audacious enterprise of Walpole—who overturned the judgments of the King's court—drove back the royal patent across the Irish channel, and saved the people of Ireland from the evils of an illegal currency, and their Government from the degradation of seeing a private individual exercising the high power of issuing a national currency within her limits. The crisis calls for that man. It calls for the dauntless spirit—the mighty genius—the lofty scorn of hopes and fears, which belonged to the illustrious Dean of St. Patrick's! And, if we are now destined to sink in this contest, (which Heaven of its infinite mercy avert)—but if we are destined to sink, then do I say it is not for want of a cause less just, less righteous, less national, less holy, than that in which Ireland triumphed, but because the combined powers of all America's patriot sons are *unable to write the drapier's letters!*

Mr. DALLAS rose in reply, and said that, feeling a high and cordial respect for every thing which proceeded from the Senator from Missouri, following long and elaborate preparation and reflection, his reluctance to interpose any obstacle or embarrassment, thus early in the course of his movement, was extreme. A deep sense of duty, however, obliged him to overlook the customary courtesy, and to oppose the leave which the honorable gentleman asked. He was sure that his doing so would not be construed by the candor of the mover into the least want of personal deference.

Had the resolution contemplated by the Senator been one merely for inquiry; did he design to refer the subject

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to a committee for investigation, both as to fact and principle, he would be among the last to intimate unwillingness or opposition. But the Senate was formally called upon, without any previous scrutiny, to pass a judgment of condemnation—to hasten summarily to a conclusion affecting vast and important interests—to entertain a resolution which was in effect a bill—and to act, without authentic facts before them, in a manner which would operate upon the public mind as forcibly as if they enacted a law with every preparatory solemnity and care. Such a proceeding he was compelled to resist at its earliest stage.

He did not feel himself, by any thing past or probable, the enlisted advocate or opponent of the bank. He was as little prepared to defend as to assail, without stint or discrimination. But he could not refrain from observing that the general course of invective against its practices, its objects, and its tendencies, in which the learned Senator had indulged, was calculated (certainly not intended) to forestall public opinion upon the memorial for a renewal of its charter, and to prevent the dispassionate inquiry and grave consideration which were due alike to the petitioners and to the body which they addressed. Why were these elaborated attacks thus prematurely made? Why were nearly two thirds of the address just delivered wide of the proposition started by the ingenious and able speaker? Why were the orders or drafts, against which the resolution was penned, lost sight of in a maze of vehement and doubtless sincere philippic against the Mammoth, the Colossus, the Protean monster? Certainly not, in the language of the gentleman, *ad captandum vulgus*. And yet the effect might be to delude the public mind, to make all inquiry useless, and to prepare a condemnation before a hearing. Did the honorable Senator reflect for one moment upon the immediate evils of such a course? Did he forget how much injury—irreparable injury—he might be the cause of inflicting? The counts, the dukes, the princes, and the kings, who in metaphorical confusion graced his eloquence, were certainly entitled to none of his sympathy: but he [Mr. D.] would say to the worthy Senator, that a depreciation in the value of the property of this bank—an undermining of its present currency, character, and stability, might carry want, discomfort, and wretchedness among many towards whom his benevolent nature would yearn as readily and as warmly as any man's. About three millions of the stock of this corporation are owned by widows and other females; two millions and a half are held in trust by executors or guardians for orphans or others; and one million and a half by charitable societies and similar bodies: making an aggregate of near seven millions, or one-fifth of the capital actually devoted and semi-annually contributing to the subsistence, education, and happiness of those for whose welfare all generous hearts must beat in unison!

The basis upon which the honorable Senator from Missouri had reared the superstructure of his argument was a printed copy of a charge delivered to a jury by one of the judges of the Supreme Court of the United States, sitting as a circuit judge in the eastern district of Pennsylvania. He [Mr. D.] was well acquainted with the circumstances and occasion of that charge, and deemed it right to vindicate the distinguished and learned magistrate by whom it was pronounced from the idea involved in the epithet "extra-judicial." It was any thing but extra-judicial. The trial was of a man indicted for passing a counterfeit order on the cashier of the Bank of the United States. The counsel for the accused, exercising their professional skill, demanded his acquittal upon the ground (among others) that the paper described in the indictment—a forgery of one of the orders against which the gentleman had levelled his battery—was not, if genuine, a legal instrument, and could not be made the subject of a criminal proceeding. He went upon precisely the same course of reasoning as had been heard that morning. It became

the duty of the judge carefully to consider, and clearly to expound, the law thus drawn into question. The liberty of a fellow-citizen was dependent upon his opinion. He was bound to make it known to the jury: he did so; and this is characterized as "extra-judicial!"

But the honorable Senator further complains that the judge attained his conclusions, as to the intent and meaning of the act of Congress incorporating the bank, by "construction." And by what other process could he attain them? It is conceded that no positive and distinct prohibition of these orders or drafts is to be found in the charter: and as if to vindicate by his practice the judge whom he was condemning by his precept, the learned gentleman has ably and indefatigably argued that they are prohibitory by "construction." He takes the very course he disapproves, and denies to others what he cannot himself do without.

What is the resolution which the Senator asks leave to introduce? A resolution which it is not within the competency of the Senate, nor of Congress, to adopt: or rather one which, if adopted, must be wholly nugatory and inoperative. This is a primary difficulty, which meets him at the threshold, and cannot be surmounted. Were they to be seriously asked to legislate a private corporation out of the powers which are alleged to be expressly given in its charter, for the possession of which it has paid a valuable consideration, and which it has been exercising under judicial sanction? Did the honorable Senator really think that by any course of proceeding other than that prescribed in the act of incorporation, this bank could be deprived of its vested rights? Was he disposed for a moment to entertain an appeal, or a writ of error, from the judicial tribunals of the country to the Senate, as to the misuser, or nonuser, or forfeiture of the franchise? If the bank had violated any of the rules and conditions of the charter, it was surely unnecessary to say that modes of remedy and of punishment were provided and at hand. They might be dilatory, troublesome, and uncertain: but let it be recollected that they were the modes chosen by the United States, at the time the charter was moulded, and they are the only ones assented to by those who accepted and paid for it. Can it be supposed that this bank, believing itself clothed with authority to issue these orders, and that their issue is useful to the country, and advantageous to itself, would abandon them upon the mere expression of a hostile opinion by a majority of Congress adverse to the decision of the judicial tribunal! Such an abandonment would be a treacherous relinquishment of its high trusts and purposes; would evince an alarming and subservient pliancy to the changes of men and parties, and be a timid surrender of rights and interests. Let us not make laws, which cannot—cannot, he meant, upon the unchanging principles of the constitution and of justice—be carried into effect—which must be disregarded, and the disregard of which every reflecting citizen would approve and extol.

But, continued Mr. D., upon what ascertained and authentic foundation of facts was the Senate asked to entertain this abrupt and sweeping denunciation? No committee has embodied the results of its inquiries and reflections: but we are to act simply and suddenly upon the representations and views of the gentleman from Missouri. With every respect, he was unprepared and unwilling to do this. There were facts which might have a powerful bearing upon the proposition; and if any inquiry were wished, he had already avowed his readiness to accede to one. The nature and precise form of the drafts referred to had yet been but partially communicated. He presumed the distinguished Senator from Missouri would agree with him in considering it wholly immaterial whether these drafts were written or printed—on thick paper or on thin—of one color or another—their language, purport, and design were alone worthy of any notice. Now, he undertook confidently to say that, in commercial and banking

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operations, these orders were commonplace, customary instruments, which had been in use time out of mind—not perhaps used to the extent which this bank had found it expedient to use them, but known, familiarly and long known, to the usages and facilities of trade and to the laws of the land. Mr. D. was, however, unwilling that even such a fact as this should be taken by the Senate upon his assurance: but he was more unwilling that its opposite should be assumed, without investigation, as the groundwork of legislation.

There was another fact into which it would seem necessary to inquire, before we could safely impute either mistake or mischief. To what extent, and in what manner, had the bank pledged its responsibility for the payment of these orders? The honorable Senator denied their being contracts: in what other light than as the contracts of agents binding upon their principal they were to be regarded, could not well be perceived; but it may be, nay, he ventured to affirm, positively, that the bank had formally undertaken and announced its liability, to the utmost extent and in the most unequivocal manner. As far as this statement could tend to prevent alarm and to confirm confidence, it was due to the people at large, to the poor and laboring classes of the community, into whose pockets these drafts had found their way, that it should be thus publicly made. No part of the currency issued by this corporation upon the faith of its capital of thirty-five millions of dollars, was more sound and safe than branch drafts. Was this not worthy of examination and ascertainment before we pronounced them spurious and void? Should even the face of each draft not, in itself, import to the mind of the honorable Senator a precise contract, how easily might it be connected with an engagement found upon the records, or in the correspondence and acknowledgments of the bank.

He objected, he repeated, to premature and precipitate action. He had adverted to some matters upon which more light might be obtained; and, in his humble opinion, there already existed a committee of this Senate, to whose industry, candor, and intelligence they ought to be referred, if referred at all. He meant the select committee having in charge the memorial of the Bank of the United States for a renewal of its charter; and he took occasion to say to the honorable Senator from Missouri, and to pledge himself as a member of that committee to the Senate, that this very subject of the branch drafts or orders, and every other subject intimated by jealousy or suspicion, no matter how formidable or trivial, whether plausible or idle, assuming the shape or air of an imputation upon the past management or future designs and tendencies of this great corporation, should be listened to with frankness, scrutinized with care, and impartially disposed of. For his part, he was not inclined to do otherwise than approve the utmost vigilance and circumspection in guarding the community from the possible misuse of the institution. If diseases are alleged to exist in its structure, or to accompany its movements, they should be probed faithfully and fearlessly—they should be searchingly traced to their source or seat; and if the body cannot stand the operation, let it die—let it expire in the process, or let the legislative knife be thrust promptly to the heart. He would add, however, that he had yet to discover the slightest symptoms of any thing of the kind.

It was not his intention to follow the able Senator through the labyrinth of objections he had suggested to these orders or drafts. He had certainly anticipated no such studied and prolonged argument as introductory to the present motion, and was alike unwilling and unequal to the labor of a regular reply, which, however proper it might be before a judicial tribunal, he conceived would be misplaced and ill-timed here. But as so much had been so well said, with the view to discredit the opinion of the learned judge, and tending to produce a destructive alarm

as to the validity of the currency in question, he would briefly state the impregnable, though simple, course of reasoning by which its legality, under the charter, was maintained. He did this, not because it was essential to the determination of the matter before the Senate, but, if possible, to turn the edge of a weapon, which, if not aimed, was pointing fatally at the interests of the working and poorer classes of his fellow-citizens.

In the first place, then, not a syllable prohibitory of these orders could be found in the act of incorporation. The sagacity and perseverance of the Senator from Missouri, great and anxious as they were, had failed to discover a single word upon which he could pause, and frankly allege their prohibition. Yet he had told us, and told us truly, that this charter was "*stuffed and crammed with restrictions and conditions*" by those who framed it, with a view to satisfy the republicans of sixteen years ago. It certainly contained many, probably most, if not all, of the securities and guards which wisdom can devise against the mismanagement and misapplication of powers and privileges such as it conferred. No details seem to be avoided, no specification is deemed too minute, and no phraseology is left restricted or equivocal, in order to bind the bank, and to guaranty the public. It has often and justly elicited praise; but none more flattering to the republican principles and national objects of those who matured it, than the encomium of the learned gentleman who described it as "*stuffed and crammed with restrictions and conditions*." And yet, though, thus "*stuffed and crammed*," not a sentence is to be detected, which, by any sort of construction, direct or circuitous, natural or strained, can be made to import the prohibition which the Senator would engraft upon it. The wise and upright men of the day on which this instrument bears date, were not apt to overlook plain consequences, or easy means of evasion, nor to make laws so imperfectly as to leave openings into which insects might rush to deface them. They did what they intended to do—and they left undone what they had no intention to do.

The seventh section of this charter bestows upon the corporation, in the usual form, its style and legal capacities, and concludes, generally, that it shall "*do and execute all and singular the acts, matters, and things which to them it shall or may appertain to do, subject, nevertheless, to the rules, regulations, restrictions, limitations, and provisions hereinafter prescribed and declared*." He [Mr. D.] had already said that the orders or drafts were nowhere excluded in any of the rules prescribed and declared; and it could scarcely be expected that before the Senate of the United States he would make a labored effort to show that the drawing and issuing such paper were "*matters and things*" which it appertained to every trading association, commercial firm, or bank to do. They were embraced in the general grant of powers, and were not excepted from it by any subsequent limitation. All modes of conducting the business and operations of the bank, consistent with its declared purposes and limits, were expressly conferred, and these orders were therefore included.

But this general reasoning became altogether irresistible when it was found sanctioned by the very letter of the charter. In the eighth fundamental rule of the eleventh section, in recapitulating the modes by which the bank might become indebted, these words are used—"the total amount of debts which the said corporation shall at any time owe, whether by bond, bill, note, or other contract. What other contract? Every other contract which it may appertain to a bank to make. These orders? why not? If the Senate can persuade itself they are not contracts, as the honorable Senator has, by the emergency of his case, been driven to assert, then indeed this single phrase furnishes no protection. But it surely can require, in a commercial country, no recurrence to first principles, or

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to English common law definitions, much less to the venerable antiquities of Coke and Peere Williams, to prove that the engagements of an authorized agent are the contracts of the principal; or that the bank, openly, notoriously, avowedly assuming upon itself the payment of these orders, does conclusively make them obligatory contracts to the full extent of their terms and amounts.

Again: These very orders or drafts are described, *totidem verbis*, in the eighteenth section of the charter, and are protected, as legal, with the highest sanctions. "If any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any bill or note, in imitation of, or purporting to be, a bill or note issued by orders of the president, directors, and company of the said bank, or of ANY ORDER or check on the said bank or corporation, or OF ANY CASHIER THEREOF," or "shall falsely alter, &c., ANY ORDER or check on said bank or corporation, or ANY CASHIER THEREOF," or "shall pass, utter, or publish, &c. as true, any false, forged, or counterfeited ORDER or check upon the said bank or corporation, or ANY CASHIER THEREOF," &c., or shall pass, utter, or publish, &c. any falsely altered ORDER or check on the said bank or corporation, or ANY CASHIER THEREOF," &c., every such person shall be deemed guilty of felony, and, on conviction, must be sentenced to hard labor for a term not less than three, nor more than ten years, or be imprisoned, not exceeding ten years, and fined not exceeding five thousand dollars. Now, each of these assailed drafts is neither more nor less, in common sense, or in technical law, than an *order on the cashier of the Bank of the United States*; whether drawn by one person or by another, by an agent or by a customer, makes here no difference. Why, then, if it be an instrument not authorized by the charter, spurious, illegal, and void, why is it thus anxiously guarded, and its forgery thus severely punished? Why, if not within the contemplation of the rigorous and pure republicans who "*stuffed and crammed the act with restrictions and conditions*," is it merely not discountenanced, but specially recognised as a favorite, to be shielded from all impurity, and to be vindicated, by penalties involving the incarceration and infamy of offenders, from all doubt or danger? Differing entirely from the honorable Senator from Missouri, he [Mr. D.] would, upon every such question, look with peculiar solicitude to the penal clause of the act of Congress. Other parts may be loosely constructed, and their meaning be left to be ascertained by the ordinary principles and rules of interpretation; but *this* is uniformly framed with scrupulous exactitude, to be construed strictly, and to be accompanied by such specification as will enable every one to understand what he is to avoid. It is here that we find, more exactly than elsewhere in this charter, the particulars of the currency confided to the control and discretion of the bank—it is here the protection is provided for each particular—and it is here that these orders on the cashier, denounced by the gentleman, in his meditated resolution, as "*illegal*," are signally and emphatically surrounded by the conservative sanctions of the criminal code.

Need he say more? The question was, in his opinion, in every aspect, too plain to justify prolonged debate; and he must apologize for having taken up more time than he at first proposed. Before, however, resuming my seat, said Mr. D., I must again beg the honorable Senator from Missouri to be assured that this feeble effort on my part to prevent his obtaining the leave he asks, springs from perhaps a too lively sense of duty, and a too firm conviction of the dangers which might follow from our entertaining his proposal for one moment; and certainly from no diminution of the deep and cordial respect felt for every thing he does or says. Nor can I forbear to add, that, had his proposition been tendered in the shape of a

resolution for inquiry, unaccompanied by the elaborate and powerful, and, therefore, in my estimation, dangerous display of his ability and eloquence we have witnessed this morning, I would have joined him with a pleasure infinitely greater than I have experienced in opposing him. To me the Bank of the United States is nothing but a bank—a mere bank—enacted under the influence of the purest motives, for admirable purposes. If it shall have prostituted its faculties by embarking in the contests of political party, it will find me, however humble and weak, an implacable opponent; but if, as I unhesitatingly avow my expectation, it shall appear uprightly and impartially and efficiently to have achieved its great public duties, and to promise still further usefulness to the country, I must, and will, wish it to have justice, stability, and success.

Mr. TYLER said that the resolution might be referred to the select committee already appointed on the bank, and then undergo the ordeal wished for by the gentleman from Pennsylvania. He could see no objection to the admission of the resolution. The Senate might proceed with it as they pleased, after its introduction. He was not sufficiently acquainted with the facts stated by the gentleman, to enable him to decide without further investigation. He had often given his vote for leave to introduce resolutions which he had no intention of supporting. He did not intend to bind himself to support the present resolution. The facts stated by the gentleman from Pennsylvania had deeply impressed his mind. He had, years since, advocated the investigation of this subject; and he was still of the opinion that the imputations against the bank should be examined. The importance of the subject seemed to demand this; and, therefore, in every possible view, he was of opinion that all objections should be waived, and that, as a matter of courtesy, the resolution should be received. He should vote for its introduction.

Mr. BUCKNER had never considered the exercise of the rights claimed and exercised by the corporation, under the charter, practically wrong. He was always disposed to extend courtesy to the members generally; and he felt as sincerely as his colleague for the interests of his constituents. But, sir, said Mr. B., what are we called upon to do? We are called upon to pronounce that the president and directors of the Bank of the United States have exceeded their powers, and, consequently, forfeited their charter; and that the opinion which one of the judges of the circuit court of the United States has given upon the question is extra-judicial, and, consequently, null and void. Now, Mr. B. was of the opinion that Congress had not the power to act upon this subject, in the manner proposed; but if they could, the injury would not fall upon the bank, but upon the people; not upon those who issued, but upon those who held these bank orders that were to be condemned as worthless. Sir, said Mr. B., for the very reason and on the very ground that the gentleman supports this measure, I feel myself bound, in mercy to my constituents, to raise my voice against it. He advocates it on the principle that the orders issued are injurious to the West; and I oppose it on the ground that any act of ours, calculated to destroy the confidence of the community in the validity of these orders, would produce serious injury and extensive losses to my constituents, who hold an immense amount of these very orders in their possession. I am not in favor of injuring the innocent holders of the bank paper, in order to punish the institution, if, in fact, it deserves any censure. I cannot consent to give my vote for a resolution which is intended to cast suspicion upon the validity of the paper, and thus alarm the people who are its holders; which alarm cannot fail to operate seriously against the very persons whom the gentleman is so desirous to serve. If the gentleman had only asked for an inquiry, Mr. B. would heartily agree to it; but he could never consent to pass a positive

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resolution, the immediate effects of which would fall thus heavily upon his constituents. But, Mr. B. said, it did not devolve on Congress to construe the laws: their duty was, to make them, and then leave their exposition and construction to the proper tribunals. He could not admit the propriety of the attempt to prejudice and inflame the minds of the people in regard to the bank, before the proper time had arrived for the subject to be investigated. He could not, therefore, extend the courtesy to his colleague to vote for the introduction of his resolution; and, however much he might regret to have his vote go abroad, with the appearance of having contributed to shut out investigation, he should not shrink from the responsibility of refusing leave for the introduction of this mischievous proposition. He believed the issuing of the paper currency had, so far from producing injury to the West, been greatly advantageous and highly beneficial to the West; and that it was the true interest of that section of the country to maintain the circulation of the paper currency; therefore, any attempt to disparage it, or to prejudice the country against it, would be fatal to the people of the West, who were extensive holders of these orders.

Mr. FORSYTH thought this discussion premature—it being a matter of course to grant leave for introduction of bills and resolutions. The subject-matter was not now properly under consideration. He should not object to the form of the resolution, although it was in the power of the Senate to change its form, after its introduction, and refer it as was thought proper. Notwithstanding the opinions of the gentlemen against the measure, he thought an inquiry into the subject necessary. He had often voted for the introduction of measures to which he was indifferent. He was not blind to the defects of the bank, and to the necessity of correcting them. He thought that this means had been resorted to, to evade the limitations of the charter of the bank, but not for unworthy purposes; on the contrary, the object was, to enable them to do what they considered it their duty to perform. Yet it was still an evasion, and a proper subject for investigation. If the facts stated against the bank were true, it must affect the institution, and it would be necessary for Congress to do something to prevent injurious consequences to the people, in that event. The paper was received by the General Government in payment of duties and every other obligation, and there was no difficulty arising from the orders. If there was danger to be apprehended, a simple resolution of Congress, prohibiting the circulation, would instantly obviate the evil, and prevent its recurrence. He was not in favor of referring the subject to the committee charged with the question of rechartering the bank, as it did not relate to the future, but to the present institution, and to the revenue. The select committee, he thought, had nothing to do with the present question. The gentleman from Missouri wished to correct what he believed to be wrong in the bank; and he [Mr. F.] had no objection. He, therefore, hoped that there would be no further objection to the leave for the introduction of the resolution, or obstruction thrown in the way of inquiry into the subject.

Mr. CHAMBERS was disposed to extend courtesy to an application for leave, whenever a resolution was offered, proper for consideration; but not otherwise. The present distinctly declared that the issuing of these notes, which were now circulated all over the country, was an unauthorized assumption of power, and, consequently, an unlawful act on the part of the bank. Now, said Mr. C., what is the extent of this inquiry? Is the Senate to be made the tribunal to investigate it? Is this the branch of the Government in which the duty is vested, either to recommend or to prejudice the institution, by the determination of this question? Surely not. The judicial department is the proper tribunal. If the proposition was to institute an inquiry into the right exercised by the bank,

and the propriety of the practice of the president and directors in issuing these orders, he should not object to its introduction; but he should protest against admitting a positive, declaratory resolution, which assumes facts, and condemns the bank, without inquiry. The Senate would naturally feel inclined, at a proper time, to receive all the information that might be offered respecting the management of the bank; but, when they were called upon to pass such a resolution as this, prefaced by every argument, either legislative, professional, or political, which the talents and ingenuity of the gentleman could devise to sustain it, Mr. C. could not see the necessity of extending courtesy so far as to assent to its introduction.

Mr. WEBSTER said that he had always been of the opinion that resolutions proposing an inquiry which would obviously affect the value of the property of individuals, should be introduced with great caution; nevertheless, he had never voted against a resolution of inquiry concerning a public question; for it lay in the breast of every Senator to decide whether the public interest demanded the inquiry. He did not agree with the gentleman from Georgia, relative to the form of the resolution. If the question had been only for a committee of this body to inquire into a supposed violation of the charter, he should have concurred; but, instead of that, it was proposed to introduce a joint resolution, to be acted upon equally by both Houses of Congress, declaratory that the charter was violated, and that the circulation of the notes be suppressed. Many millions of those bills were now in the pockets of the people of this country; and what effect, after all, would this inquiry have upon the institution? Did it devolve upon the Senate to decide whether the notes were void, or to act at this time upon so important a subject? Should they not, on the contrary, proceed with the utmost deliberation, and make due inquiry, before they resolved upon a measure deciding so great and imminent a question? He would put the inquiry to every Senator present, whether, if there had been an unlawful exercise of power, and, consequently, the paper issued was void—whether they should, before the matter was decided, let a proposition of this nature go abroad to affect the property of the community. Does not the importance of the subject require a deliberate investigation? It was something more than mere form that was objected to; it was the subject-matter of the resolution which was opposed. It proposed to declare that the bills in circulation were illegal, and ought to be suppressed. He could not consent to vote for such a proposition, which, also, called on the Senate to declare that a particular decision of one of the judges in a court of the United States should not have been made. He was not of that opinion, and he would not consent to grant the leave asked for.

Mr. FORSYTH replied that he considered it a mere question of form, as the Senate did not adopt the resolution by permitting it to be introduced, but only declared that the subject was one that might be investigated. He should be more alarmed if his property was in jeopardy by a reference of an inquiry to a committee, than by the introduction of this resolution. It was but an act of ordinary courtesy that was asked. If gentlemen thought it would disquiet the people, or damage their property, it might be laid on the table.

[Mr. WEBSTER said that it could not be done.]

Mr. F. said that the question of granting leave might, if not the resolution itself. He could not think that the action of Congress on the resolution would, in the slightest degree, affect the property of the holders of these bank orders. The imputation of the invalidity of the practice of issuing the orders was already abroad, and no new fears would be excited by this resolution. He said there were two decisions on the question, in opposition to each other, and the object was to have settled the contradiction, and correct the errors. He thought that the courts

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of the United States was not the place to apply for a remedy.

Mr. WEBSTER would not go into the merits of the proposition, because the gentleman from Pennsylvania had done so, and, therefore, he did not deem it necessary. That gentleman had expressed the opinion, in which he [Mr. W.] concurred, that, even if this resolution were to be passed, it would be entirely inoperative; because, if the inquiry was whether the bank had transcended its charter, that unlawful assumption of power was provided against by *acire facias* in the Supreme Court. So much for the merits of the question, which he had not intended to touch. It was said that the bills were void, and that the bank was consequently not bound to pay them. But he would ask, if such an opinion was known to be agitated in the Senate, whether it would not be likely to affect the currency, disquiet the people, who were interested in the circulation, and create anxiety and alarm. In conclusion, he considered the whole of this discussion premature, which should have followed and not preceded the introduction of the resolution, or the report of the committee.

Mr. WILKINS had made up his mind upon the subject of the right of the bank to issue these orders, but it was not his intention to declare it now. But, even on the supposition that his opinion was against the legality of the orders, he would be reluctant to vote for the introduction of the resolution. For what did it propose but to declare that the paper currency of the bank was illegal and void, and that, too, while it was yet in the hands of the people, and circulating over the whole Union; and absolutely to suppress it, while the people would be compelled to pay the damages resulting from the depreciation of the paper? He should, therefore, whatever might be his opinion of the legality of the practice, out of mercy to the people, vote against this resolution, which contained a complete and decided assertion that the bank had actually forfeited its charter, and, therefore, the orders issued would be absolutely void. He would repeat, that if such was his opinion, out of mercy to the people, he would keep it to himself. He was reluctant to agitate the question now, as the time would soon arrive when it would come up regularly. He was reluctant, because he knew how easy it was to spread alarm abroad. The effect of knowing that Congress had taken up a measure of this kind, and were now considering a bill declaring the charter of the Bank of the United States to have been violated, would be to excite alarm and agitation over the whole country. He was, therefore, opposed to the resolution.

Mr. BENTON said there were two ways to bring about the object in view; one was to submit it to the Senate; the other to apply to the President of the United States, who was authorized to cause an investigation into the affair, and, if it was found that the charter was broken and void, to report accordingly. He thought that if the practice was not lawful, now was the time to find it out—the sooner the better. The same directors were now in the bank as when these orders were first issued. If they should go out of office, and new ones take their place, the object might not be so easily accomplished.

Mr. MILLER wished to know further concerning the subject. He had listened to what had been said, and his desire for further information was increased. He thought the Committee on the Judiciary should make the inquiry.

Mr. SMITH objected to this reference, on the ground of the incompetency of the committee to decide upon the legality of the practice.

Mr. MARCY agreed in the opinion that it was contended on one side that the charter of the bank was forfeited, and, on the other side, that it was not forfeited; and as these opinions were entitled to equal respect and consideration, it would be first necessary to decide this point; after which, they might inquire into the legality of the practice of issuing these orders. He hoped the resolution would be received.

Mr. CLAYTON suggested the propriety of modifying the resolution so that it should provide simply for an inquiry into the matter.

Mr. KANE said there was one view of the question, which had not been taken, and which had struck his mind forcibly; that was, whether it would not be injurious to the country to proceed to free the stockholders from responsibility. He thought there was no possible form in which this inquiry could be made by the Senate, except in the manner proposed by the joint resolution; not as a legislative body, but as stockholders of the bank. It was the uniform custom to grant leave of introduction, and he should conform to it in the present instance. His mind was not made up as to the merits of the question, and he should express no opinion upon it at present.

Mr. BIBB said that, whatever his opinion might be upon the main question, he should not now speak upon it; but he believed the resolution would be as much opposed in its present shape, as one would be that proposed to liberate all the slaves in the State of Missouri, or that no white man should hold property in Georgia.

Mr. KING was always willing to vote for the introduction of resolutions of inquiry generally; but he hoped the Senate would not consent to admit this resolution in its present form. If it was one of inquiry alone, he would give it his vote, and be in favor of its reference to the Committee on the Judiciary. He did not think it proper to record his vote in favor of a first and second reading of this resolution in its present shape, which would follow if it were introduced, and send that vote abroad to the country. He hoped the resolution would be modified before it was admitted.

Mr. DALLAS suggested whether the Committee on the Judiciary was competent to make the inquiry.

Mr. FORSYTH was of the opinion that the frankness of the gentleman from Missouri, in giving an explanation of the reasons for the resolution, had defeated instead of supporting the object in view. If the gentleman, instead of entering, as he had, into the wide field of argument in support of the resolution, had been silent, the leave would undoubtedly have been granted. He thought it was hardly fair to take advantage of that gentleman's frankness, by excluding the resolution, because they found the subject-matter improper to be investigated, as the gentleman was under no obligation to have explained the character of the proposed measure, unless it was his pleasure to do so. He hoped the Senate would take this view into consideration, and extend its courtesy to the gentleman, notwithstanding the course which had been pursued.

The question was then taken on granting leave to introduce the resolution, and it was decided in the negative, by the following vote:

YEAS.—Messrs. Benton, Dudley, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, Mangum, Marcy, Miller, Moore, Tazewell, Troup, Tyler, White.—16.

NAYS.—Messrs. Bell, Bibb, Buckner, Chambers, Clayton, Ewing, Foot, Frelinghuysen, Hendricks, Dallas, Holmes, Johnston, King, Knight, Naudain, Prentiss, Robbins, Robinson, Seymour, Silsbee, Smith, Tipton, Tomlinson, Webster, Wilkins.—25.

So the leave was refused, and then the Senate adjourned to Monday.

MONDAY, JANUARY 23.

BANK OF THE UNITED STATES.

Mr. BENTON submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to inform the Senate (if any data in his department will enable him to do so, and, if not, that he endeavor to obtain the information from the directors of the Bank of the United States) upon the following points:

1. The amount of paper currency in circulation in the

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form of *orders* drawn by the presidents of the branch banks on the cashier of the Bank of the United States; distinguishing the amount circulated from each branch, and showing the amounts of the different denominations, or sizes, of the orders respectively.

2. The amount of gold and silver coin and bullion *annually* remitted by each branch bank to the parent bank in Philadelphia, since such branch began to issue a currency of branch bank orders.

3. The names of the branch banks, if any, at which the orders drawn by other branch banks on the cashier of the Bank of the United States, and issued as currency, are not receivable in deposits as cash; and whether any distinction, in receiving or refusing such deposits, is made between the Federal Government and the citizens of the United States.

4. Whether there is any instruction from the directors of the Bank of the United States, commanding the drawers of these orders to cash them at the branch where drawn.

Mr. MOORE submitted the following resolutions:

Resolved, That the select committee to whom has been referred the memorial of the President, Directors, and Company of the Bank of the United States, be instructed to inquire into the expediency of limiting the duration of the charter to be renewed or established, to a term not exceeding ten years; and also of restricting the power of the directors in such manner as not to permit the establishment of a branch, or the location of an office of discount and deposite, in any State, without the assent and approbation of the General Assembly of such State.

Resolved, also, That the said committee inquire into the expediency of excluding foreign subscription, and of reserving one-third of the capital to be subscribed for by citizens of the United States, who have not been stockholders in the present bank; and

Resolved, further, That said committee inquire into the expediency of recognising, by express terms, the authority of any State in which a branch, or office of discount and deposite, may be located, to impose a tax upon the stock, at the rate of tax imposed upon the State institutions of like character, or at the rate of tax imposed upon moneyed capital of private individuals.

THE RULES.

Mr. FOOT submitted the following motion:

Resolved, That the 9th rule of the Senate be amended to read as follows: "No motion shall be debated until the same shall be seconded;" nor shall any debate be permitted until the President shall have announced to the Senate the subject under consideration; and the question of consideration shall be in order on the introduction of any subject presented for the Senate, and shall be decided without debate.

THE TARIFF.

The Senate then resumed the consideration of the resolution offered by Mr. CLAY, on the subject of the tariff, and the amendment offered thereto by Mr. HAYNE.

Mr. DICKERSON, of New Jersey, rose, in support of the resolution. He said, the scope of the resolution introduced by the Senator from Kentucky did not embrace the great principles of the tariff question, but left for future discussion, if such discussion should be deemed advisable, the whole policy of the protective system. It was supposed by the friends of this system, that reducing the duties to the amount of six or seven millions of dollars, although upon articles not produced or manufactured in this country, would, in fact, relieve the people to that exact amount in the payment of taxes. It was believed that this relief would be equally agreeable to the friends and the enemies of the tariff. Nor was it believed that there was any party in the United States so much in love

with taxes, that they would obstinately retain duties to the amount of millions not wanted for the purpose of revenue, nor for any other purpose whatever. The Senator from Kentucky, however, took a wide range in his observations, embracing the policy of distributing our surplus revenue among the States—of devoting it to internal improvements—of appropriating the money to arise from the sale of our public domains—of the utter impolicy of all the measures heretofore introduced for disposing of those domains. He favored us with a view of the claims of the West, who, it seems, have derived no advantage from all the expenditures upon fortifications, upon our army, and upon our navy.

In most of the views taken by the Senator from Kentucky, said Mr. D., I entirely agree with him. I agree with him, that, in affording encouragement to manufactures, we need not go beyond an adequate protection, which I take to be precisely the same thing as a judicious tariff. I entirely agree with him that a most liberal policy should govern us in all our relations with the Western States, whose merits have not been overrated by their able advocate. But I cannot agree that the money expended for the army and navy has not been expended as much for the West as for the South and East; nor can I agree that the millions expended, or rather wasted, upon fortifications, should be charged to the Atlantic States alone.

With regard to the surplus that may be found in our treasury after the extinction of the public debt, and there will be such a surplus for at least four or five years to come, I believe that I shall differ from that Senator only as to the mode of distribution—whether it shall be appropriated to internal improvements and to the purposes of education, by a rule which shall ensure to every State its just proportion of the fund—or whether it shall be subject to the partial legislation of the two Houses of Congress, in which the interest of particular sections of the United States will be promoted at the expense of others.

It is my wish to give my views upon the points on which I differ from that Senator, and hope to find an opportunity for so doing before this discussion shall be finally disposed off, but not immediately, for we have something else to do. We have to meet a furious storm from the South, attended with vivid lightning and loud thunder, and threatening desolation to the North, the East, and the West.

The Senator from South Carolina, by the amendment which he has offered, proposes a reduction of duties upon all articles, protected and unprotected, and therefore requiring a discussion of the policy of the whole protecting system. Upon this, with his usual ability, and with the most impressive eloquence, he has discussed this whole policy. Had he done less than this, he would not have satisfied the Southern States, whose interests he espouses; and it is probable that the agitated state of the public mind in every section of the Union, which has given rise to the great free trade convention in Philadelphia, and the great convention of the friends of national industry in New York, demands from the two Houses of Congress a full and thorough investigation of the great principles of the free trade and the protective policy.

This, said Mr. D., is a subject of vast magnitude and importance, which nothing but a sense of official duty could induce me to approach, with powers so inadequate to the task I must attempt to perform. My consolation, however, is, that a successful resistance to the onset made upon us depends but in a very small degree upon my exertions; and I have no fear of the final result, when I see around me the strong arms which the importance of the occasion will put in requisition. I shall endeavor to prove that the system of protecting the agricultural, commercial, and manufacturing industry of the country, by

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duties, restrictions, and even prohibitions, when necessary, is perfectly within the power of Congress, under the article of the constitution that gives to them the power to regulate commerce. I shall endeavor to prove the true policy and absolute necessity of adopting this system as it respects the vital interests of this country; and I shall endeavor to show that it is neither unjust nor oppressive in its bearing on the different sections of the Union, and upon the relations of State with State.

The want of a power to protect the great interests of commerce, navigation, agriculture, and manufactures, all of which rest upon the same basis, led to the call of the convention which formed our constitution. Without the power to protect these great interests, no constitution would have been formed; and if that power were taken away, dissolution would inevitably ensue.

While we were colonies to Great Britain, she endeavored, by rigid restrictions, to confine our industry to such agricultural pursuits as would not interfere with her own; and, by restrictions still more rigid, did she endeavor to prevent the establishment of manufactures in this country; and even the great Chatham, the distinguished friend of this country, to whom we have long sung praises and erected statues, declared that he would not willingly permit the manufacture of even a hobnail in these colonies.

By an act of Parliament in the year 1750, it was made a criminal offence to erect any mill or other engine for slitting or rolling iron, or any plating forge to work with a trip hammer, or any furnace for making steel. The punishment for this offence was a fine of two hundred pounds sterling, and the abatement of any such work as a nuisance. The governors of the respective provinces were bound to see this law carried into effect, under the penalty of a fine of five hundred pounds sterling, the loss of their office, and a disqualification to hold office. By another statute, hatters were restrained from taking more than two apprentices each, and not for any period less than seven years, and from employing negroes in their business, and the colonists were prohibited from transporting hats or home manufactured woollens from one province to another.

But these restrictions, degrading as they were to the colonies, were the less felt, as the mother country encouraged our agriculture where she could promote her own interest by so doing; and although she would not permit us to make a nail rod, and, of course, not a nail, unless we sent the iron to England to be slit into iron rods, yet she took our bar iron to a large amount duty free, as she did not then make bar iron but to a very limited amount; for instance, in the year 1772, Great Britain and her dependencies took of us bar iron to the amount of \$300,000; of the agriculture of the middle colonies, she took more than four millions of dollars; of the agriculture of the Southern colonies, a much greater amount; of rice and tobacco alone she took to the amount of about five millions of dollars; and of the produce of the colonies now forming our Eastern States, to the amount of three millions of dollars; independently of the produce of our forests, which formed a very large amount of exports to that country and its dependencies. These formed some compensation for the restrictions on our manufactures, which, however, were considered as badges of dependence and slavery, to which the colonies reluctantly submitted, and which had no small influence in rousing the spirit of resistance which began with rebellion, and ended with revolution.

Immediately after the establishment of our independence, Great Britain endeavored to obtain from us all the advantages which she had derived from us, while colonies, without extending to us the advantages we had enjoyed from the indulgence of the mother country; and in this they succeeded while we were held together—not united—by the old confederation, till our country was on the

brink of ruin. It will not be time misspent to examine the plans and schemes adopted in Great Britain, and which she is still pursuing, in part, to get possession of our commerce and navigation, and to prevent the growth of our manufactures. Lord Sheffield, in his observations on the commerce of the American States, puts the policy of Great Britain on these subjects in a clear point of view.

In page 255, he says: "Nothing should be done to court the attention of foreigners to participate in a trade of which our superior skill in manufacture, our capital as merchants, our spirit of enterprise, and many other circumstances applicable to our situation, has, in a manner, secured to us a monopoly. For, if we are consistent, and understand our own situation, as great a share of the American trade is still in the power of Great Britain, as is consistent with her interest, and this, too, upon principles which will render it more secure than volumes of treaties, namely, those incitements which arise from mutual convenience and mutual interest; but, above all, upon the score of interest alone, the merchandise of Great Britain must ever be preferred in America. But the encouraging of the American States to build ships for us, is holding out a premium for the emigration of our shipwrights, together with the various industrious classes connected with ship-building, to the country where timber and iron abound, and where, consequently, ship-building may be carried on to the greatest advantage."

Page 262. "The unsettled condition of the American States since the preliminaries of peace were ratified, and the turn of affairs there, which might have been well foreseen, by no means justify any gratuities on the part of this country, [Great Britain,] which, in the present state of things, cannot afford any sacrifices. We have only to let the confusion of the new States settle, as they may, without troubling ourselves about them. If a commercial treaty were as much to be wished, as it certainly is not, during the present ferment, there is no power with whom it could be made, with any certainty of being carried into effect. But it is plainly impossible to make a commercial treaty with the American States, without giving them some valuable privilege, for which they have precluded themselves from making any adequate return. The treaty of peace, and subsequent acts, opened the ports of Great Britain and Ireland to them, in the same manner as their ports were opened to us, when they repealed their restraining laws. A brisk trade has already begun, and it is unnecessary to prove on which side the advantage is—between the traders who ask for credit, or the traders who give it. Every account from America says that British manufactures are selling at a considerable profit, while other European goods cannot obtain the first cost. Every day's experience shows that this country, from the nature and quality of its manufactures, and from the ascendancy it has acquired in commerce, will command three-fourths of the American trade."

Page 266. "It is said that the mode of doing business, likely to prevail, particularly in the Southern provinces, will be what is denominated a wholesale trade, to be carried on by European or rather British merchants, who will form connexions at home, and carry out cargoes of assorted goods, to be sold by the package, unopened, to those who retail; and who will receive in return, within the year, from the American merchants, the produce they may collect, which will be shipped off by the British wholesale merchants. This is the species of trade that British subjects should wish to pursue; without being concerned in retailing goods, they should endeavor to monopolize the supplies in wholesale to country merchants. This will enable them to deal to a great extent, with half the hazard formerly experienced; and it will, besides, give them the sole command of the shipping business. It is not probable that the British merchants will choose, in the new state of affairs, to fix their stores, as formerly, in

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Virginia and Maryland. They may rather adopt the expedient already mentioned, of sending out agents or partners, with wholesale cargoes, to be sold to merchants who may not have credit here; and they may be very safe while their creditors are on the spot, ready to compel punctuality, and to receive and ship their produce. This line of commerce, although the profits at first may be smaller, will ultimately be more advantageous to the British merchant. Large sums of money will not, as formerly, be sunk in debts. The returns will be more certain, and less liable to those disappointments which prevailed when every American planter was a British creditor."

A great improvement upon this ingenious plan of Lord Sheffield, to engross the commercial business of this country, is the auction system as now carried on in the city of New York, where seven-eighths of the business is in the hands of the agents of British merchants and manufacturers.

In page 276, Lord Sheffield says: "It is certain that the confusion of the American States can now only hurt themselves. They must pay Europe in the best manner they can for clothing and many articles, for which they are not likely to have the credit they had while in more settled circumstances. If one or more States should prohibit the manufactures of any particular country, they will find their way to them through other States, and by various means. The difficulty will only raise the price on the consumers in the States where the articles are prohibited. The British manufactures found their way to every part of the country, during a most rancorous war; and the most strenuous American manufacturers acknowledge that no imposts or excise laws will, for a long time, be regarded in America. In the mean time, and at all times, Britain will have nothing to apprehend. The United States will hardly enter into real hostilities with Britain. Britain need not quarrel with them at all; but, should either happen, some stout frigates, cruising between Halifax and Bermuda, and between the latter and the Bahamas, would completely command the commerce of this mighty continent."

The views of Lord Sheffield were realized. Great Britain could not cause our manufacturing establishments to be abated as nuisances, but she completely controlled our manufactures by regulating our commerce; and, by the same process, destroyed our navigating and shipping interests. Each State adopted its own system for raising revenue, and protecting its industry; and this brought them into immediate collision and conflict with each other. New York and Pennsylvania laid duties upon foreign imports; the duties were paid in the cities of New York and Philadelphia, and went into the treasuries of those two States. New Jersey derived her supply of those imports through those two cities, and, of course, paid taxes to the amount of the duties upon such imports—not into a common treasury for the benefit of the United States, but into the treasuries of New York and Pennsylvania, for their exclusive benefit. This was a burden which nothing but force could oblige any State to bear. New Jersey, sooner than submit to this tyranny and oppression of her sister States, abandoned every idea of protecting her industry, and made Perth Amboy a free port. This measure was calculated completely to defeat the objects of New York and Pennsylvania, and as completely to answer those of Great Britain. Similar conflicts took place between other States, which were attended with similar results. And it became evident that the power to regulate commerce must be vested in one General Government, or that a total dissolution of the Union must take place. Agriculture was neglected for want of a market—commerce languished—even our coasting trade was in the hands of foreigners—and the manufacturing establishments, which had grown up during the war, were every where abandoned in despair. All this Lord Sheffield had clearly

foreseen. The remedy for these evils was the convention that formed the constitution of the United States: this Lord Sheffield had not foreseen.

By the constitution of the United States, Congress shall have power to regulate commerce with foreign nations, among the States, and with the Indian tribes. Under this general power, Congress may permit foreign nations to participate in our carrying trade, or they may prohibit them.

They may permit the importation of goods duty free, or under low duties, or under high duties; or even may prohibit their importation, when the public good or a just retaliation may require it. Whether foreign nations shall be our carriers, must depend upon the regulation of commerce. Whether our manufactures shall be protected or destroyed, must depend upon the regulation of commerce. And whether we shall depend upon our rivals in peace, and sometimes enemies in war, for articles of defence, as hemp and iron for our shipping, ordnance, muskets, shot and shells, must depend upon the regulations of commerce. The chief means by which Congress can regulate commerce is, by the imposition of duties on imports and tonnage; but these are not the only means. It is contended that the power to collect taxes, duties, imposts, and excises, can be exercised alone for the purpose of revenue; and, therefore, that it cannot be applied to the purpose of protecting manufactures. The second act of Congress, passed the 4th day of July, 1789, expressly acknowledges the principle of duties levied for the purpose of encouraging and protecting manufactures. This may be considered as a construction of the constitution contemporaneous with its formation; and the more confidence may be placed in this construction, as a number of those who were engaged in forming the constitution, were also engaged in passing the law. General Washington, who signed the bill, and General Hamilton, his constitutional adviser, were members of the federal convention; as also were Elbridge Gerry, Nicholas Gilman, Roger Sherman, John Langdon, Caleb Strong, William S. Johnson, Oliver Ellsworth, William Patterson, Thomas Fitzsimmons, Robert Morris, Richard Bassett, Geo. Reed, James Madison, Abraham Baldwin, and William Few, who voted on the bill, and must have understood the work of their own hands better than we do now. Sixteen days after this, the same Congress passed another act for the purpose of encouraging and protecting our tonnage and navigation by means of duties.

By this act, a duty of six cents per ton is laid upon vessels entered in the United States, wholly American; on vessels built in the United States, owned wholly, or in part, by foreigners, a duty of thirty cents per ton; and on all others, at the rate of fifty cents per ton. By the same act, no home-built vessel, belonging to citizens of the United States, engaged in the coasting trade or fisheries, to pay more than one entry (six cents) a year; while foreign vessels, so engaged, were to pay fifty cents at each entry. By this arrangement, vessels built in the United States, but owned in part by foreigners, were to pay five times as much as the same vessel owned by citizens of the United States, and all others paid more than eight times as much; and the foreign vessel engaged in the coasting trade or fisheries, suppose her to make twelve entries a year, paid one hundred times as much as the domestic vessel so employed. These duties, as it respected foreign vessels, amounted to absolute prohibitions; and yet the constitution gives no power to protect navigation by duties, that does not equally apply to manufactures. This law, so far as it respected foreign vessels, was not for the purpose of revenue, but of prohibition. And, as the law went into operation in twenty-one days after its enactment, it must have been severely felt by the agricultural interest of the country, for the discrimination prevented all competition between the foreign and domestic vessels.

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And no competition that should reduce the price of freights could take place amongst the domestic vessels, till time should be afforded for building them. In time, however, the domestic competition brought freights down to a point below what they had been before the passing of the law; so that, on the whole, the agricultural and manufacturing interests were benefited; and an object of immense importance, the protection of our navigating and shipping interests, secured.

Whatever temporary inconvenience might have been felt from the high duties upon foreign tonnage, the wisdom of the measure cannot now be doubted. In 1789, the vessels belonging to inhabitants of the British dominions, then employed in Philadelphia in foreign trade, were full four-fifths of all the tonnage so employed, and amounted to within one-fifth of all the tonnage belonging to all the citizens of the United States. And our shipping was not sufficient for the transportation of the domestic produce of the States—one-third of it belonging to foreigners. Our total amount of tonnage in 1789 was two hundred and one thousand five hundred and sixty-two tons. In the course of one year after, it amounted to four hundred and seventy-eight thousand three hundred and seventy-seven tons. In ten years after, in the year 1800, it amounted to nine hundred and seventy-two thousand four hundred and ninety-two; and in the year 1810 it amounted to one million four hundred and twenty-four thousand seven hundred and eighty-three tons; so that, in 1810, we had more than seven times as much tonnage as we had in 1789. The power, therefore, to protect and encourage the navigating and shipping interest, by means of duties imposed, not for the purpose of revenue, but of prohibition, was most effectually applied; it was effectually applied, also, to some articles of agriculture; but, with regard to manufactures, it was applied with a timid hand, yet under precisely the same power as was extended to the protection of those other important branches of industry.

Mr. Madison, in his letters to Mr. Cabell, of October, 1828, has proved beyond a doubt the constitutionality of the tariff laws, as well as the disastrous consequences of abandoning the protective system, under the fatal delusion that the true policy of the country is that commerce must regulate itself. He says that "a nation leaving its foreign trade in all cases to regulate itself, might soon find it regulated, by other nations, into a subserviency to a foreign interest." The fact is, that Great Britain did regulate our commerce from the time of our revolution till the adoption of our constitution, and will do so again, if the friends of free trade succeed in destroying the protective policy of the country.

I will also notice a letter lately written by Mr. VERPLANCK, a representative from New York, to Colonel DEARTON, in which he has most elaborately and most successfully proved the constitutionality of the tariff laws.

If our manufactures cannot be protected by Congress as our navigating and shipping interests were, then indeed they cannot be protected at all—and the grain-growing States will be as completely controlled by Great Britain as they were when colonies.

It has been said, by high authority, a committee of the Legislature of South Carolina, that "the manufacturing States can protect themselves, within their own limits, against foreign competition, to any extent they may judge expedient, as the constitution authorizes them to lay an impost duty with the consent of Congress, which doubtless would be given." This power is given under the 10th section of the 1st article of the constitution, which also provides "that the nett produce of all duties and imposts laid by any State on imports, shall be for the use of the treasury of the United States." And this condition puts a complete extinguisher upon this ingenious plan of protecting manufactures.

If it be true that it is in the power of Congress to protect the agricultural, the commercial, the navigating and manufacturing interests of our country, it is not less true that it is our true policy so to protect them.

The Senator from South Carolina says that the protective system stands self-condemned—in our own country by the desolation it has carried with it—abroad by the experience of all the world, and by nearly the universal opinion of all wise men. I would willingly leave the question to be decided by these tests. The Senator has given a moving picture of the distress which it has brought even upon the manufacturing districts; but the people of these districts take a very different view of this subject, and may be trusted to judge for themselves. It is true the leading British politicians have expressed their opinions strongly against all protective systems, and volumes have been written to give force to those opinions; but those opinions have been manufactured exclusively for exportation, and not for home consumption; not one of them is adopted by the British Government; they adhere most rigidly in their protective system, and relax in nothing, where they incur the slightest risk of foreign competition. Some of the continental Powers were induced to abandon their protective policy by the delusive prospects of free trade, which never did and never will exist; but dear experience has made them wise, and they have entirely changed their policy. And if, as the Senator says, this system has been condemned by nearly the universal opinion of all wise men, while Great Britain and nearly all Europe are vigorously pursuing it, I have only to say that there must be but a small minority of wise men in this world.

It is now well understood that the great secret of national wealth in any country consists in finding profitable employment for all the citizens or subjects of such country, who are willing to labor; and this cannot be done without directing that labor to the great objects of agriculture, commerce, navigation, and manufactures. No nation can become great or rich by agriculture alone. None by commerce, navigation, or manufactures alone. A small part of the population of a thickly settled country can till all the lands of that country. The residue must be idle if no other employment is afforded them; if they engage in commerce and navigation, these can employ but a very few, in comparison with the whole; and, unless they engage in manufactures, at least for themselves, a considerable portion of the people must remain idle for want of employment.

Where the population is not dense, a small part engaged in agriculture can produce all that the residue want; and if they have no foreign market for their produce, as is the case with the grain-growing States in this Union, a large portion of the people would be idle. In fact, the wealth and prosperity of this country depends upon the vigorous pursuit of all those branches of industry.

The time was when one country would engross the commerce of many others, and in that way accumulate immense wealth at the expense of their neighbors; of this, Holland and Venice are remarkable examples. But the world has grown wiser. Each nation now wishes to enjoy the benefits of her own commerce, and national monopolies are at an end. Great Britain has in latter times made gigantic efforts to engross the trade and navigation of other nations; and still greater exertions to become the manufacturers of the whole world. Her success in this latter object is without a parallel in the history of mankind. It has enabled her to carry on wars that from their expense alone would have made bankrupt the half of Europe—and it has enabled her to subsidize States, kingdoms, and empires. If the money wasted by her in the last thirty years in continental wars, had been expended upon objects of internal improvement, and in bettering the condition of that country, it would now exhibit a pic-

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ture of wealth and prosperity, such as the world never saw, and probably never will. Great Britain cannot maintain her monopoly of manufactures. The nations of Europe, by sad experience, find, that to consume British manufactures, is to make themselves poor—and they are no longer tributary to the monopolizing policy of that nation; yet Great Britain will long continue to enjoy immense advantages from manufacturing for the States of South America and other countries not yet prepared to manufacture for themselves. When we have before us the example of this country, we must be blind to our own interest if we do not pursue her policy, at least so far as to manufacture for our own consumption.

In the discussion of this general proposition, it was my intention to confine myself to general principles without descending into details; but the Senator from South Carolina has cited a statement made by Mr. Sarchet upon the subject of iron, calculated to create a prejudice against the manufacturers of that article, which I cannot pass without notice. As the honorable Senator made no argument upon this subject, I will make none, but satisfy myself with citing a very sufficient answer to Mr. Sarchet, from a report of the committee of a convention at New York of the friends of domestic industry. It is the statement of Green and Wetmore, extensive importers as well as manufacturers of iron, in whose correctness the most implicit confidence may be placed.

Here Mr. D. read the statement of Green and Wetmore, showing that they had imported hammers and sledges regularly for many years; that the poorest article ever heard of being sent to our market, cost seven and a half cents per pound; that those imported by themselves were of a quality fit for use, and cost eight and a quarter cents per pound, which is \$9 25 per cwt., while they sell the English bar iron at retail at \$3 75, leaving a difference of \$5 50 per cwt. in favor of the manufacturer of those articles in this country. As to wheel tire, they state that they have never known of its interfering with the sale of iron for that purpose; that they knew of two lots of it imported into New York, but the importers found a difficulty in selling it, and had said they would have no more. As to fryingpans, they state that they are not made of sheet iron alone, but partly of sheet iron, and partly of bar iron. They state that they import the sheet iron part of fryingpans, viz. the bowls, separate from the handles, and they cost, by an invoice dated January, 1831, ten cents per pound to import, while the sheet iron, in sheets, cost only six cents per pound, leaving a difference of four cents per pound in favor of the sheet iron in a manufactured state. Fryingpans cost at the same time six cents per pound.

In answer to Mr. Sarchet's statement, that tea trays, with one coat of japan, can be imported at \$83 72, while the iron required for that purpose is selling at from \$160 to \$170, they say, "We have imported tea trays for many years, and are totally unable to devise how this can be done. The largest tea tray ever imported, or, if imported, would be used, is thirty by twenty-two inches; and the poorest article we ever saw, cost fifty-two cents each tray to import, and weighed four pounds, which is thirteen cents per pound, or \$290 per ton, instead of \$83 72.

As to knitting needles, they think that the amount of this article sold annually may amount to \$200. Other statements of Mr. Sarchet are shown to be equally groundless.

As to the bearing of the protective system upon the different sections of this country, there never has been a subject of public investigation so totally misunderstood—none upon which there has been so much misrepresentation and error—none respecting which there has been so much delusion.

The feelings of the people of the South have been exasperated to the highest pitch, by representations which

have carried conviction to their minds that the tariff laws were a violation of the constitution; that they enhanced, to an enormous degree, the prices they were obliged to pay for manufactures for their consumption; that, as exporters of two-thirds of all the produce sent to foreign markets, they paid two-thirds of all the duties arising from imports, of which they consume but one-third; and that they were cut off from a market for their cotton to the amount of \$12,000,000 a year, to which they were justly entitled, by what is called the accursed tariff.

As to the violation of the constitution by these laws, that delusion has nearly passed away; and upon that I have nothing further to say. As to the enormous prices, the delusion is more firmly fixed. The people of the South think it impossible to impose duties without increasing prices; but so far is this from being true, that a great variety of manufactures on which such duties have been laid, have absolutely fallen in price—indeed, this is the case with all articles that have been adequately protected: woollens, cottons, glass, iron, and sugar, are cheaper in our market than they were ten years ago, and of a better quality. But, say the enemies of the protecting system, these articles have also fallen in price in the countries from which we import them; and from this they infer that the reduction of price is in no degree owing to the competition between the foreign and domestic producer. But they ought to reflect that the very competition which has reduced the price here, has also reduced it at foreign places. If we received from the West Indies all the sugar we consumed, they could and would sell it to us at increased prices. What we make supplies the market they possessed, and leaves them with a surplus which glutts their own market, and compels them to reduce their prices, or suffer their sugars to perish on their hands. If the United States were to give up the making of iron, it would raise the price of that article in all Europe, more particularly in Russia, Sweden, and England, from which we now make large importations. On the contrary, if we should, after the example of Russia, Sweden, and other countries, prohibit the importation of iron, it would reduce the price of this article in Russia, Sweden, and England, much below the present rates. The consumption of thirteen millions of people, particularly in manufactures, must sensibly affect the markets of all nations with whom we have an extensive trade, raising the prices as our demands for their manufacture increase, lowering them as we manufacture for ourselves.

But the enemies of the tariff utterly deny that it is possible that, by adding duties which produce competition, you can reduce prices. With them, upon this subject, seeing is not believing; and the Senator from South Carolina will not waste his breath in proving the absurdity of the position. Yet they have before their eyes the daily proofs that competition in all similar cases does reduce prices—as in steamboats, stages, stores, taverns, and in every species of manufacture in our country. Still they will not comprehend that a competition between the manufacturers of this and other countries should have a similar effect, notwithstanding these competitions are frequently carried on with a determined perseverance that ruins our domestic manufacturers, and would equally ruin those of Europe but for their large capitals.

It is to this competition, which could not be sustained but for the protective system, that we are indebted for the low price of our manufactures, and for which the people of the South pay no more than those of the North. As soon as our establishments begin to supply our own market with any particular kind of manufacture, the foreign manufacture of the like kind is uniformly offered at reduced prices, the reduction often amounting to twenty-five per cent., which is a distinct acknowledgment that the foreign manufacturer was before receiving a price twenty-

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five per cent. above the fair value of the article. The British manufacturers are now receiving from us, on manufactures of various kinds, particularly of hardware and earthenware, to a very large amount, at prices one-quarter above their minimum value; or at prices one-quarter above what they would take, sooner than abandon our market. And this they will continue to do, until competition shall reduce their prices.

If coarse woollens, known by the name of negro cloths, bring a price which is considered oppressive by the cotton planters, let them know that the responsibility rests upon their own friends, their own representatives here, and not upon the friends of the tariff. The duty upon unwrought wool is four cents per pound, and fifty per cent. *ad valorem*. This is an exclusion of the coarse wools, valued at ten cents a pound, and which are not produced in this country. In the House of Representatives, Mr. MALLARY moved an amendment to put the duties upon unwrought wool at forty per cent. *ad valorem*, and progressively to fifty per cent. To this an amendment was moved to add a specific duty of four cents per pound, which would be an additional duty of forty per cent. upon wool costing ten cents the pound, and four per cent. upon wool costing one dollar the pound. It seems incredible that a measure so unjust, and evidently injurious to the South, could have been adopted by the two Houses of Congress—but more incredible that it should have been adopted by the representatives of those who were to feel the whole weight of the injury. This oppressive amendment was carried—yeas 100, nays 98; the whole South voting for it, the Eastern members against it. When this bill came into the Senate, a motion was made to increase the *ad valorem* duty upon this article from fifty to seventy per cent. It was determined in the negative—sixteen to thirty-one—the Senators from the South voting in the affirmative.

The gentlemen of the South were found voting for the protecting system, constitutional objections notwithstanding, to its very verge—voting to protect an article not produced in this country, and that at the expense of themselves and their constituents. But even for this regulation, oppressive as it was calculated to be to the South, the resources of our country will find a remedy; and already a better material than the coarse foreign wool, formerly imported, is substituted for making these cloths; and although higher in price, of a better quality, so as in fact to be cheaper to the consumer.

The extraordinary opinion, that as two-thirds of our entire domestic exports were from the Southern States, they in fact pay two-thirds of all the duties upon articles imported in exchange for such exports, although they consumed but one-third of them, was, I believe, first publicly advocated in the exposition of the protest of the Legislature of South Carolina against the tariff of 1828. This protest has been cited by the Senator from South Carolina, and is printed among our documents. The exposition was written by a committee of that Legislature, and ought to be considered as a part of that document, and was printed as such at the seat of Government of South Carolina, and I believe spread over every section of the Southern States. The exposition is written with great talent, and was calculated to have the most decided effect, particularly in the cotton-growing States.

I hold in my hand a printed copy of this protest and exposition; and, as it is more definite, and, I think, more decided, as to the subjects embraced in it, than was the Senator from South Carolina, I shall attempt something like a reply to some parts of it, and particularly that part of it which seems calculated to explode, as a vulgar prejudice, the old idea that the consumer pays the duties.

I cite from page seven of this pamphlet: "So partial are the effects of the [tariff] system, that its burdens are exclusively on one side, and its benefits on the other. It

imposes on the agricultural interest of the South, including the Southwest, and that portion of our commerce and navigation engaged in foreign trade, the burden not only of sustaining the system itself, but that also of sustaining Government. The tax paid by the duty on imports, by which, with the exception of the receipts from the sale of public lands, the Government is wholly supported, and which, in its gross amount, is annually equal to about \$23,000,000, is, then, in truth, no tax on them: whatever portion of it they advance, as consumers of the articles on which it is imposed, returns to them from the labor of others, with usurious interest, through an artfully contrived system. That such are the facts, the committee will proceed to demonstrate, by other arguments than the confession of the party by its acts, conclusive as that ought to be considered.

"If the duty were imposed upon exports, instead of imports, no one would doubt its partial operation. It would clearly fall on those engaged in rearing products for foreign markets; and as rice, tobacco, and cotton constitute the great mass of our exports, such a duty would, of necessity, mainly fall on the Southern States, where they are exclusively cultivated; and to prove that the burden of the tariff also falls on them almost exclusively, it is only necessary to show that, as far as their interest is concerned, there is little or no difference between an export and an import duty. We export to import. The object is an exchange of the fruits of our labor for those of other countries. We have, from soil and climate, a facility in rearing certain great agricultural staples, while other and older countries, with a dense population, and capital greatly accumulated, have equal facility in manufacturing various articles suited to our use; and thus a foundation is laid for an exchange of the products of labor, mutually advantageous. A duty, whether it be laid on imports or exports, must fall upon this exchange, and, on whichever laid in our country, must, in reality, be paid by the American producer of the articles exchanged. Such must be the operation of all taxes on sales or exchanges. The owner, in reality, pays it, whether laid on the vender or purchaser. It matters not, in the sale of a tract of land, or any other article, if a tax be imposed on the sale, whether it be paid by him who sells, or him who buys; the amount must, in both cases, be deducted from the price. Nor can it alter, in this particular, the operation of such a tax, if imposed on the exchanges of communities, instead of individuals. Such exchanges are but the aggregate of sales of the individuals of the respective countries, and must, if taxed, be governed by the same rules. Nor is it material whether the exchange be barter or sale, direct or circuitous; in every case, it must fall on the producer. To the growers of rice, cotton, and tobacco, it is the same whether Government takes one-third of what they raise, for the liberty of sending the other two-thirds abroad, or one-third of the salt, sugar, iron, coffee, cloth, and other articles they may need in exchange, for the liberty of bringing them home; in both cases he gets a third less than he ought; a third of his labor is taken, yet the one is an import and the other an export duty.

"The exports of domestic produce, in round numbers, may be estimated as averaging \$53,000,000 annually, of which the States growing cotton, rice, and tobacco, produce about \$35,000,000. The average value of the exports of cotton, tobacco, and rice, for the last four years, exceeded \$25,500,000; to which, if we add flour, lumber, corn, and various other articles exported from the same States, but which cannot be distinguished on the custom-house books from exports of the same description from the other States, the amount must be equal to that stated. Taking it at that sum, the exports of the Southern or staple States, and of the other States, will then stand as \$37,000,000 to \$16,000,000, considerably exceeding the

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proportion of two to one; while their population, estimated in federal numbers, is the reverse; the former sending to the House of Representatives seventy-six members, and the latter one hundred and thirty-seven. It follows that one-third of the Union exports near two-thirds of the domestic products. Such, then, is the amount of labor which our country annually exchanges with the rest of the world, and such our proportion. The Government is supported almost entirely by a tax on this exchange, in shape of an import duty, the gross amount of which is annually about \$23,000,000, as has been already stated. Previous to the passing of the act of last session, this tax averaged about thirty-seven and a half per cent. on the value of the imports. What addition that has made, it is difficult, with the present data, to establish with precision; but it is certainly short of the truth to state it to be an average increase of seven and a half per cent., thus making the present duty to average at least forty-five per cent., which, on \$37,000,000, the amount of our share of the exports, will give the sum of \$16,650,000 as our share to the general contributions to the treasury."

If this committee are right in their estimate, that one-third of the Union pay \$16,650,000 as their share of the \$23,000,000, the gross amount of import duty, it follows that the other two-thirds pay but \$6,350,000 as their share of this gross amount.

It is allowed that the Eastern, Western, and Middle States consume two-thirds of the imports. The inhabitants of those States well know this, and they do verily believe, notwithstanding the exposition and protest, that they pay the duties on so much of the imports as they consume; and that it makes no difference in this respect, whether the imported articles are paid for in fish, potash, flour, rice, cotton, or tobacco; and you cannot convince them that the catcher of the fish, the maker of the potash, the manufacturer of the flour, or the grower of the rice, cotton, or tobacco, pays any part of it for them. And are they not right? Do the gentlemen of Boston, New York, or Philadelphia, drink their Madeira or Champagne, at the expense of the Southern planter? Do those of Baltimore and Washington enjoy a like advantage? or is Mason and Dixon's line the southern limit of those so highly favored by the protecting system? It is unfortunate that while the people of the South are made unhappy, by supposing that they pay the duties on the imported articles consumed by those of the North, the latter are not made happy by believing it.

Suppose the merchant of New York purchases the crop of the cotton planter, sends it to Liverpool, and obtains British manufactures in exchange, on which he pays the duties; he charges those duties as a part of the price of the goods to the consumer. If the grower of the cotton sends his crop to Liverpool, and receives manufactures in return for sale in this country, he equally imposes upon the consumer here the payment of the impost duties. But if he should labor under the delusion that he must bear the burden of paying the duties, except as to his own consumption, let him receive money in exchange for his cotton, and this pays no duty.

The committee of the Legislature of South Carolina assume as a datum not to be doubted, that, if the duties were laid upon the exports, the tax would fall upon the exporter. [But is this so? If all the duties were laid upon exports, instead of imports, would the consumer of the imported articles, obtained in exchange for such exports, escape the export duty? The whole exports must pay for the whole imports. The value of the exports would consist of all the items of expense necessary for their production and transportation to a market. For instance, the cotton planter would charge for planting and raising his cotton—for preparing it for market—for transporting it to a seaport—for the liberty of exporting it, being the export duty, and for shipping it to Europe. These are

all items of expense which constitute the aggregate value of the cotton in a foreign market, for which an equal value is received in goods, to be sold in this country. It is evident that those who purchase and consume such goods pay the whole value of the cotton, including the export duty. But if it were otherwise, it would not follow that, because we export to import, the duties upon imports were not to be paid by the consumer. If it were true, as it is not, that the Southern States, exporting two-thirds of all the produce of the country, and consuming but one-third of the imports received in exchange, pay two-thirds of the duties upon such imports, and, of course, submit to an enormous weight of taxes beyond their just proportion, that condition is not imposed upon them by the protective system. Suppose the present duties were laid for revenue alone, without any view to manufactures, and that they did not in the slightest degree protect manufactures, would not the exporting States pay precisely what they now do? Or that the whole amount of duties was laid upon tea, coffee, and other articles not produced in this country, or that we had no manufactures in the United States, would not the States exporting two-thirds of the whole produce of the country pay two-thirds of the duties, as much as they now do?

Modify this tariff as you please, the exporting States would continue to pay twice their proper share of the taxes, if they do so now; this condition is fixed upon them as long as they continue to be exporters of two-thirds of the produce of the country. The situation of these States would be an unfortunate one if the position assumed in the exposition be just; but happily it is not. This frightful picture is but the baseless fabric of a vision. The cotton planters pay exactly their proportion of the duties in the articles they consume, and not a cent more.

The Southern States have the peculiar advantage of employing their industry in producing articles that bring thirty-seven millions of dollars annually in a foreign market, by which, so far from being serfs (as is said in the exposition) to other States, they render the other States tributary to them. If the Southern States export twice as much as the others, those others must obtain from them, at any expense, as much as will make up for their deficiencies of exports. This is done by purchasing the bills of the exporters, often at high premiums, which operates most advantageously for the States which export, and most injuriously to those which do not. That four or five States should have the power, from the nature of their products, to export for all the others, and, of course, to pay for all the imports of the others, would enable them to appropriate to themselves, fairly and justly, a large portion of the wealth of their neighbors; and this disadvantage, the part of the non-exporting States, would be greatly aggravated, if circumstances imposed upon them the necessity of purchasing foreign manufactures of kinds that this country should produce for itself. This subject I endeavored to illustrate in my observations on the tariff bill of 1824. And, although I have never before quoted any thing that I have said myself, yet, on this occasion, I will do it, as it will be perceived that, in 1824, I took nearly the same data to prove how much the Eastern, Western, and Middle States were suffering from the condition that the Southern States exported so much and they so little, that the authors of the exposition took, in 1828, to prove how much the exporting States were suffering from the same condition. Those observations were made 5th May, 1824, and published in the *National Intelligencer*, 12th of July:

"If the ruinous state of our trade with Europe pressed equally on every part of the United States, it would be considered as an enormous evil, for which an adequate remedy ought immediately to be provided. But the evil is greatly augmented, when we consider its unequal operation upon different sections of the Union.

JAN. 23, 1832.]

The Tariff.

[SENATE.]

In 1832, we imported to the amount of - \$83,241,541
 Our exports of foreign goods and produce,
 which properly belonged to the carrying
 trade, amounted to - - - 22,286,202

Domestic exports, arising from the agricul-
 ture or manufactures of the country, - 49,874,079

Leaving a balance of imports over exports of \$11,081,260

The whole domestic exports, - - - \$49,874,079
 Of these, the rice amounted
 to, - - - - \$ 1,553,482
 Cotton to - - - - 24,035,058
 Tobacco to - - - - 6,222,838

31,811,378

Leaving of all other exports, - - - \$18,063,701
 Of these, the States exporting rice, cotton,
 and tobacco, export at least a fourth part, 4,516,000

Leaving exports to the amount of - - \$13,547,000
 Which may be considered as the whole that the Eastern,
 Middle, and grain-growing States exported during that
 year.

"The half of the imports over and above the foreign ex-
 ports have probably been consumed by those grain-grow-
 ing States—say - - - \$30,477,669
 Deduct their share of the exports, - - 13,547,000

Leaving a balance against these States of \$26,830,669—five and a half millions of it to merchants in Europe, and twenty and a half of it to the States producing rice, cotton, and tobacco. The next year the balance, by a similar calculation, was not so much against the grain-growing States, but amounted to more than twelve millions in favor of the States producing rice, cotton, and tobacco; and this sum may be considered as the average balance for several years past. So that, under the present state of things, the grain-growing States, consisting of at least two-thirds of the Union, are compelled to take of European manufactures to the amount of twelve millions of dollars, that six or seven States may have the advantage of sending remittances in payment of those manufactures, and selling their bills for the same at an extravagant advance; in consequence of which, the wealth of the grain-growing States is flowing in a constant stream to the States producing rice, cotton, and tobacco. If the grain-growing States had the power to prevent the importation of foreign produce and manufactures for their consumption, the Southern States would no longer receive the benefit of indirectly furnishing those supplies. And are those Middle and Western grain-growing States forever to take twelve millions of manufactures annually, which they would, under proper regulations, make for themselves, that their neighbors may have a market to that amount for their produce—giving employment to all their capital and industry, while that of other States remains unemployed? How long are we to remain in this state of vassalage? How long can we remain so? How long will our patience endure? How long our means last? Till we can understand our true interests—count our numbers—and rally our votes."

Nothing like an accurate estimate, continued Mr. D., can be formed of the loss of the Eastern, Western, and Middle States, in paying for their imports to the amount of twelve millions of dollars annually, through the exports of the South, instead of paying for them directly by their own exports, or the gain of the Southern States by this circuitous trade; but the loss on the one side, and the gain on the other, must be to a large amount. If the sufferings of the Southern States are as great as repre-

mented; if their fields, which produce cotton to the amount of thirty millions of dollars a year, are neglected, it must be owing to causes not depending upon the protective system.

A thorough conviction among many of the people of the Southern States, that the tariff laws are in direct violation of the constitution; that they impose upon them the necessity of paying enormous prices for their manufactures; and that they load them with oppressive taxes, beyond their proper proportions of the public burdens, has excited a high degree of exasperation, of which the Senator from South Carolina has given us a most vivid picture. Yet there is another cause of discontent, upon which much less has been said, but which has the most decided influence, particularly with the rich cotton planters. It is a belief, on their part, that, as their manufactures imported from Europe are paid for chiefly in cotton, the more goods we import, the more cotton they can export; that their sales of this article would be unlimited if our imports of European manufactures were so; that the manufacturing interest, so far as it has grown up under the protective system, is an injury to them, and an interference with their lawful commerce.

I will quote from a speech made in April, 1830, in the House of Representatives by a distinguished member of that body from South Carolina, which will place this subject in a most distinct point of view:

"You cannot create a demand, for example, for any domestic manufacture by legislation, otherwise than by excluding a similar foreign manufacture; and as your legislation is calculated to enhance the price of the article, you certainly cannot create by it a demand for a greater amount of the domestic fabric than you exclude of the foreign. It may be confidently assumed, therefore, that whatever may be the amount of iron and salt, and manufactures of cotton, wool, iron, and hemp, which have been brought into existence in the United States by the system of high protecting duties, at least an equal amount of foreign rival productions has been excluded by those duties. It will not be deemed an extravagant estimate to suppose that the protecting system has caused to be produced annually articles of these various kinds, to the amount of twelve millions of dollars, which would not have been produced but for the protection given them. It follows, then, as a corollary, that at least an equal amount of those articles of foreign production must have been excluded. But these are the very articles which we receive from Great Britain, France, and Holland, in exchange for our agricultural staples, by excluding twelve millions of such articles. Therefore, we necessarily diminish the foreign demand for our staples, and principally cotton, to that amount. There is scarcely any limit to the consumption of our cotton in Europe, but that which is imposed by our refusal to take manufactures in exchange for it. If, therefore, we were permitted to import the \$12,000,000 worth of manufactures that have been excluded by our commercial restrictions, or rather if they had never been excluded by those restrictions, it cannot be reasonably doubted that we should now have a demand in Europe for 400,000 bales of cotton beyond the existing demand. Even, therefore, if we grant, what is not the fact, that the whole of the domestic demand for cotton has been produced by the prohibitory effect of our tariff, it will follow that we have gained a market for 150,000 bales, by sacrificing one of 400,000. From this estimate, it will be seen that the prohibition of foreign imports had resulted in curtailing the entire demand for cotton in the markets of the whole world, including our own, 250,000 bales. In addition, then, to the annual burden he bears in paying the duties upon the imports he is still permitted to bring into the country, the planter sustains an annual loss of \$7,500,000, being the value of the cotton for which he has lost a market, in consequence

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[JAN. 23, 1852.]

of the unjust restrictions imposed upon his lawful commerce by the suicidal policy of his own Government."

This gentleman had considered the sufferings of the South arising from the enormous prices of manufactured articles consumed by them, and from the heavy weight of taxes paid by them beyond their due proportion. This, therefore, is a subject of complaint, independent of the others, and must be considered in that light; for had the manufactures, in the articles stated, increased by the amount of twelve millions of dollars, without protection, they would have excluded precisely the same amount of foreign imports they now do, and would have prevented the sale of as much cotton as they now do.

We can now interpret the golden dreams of those who think to seize the occasion of the extinguishment of the public debt to prostrate the protective system, when, as they fondly believe, Great Britain will manufacture for us to the amount of many millions beyond what she does now; when there will be no refusal on the part of this country to take foreign manufactures, and when there will be no limit to the consumption of American cotton in Europe.

These dreams will never be realized. The protective system may be destroyed; property to the amount of millions may be sacrificed and abandoned; the whole industry of the grain-growing States may be paralyzed; a scene of distress may prevail over the land, such as we have never yet witnessed; but the British, the French, and the Dutch, will buy no more cotton than they want; and so much they will have; for to that extent it is more valuable to them than gold.

Great Britain makes war upon our manufactures with a perseverance that is without a parallel, and refuses to take the produce of the Eastern, Western, and Middle States. These States have no defence against this system, but to exclude as far as they can the manufactures of Great Britain, by substituting their own.

If these States should take no more of the manufactures of Great Britain than could be paid for in their produce which Great Britain would take in exchange, there would be an exact balance between them and Great Britain. The cotton-growing States would then receive from Great Britain as much of their manufactures as they might want for their own consumption, in part payment for their cotton, and the residue in money, which pays no import duty.

But this is not satisfactory to the cotton planters, whose policy it is, that the Eastern, Western, and Middle States should take a much larger amount of British goods than they now do, that they, the planters, may pay for them in cotton. And as this coincides exactly with the views of the British Government, they have succeeded, not to the extent of their wishes, but to an extent that has been a great oppression to the grain-growing States. The tariff of 1816 was passed in accordance with this policy, and carried ruin to thousands engaged in manufactures in those States, and the destruction to their establishments to the amount of millions of dollars, of which the distresses of 1818, '19, '20, and '21, afford the most melancholy proof. All the attempts to mitigate the condition of those States were firmly and successfully resisted by the South, till the year 1824, when a tariff bill was passed that afforded them some relief; but this relief was considered as an invasion of the rights of the rich cotton planters, who view our rising manufactures with more hostility than the British Government has ever evinced since we were colonies. South Carolina cannot cause our manufacturing establishments to be abated, as nuisances, as the British Government did before our independence; but they endeavor to defeat our protective policy, by threatening to resist our revenue laws, and by giving us the most solemn warnings that this system will soon lead to a dissolution of the Union. And that these threats and warnings may have the more effect, every effort has been made to convince the citizens

of that State that they were oppressed beyond endurance, by paying enormous prices for the manufactures of their consumption; and that they were paying more than twice their proper amount of taxes, for the benefit of the rich nabobs of the North, who, in the language of the Senator from South Carolina, are dressed in purple and fine linen, and who are rioting in all the luxuries of the earth, at the expense of the Southern planter. When such delusion prevails, it is not strange that discontent, dismay, and despair should pervade the land. But this discontent, dismay, and despair is not created by the rich nabobs of the North, but by the rich nabobs of the South, if, indeed, we have nabobs, some of whom command the labor of a hundred, and some of a thousand, and are enabled to dispose of the produce of that labor to the amount of two-thirds of all the exports of the United States. Remove this delusion, and you remove this discontent, this dismay, and despair.

But what justice is there in the policy which the cotton-growing States pursue, to compel the other States to consume British manufactures, that they may pay for them? They say that God and nature have given them the soil and climate proper for the production of this great article of export. God and nature have given to New York the soil and climate to produce wheat to the amount of our entire exports. But foreigners take our cotton and not our wheat. It is the market, then, to which the cotton planters are indebted for their advantage over the growers of wheat. But the cotton planters think that their sales are increased as domestic manufactures are discouraged, and decreased as domestic manufactures are encouraged; that their sales are in the inverse ratio of the protection to manufactures. How far the grain-growing States shall be permitted to substitute their own manufactures for those of Great Britain, and how far they must rely upon cotton States for bills of exchange to pay for manufactures, must depend not upon soil or climate, but upon the constitution and the laws of the Union. But for this constitution, the cotton-growing States would not pay for the manufactures consumed by the grain-growing States. The latter would take of foreign produce or manufactures to the amount of their exports, and would manufacture for themselves what they might want beyond this. It is owing to this constitution and these laws—it is to the Union, that the cotton-growing States are permitted to pay for manufactures to the amount of millions of dollars annually consumed in the other States, which are restrained by the constitution from making any laws or combinations, leagues, covenants, agreements, or compacts with each other for their protection. And if the cotton-growing States think to impose upon the others the necessity of taking foreign manufactures, except under the operation of our constitution, and an adherence to the Union, they are utterly mistaken.

If the cotton planters of the South would, with candid and liberal feelings, consider the immense advantages they enjoy over the North, in consequence of this Union, their deadly hostility to our protective system would cease. By the late returns, I find that during the last year there was exported of rice, cotton, and tobacco, to the amount of thirty-seven millions of dollars, which is within twenty-two millions of the entire domestic exports of the country, a considerable portion of which went to pay for manufactures consumed in the Eastern, Western, and Middle States. And shall the growers of rice, cotton, and tobacco, consider the Union as of no value? The export of cotton alone amounted to twenty-nine and a half, say thirty millions of dollars, more than half of the domestic exports. And shall the cotton planters, with thirty millions in their pockets, as remittances for their countless bales of cotton, consider the Union as of no value to them, because they cannot sell a little more cotton?

That the tariff laws could be much improved, I have no

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The Turiff.

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doubt; that they could be rendered more acceptable to the Southern as well as all the other States, I have no doubt, provided the subject could be met with a spirit of accommodation. Duties to a large amount are imposed, which promote no interest whatever, and which are not wanted for revenue; and some of which are much against the interests of the manufacturers. All these the manufacturing States would gladly repeal or reduce. But we cannot consent to a reduction of the duties upon certain great articles of consumption, in part imported, and in part manufactured here, so as to give the foreigner greater advantages in our market than he now enjoys. We cannot consent that the citizens of our States should be driven from our own markets by the subjects of Great Britain. Here we must take our stand till we shall be overruled by majorities in the two Houses of Congress. To them we shall submit.

If the industry of the Southern States required as much protection from foreign capital and foreign combination, as the industry of the other States, it would be most freely accorded to them; as they do not require the same protection, the Eastern, Western, and Middle States sincerely desire to extend to those of the South benefits equal to any which they enjoy; and it is to be hoped the Southern States will discover some way in which such benefits may be conferred, without pressing a measure which must, if adopted, result in the sacrificing the industry of the manufacturing States. With a great majority of the citizens of these States, the most kind feelings towards the South prevail, of which I think the proceedings of the two Houses of Congress afford the most incontestable proof.

But while a spirit prevails, which led the Southern gentlemen of the two Houses of Congress, in 1828, to introduce into the tariff bill its most odious feature, in direct hostility to their own interest; while the spirit prevails which rejects the repeal of duties which are a burden to them to a large amount, and not necessary to be retained for any purpose whatever; while such a spirit prevails against what the honorable Senator is pleased to call the accursed tariff, I must confess I see but little prospect of doing anything by way of compromise. I sincerely hope, however, that something may arise in the course of this discussion, that may lead to the return of more correct views and better feelings and brighter prospects.

As to the amendment proposed by the Senator from South Carolina by way of compromise to reduce the duties gradually on protected articles, till they should, in effect, be no protection at all, I see in it nothing but the most determined hostility to the protective system—a fixed purpose to destroy the tariff.

If our manufactures must fall, let them die at once, and not be killed by inches—any thing in preference to being consumed by a slow fire.

I have not noticed the numerous denunciations from the South, that almost forbid the hope that any thing like compromise can take place; but I cannot omit to notice one symptom of violence of recent occurrence, meant, no doubt, to excite alarm.

There is an article now going the rounds of the Southern papers, which, I fear, expresses the exasperated feelings of a portion of the South, I hope a small one, against the other sections of the Union. The article is headed a "Call to Arms." The author continues, "the crisis is now coming on when our politicians—I mean our popularity-hunters, will discover that none but whig principles will prevail;" (so far it is to be hoped he is right) but he proceeds, "With the public debt must inevitably go its offspring, the American system. There will be a hard struggle for it. The United States' bank, the sugar planter, the iron master, and the Lowells and Appletons, will die hard." This is quoted from the United States Telegraph, of the 10th of this month, taken from the Richmond Enquirer. How the United States' bank became a part of the Ameri-

can system, said Mr. D., I know not. All the stockholders in Europe, and in the Southern States, are enemies of the protective system of this country. But leaving the bank out of the question—"the sugar planter, the iron master, and the Lowells and the Appletons, will die hard!" Yes, they will die hard—in the language of the Senator from Georgia, they will die in the last ditch. But their struggle for life will be here—in the two Houses of Congress. To the majority they submit—they will neither threaten nor resist the laws.

But what says the Senator from South Carolina upon this subject? He does not sound a beat to arms, but he anticipates with raptures the moment of the extinction of the public debt, as it will, in his opinion, remove the foundation of the protective system. This, he exclaims, is the great national jubilee! "Now, now, is the time for action! We have reached Mount Nebo! We stand upon the top of Pisgah, and shall we perish in the sight of the Promised Land?" Moses perished there, and was buried in the land of Moab, and no man knows his sepulchre unto this day. If by this promised land is meant the abolition of the protective system—the destruction of the manufacturing establishments of the Western, the Eastern, and the Middle States—the wasting of property to the amount of millions, and the dooming to poverty, wretchedness, and misery, thousands upon thousands of our worthy, industrious, economical, and laborious citizens, then I do most fervently pray that the honorable Senator may never pass Mount Pisgah, nor riot in this land of promise, but that he may long remain in the land of Moab, till he shall reach a good old age, even the age of Moses, if it shall please Heaven, and that it may be said of him at his last day, that "his eye was not dim, nor his natural force abated."

Mr. D. having concluded,

Mr. SMITH said that he wished to address the Senate, and was perfectly ready to go on with the debate, should the Senate so determine; but, as another subject had been set apart for to-morrow, [alluding, it is supposed, to the consideration of the nomination of Mr. VAN BUREN, in secret session,] and the general attendance of the Senators requested for it, he thought it would be better to postpone further proceedings, with regard to the resolution under consideration, to Wednesday next.

The resolution was then postponed to, and made the order of the day for Wednesday next.

The Senate then adjourned.

TUESDAY, JANUARY 24.

THE TARIFF.

Mr. HAYNE rose to present a memorial from a number of highly respectable citizens of South Carolina against the protecting system, and said that, in the course of the observations which he had submitted to the Senate a few days since, in relation to the tariff, he had taken occasion to remark that gentlemen on the other side must not deceive themselves by supposing that there existed any difference of opinion at the South as to the injurious, oppressive, and unconstitutional character of the protecting system. I am happy to have it now in my power, said Mr. H., to adduce, in support of that assertion, a memorial from the minority of the Legislature of South Carolina "opposed to nullification," which I have been requested to present, and which shows that whatever difference of opinion may exist in other respects, the whole State is united, as I trust the whole South now is, in determined opposition to this system. "The evils of which" the memorialists declare "are obvious and alarming, depreciating the value of cotton, reducing the profits to which the planters have long been accustomed, to such a degree that the culture no longer yields an adequate compensation for their labor, and is continued from necessity; and that, though other causes have conspired to reduce the

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'income of the citizens of the South, yet it is the tariff alone which denies them the right of converting that reduced income into such an amount of the necessities and conveniences of life, as would certainly be at their command, under a revenue system of moderate duties; that these difficulties, though great, might be tolerated, if the burden was equal, but that they are greatly aggravated by the consideration that the benefits of the tariff are confined to the manufacturing States, and that the policy, justice, and constitutionality of this system have been strenuously contested and denied.'

On motion of Mr. H. the memorial was ordered to be printed.

Mr. TIPTON submitted the following resolution:

Resolved, That the select committee to which was referred the memorial of the President and Directors of the Bank of the United States, praying for a renewal of their charter, be instructed to inquire into the expediency of restricting the bank, if rechartered, from holding, or in any way acquiring, real estate to a greater extent than is necessary for banking purposes.

The resolutions submitted yesterday by Mr. BENTON and Mr. MOORE, respectively, were taken up, and agreed to.

The Senate went into the consideration of executive business; and, when the doors were opened,

Adjourned.

WEDNESDAY, JANUARY 25.

Mr. BENTON submitted two resolutions; one of them referring to the select committee on the memorial of the United States' bank, certain inquiries; which resolutions lie on the table one day of course.

The resolutions submitted yesterday by Mr. MOORE, were considered and agreed to.

RULES OF THE SENATE.

The following resolution, offered on Monday by Mr. FOOT, was taken up:

Resolved, That the ninth rule of the Senate be amended to read as follows: "No motion shall be debated until the same shall be seconded;" nor shall any debate be permitted until the President shall have announced to the Senate the subject under consideration; and the question of consideration shall be in order on the introduction of any subject presented for the Senate, and shall be decided without debate.

Mr. MILLER, of South Carolina, asked of the mover some reasons for the proposed alteration. For himself he was willing to take the rules of the Senate as he found them. Was the resolution intended to apply to any cases or individuals in the Senate? Because a Senator had made an elaborate, an able, and eloquent exposition of the state of the currency in this country, was the rule to be so altered as to prevent a repetition of the offence? He regarded the proposed alteration as subversive of the rights of the minority in the Senate, and he would endeavor to preserve the rules as they are.

Mr. FOOT disclaimed any allusion to, or any connexion with, the Bank of the United States, or any discussion of its merits. It was not his object to stifle debate; and so far from impairing or infringing the rights of the minority, the Senator from South Carolina must know that all rules in deliberate bodies were designed to secure the rights of the minority: they have no other security against oppression from a powerful majority. The object of the amendment was, Mr. F. said, merely to make more plain and explicit the existing rule, which declares, "No motion shall be debated until the same shall be seconded." This rule certainly forbids the indulgence in debating a subject before a motion is made and seconded, before it is before the Senate. The rules of the Senate are few in

number, said Mr. F., and have been supposed to be amply sufficient to regulate its proceedings; but it cannot have escaped the observation of every Senator of five or six years' experience, that great innovations have been made in the practice of Senators; and although I would accord to every Senator the fullest latitude of legitimate and relevant discussion, yet I must be permitted to say that the Senate has its rights also, which must be preserved. And if Senators are disposed to intimate their intention to introduce subjects, such as the Senator from Kentucky [Mr. BRAN] had a few days since described "as of a character such as the Senate ought not for a moment to entertain—for instance, a proposition to liberate the slaves in Missouri, or that no white man in Georgia should own an acre of land," Mr. F. believed it to be the duty of the Senate to refuse to grant leave to introduce such subjects; and leave had been refused, he believed, in more than one instance. The object of the proposed amendment was to prevent any discussion of subjects before the Senate, until they were in the possession of the Senate, and subject to its control, and an opportunity afforded of deciding whether they were proper subjects for discussion or not. The amendment embraced no new principle; it was in accordance with the rules and practice of all deliberative assemblies, and within the true spirit and intent of the rules of the Senate, although perhaps not within the letter.

Mr. BENTON said he would not be so squeamish as to affect to misunderstand the cause and object of this resolution. The object was to prevent any further discussion of the state of the United States' bank currency. Unless the Senate were willing to give up this day to him, they would consent to the motion he was about to make. If the liberty of speech was to fall in this House, it would not fall silently, nor without a struggle. When he submitted the other day the proposition to inquire into the state of the currency, he expected it would have been met by argument, not by a motion to stop all discussion. The same attempts to vitiate the currency which were made by the Bank of the United States in issuing orders as currency, had been made in Great Britain. It was an old trick of banks to issue small notes in one place payable in another. The Marquis of Lansdown gave notice, in the same case, that, after the Easter holidays, he would bring in a bill for the suppression of this species of currency.

[The VICE PRESIDENT reminded Mr. B. that the subject before the Senate was the resolution to alter the rules.]

Mr. BENTON only wished, in proposing his motion, to say, that if the majority attempted to deprive the minority of leave to speak, the people should know it, and they shall know that it was done for the safety of the bank. He moved that the resolution be printed. He was ready at any moment to take it up, and go into a discussion of it.

The resolution was ordered to be printed, and was laid on the table.

THE TARIFF.

The special order of the day was then announced by the Chair—being Mr. CLAY's resolution to modify the tariff, and Mr. HAYNE's proposed amendment.

Mr. MARCY hoped that the special order would be passed over, for the purpose of proceeding to the consideration of executive business.

Mr. FORSYTH moved that the special order be postponed to Monday next.

Mr. CLAY was opposed to its postponement to so distant a day.

Mr. FORSYTH did not think that the Senate could devote any day to the subject before Monday next.

Mr. MILLER was willing, he said, to postpone the discussion till Monday, if it was understood that the Committees on Manufactures and Finance should, in the mean time, proceed in their investigations. If the action of

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those committees was to be delayed till after this debate was brought to a close, he hoped the debate would not be interrupted. He was a member of the Committee on Manufactures, and that committee had had, as yet, no practical meeting on the subjects committed to them. If the Committee on Finance are also to wait till the close of this discussion before they report or proceed with their examinations, this session must close without any action on the subject of the tariff. He wished to know what course the Committee on Finance would take.

Mr. SMITH said that, being thus called upon, he would state that the Committee on Finance were diligently employed in the discharge of their duties; they had before them a bill which they had been busily engaged on, and would report as soon as practicable.

Mr. TYLER said that, as a member of the Committee on Finance, he felt bound to say, in reference to the subject before that committee, that all hope of amicable adjustment had passed by; no member had been more desirous than himself to bring about a satisfactory arrangement of the tariff—but he was the only member of the committee from the south of the Potomac river, and his was the only voice raised in it in favor of the interests of that portion of the country. He was, therefore, converted into a mere cypher, having no effective influence over the course of the committee. All the responsibility of whatever they might do devolved upon them; he stood clear of it. He deemed this explanation due to himself, to show his position in the committee.

Mr. BENTON had a right, he said, to ask, and he did ask, the Senator from South Carolina [Mr. MILLER] to inform him, as a member of the Committee on Manufactures, whether, in the meetings of that committee, he had ever seen or heard of the titles of two bills referred to them—one for the reduction of the duty on alum salt, and the other for the reduction of the duty on Indian blankets and other Indian goods.

Mr. MILLER, in reply, said that he had never seen or heard of those bills in the committee. There has been no convention of the committee since the reference was made to them; but, from the protocol presented at the meeting of the committee, he judged that the bills inquired after would be strangled in the committee.

Mr. BENTON rose, he said, to give vent to his feelings—his parental feeling for bills, the objects of so much care and hope, now in the hands of strange, distant, and hostile nurses.

Mr. DICKERSON said it was true the committee had had but one meeting. They had waited for information on a variety of subjects, and they were willing to be informed upon any subject. Information, very essential to the correct and intelligent action of the committee, had been received very lately—a portion this morning. A meeting of the committee was proposed yesterday morning, but was, for some reason, deferred till to-morrow morning, at which time, it was now understood, the committee would meet. In relation to the bills referred to by the Senator from Missouri, he had been informed, by that Senator, that some information would be given to the committee from intelligent sources; which information the committee had always been ready to receive.

Mr. BENTON said he had no information on the subject of those bills, which he should refer to the Committee on Manufactures. When the salt bill came before the Senate, he should have recourse, not to the report of that committee, but to a report from a committee of the British House of Commons. It was a report in the British House of Commons, to which he should appeal in defence of the true American system.

Mr. HOLMES was in favor of the continuation of the discussion of the resolution. At a proper time, it was his intention to give his views in regard to the resolution and amendment.

Mr. DICKERSON certainly understood the Senator from Missouri as offering to the committee some important information on the subject of one of those bills, which, he said, a gentleman to whom he was introduced was in possession of, and would communicate to the committee.

Mr. BENTON said the gentleman alluded to received no call from the committee, and had left the city.

Mr. SEYMOUR remarked that the absence of his colleague to-day, from indisposition, would, he hoped, prevent the Senate from proceeding to the consideration of executive business. The discussion of the special order, he thought, had better continue to-day, and the executive business could be taken up when the Senate was full.

Mr. CLAY said he had opposed the postponement of the resolution to Monday next, because he thought it highly important that the decision of the Senate upon that resolution should be obtained. Until the principle involved in that resolution be decided, the committees would not be able to go on. The Committee on Manufactures was anxious to proceed with its business, and to have the decision of the Senate on this resolution. No motion for postponement had come from the friends of the resolution. It had, again and again, from time to time, been postponed at the request of its opponents. He was aware that they had set, for to-morrow and next day, some business of importance, but he knew no business before Congress so important as that which was now before them. In regard to the remark of the gentleman from Virginia, that he was the only member of the Committee on Manufactures from the south of the Potomac, he would observe that the gentleman's recollection did not serve him. The Senator in his eye [Mr. JOHNSTON] was a member of the committee.

Mr. TYLER begged to explain. He intended to convey the idea that he was the only member of the committee from the south of the Potomac who entertained his principles—who was opposed to the protective tariff.

Mr. CLAY hoped the Senator would profit by this circumstance, and not separate himself from his friends; but, finding himself in so small a minority, that he would come over to the right side. The Committee on Manufactures were not fully authorized to treat the subject of finance; and he did not see how it was possible for either committee to act before the principles which were to govern their action were decided on. As to the compromise which had been talked of, if by compromise was meant the abandonment of the protective principle, he could tell gentlemen there would be no compromise. But he would not lightly, nor till every effort was exhausted, relinquish an object which was so dear to the country and to his own heart. A reduction might possibly take place even on protected articles—but not such as would touch the principle of protection, which he was satisfied the country would not consent to abandon. But that question is to be decided with the question involved in this resolution, and he was for an early decision of it.

Mr. HAYNE was, he said, much mistaken, if all the motions for the postponement of this subject had come from the opponents of the resolution. The subject was postponed once, and for many days, on the motion of the Senator from New Jersey, [Mr. DICKERSON], in opposition to the wishes of the Senator from Kentucky, as he might recollect. Let the discussion proceed whenever the friends of the resolution pleased. We, said Mr. H., are ready to pursue it. If, as the gentleman suggested, there was no hope of any compromise without an entire retention of the protective system, he was very sorry. As to the revenue system, there was no doubt or dispute. It was to the protective system that opposition was excited throughout the country. If the protective system was not to be touched, there was, indeed, an end, now and forever, to all hope of compromise. But he trusted the Senator from Kentucky would change his views; nor

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A new Bank proposed.

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should he, at once, relinquish his hope of a conciliatory arrangement.

Mr. HOLMES said there was certainly no hope of compromise till after this discussion had been concluded; nor would there, perhaps, be any hope then. Each party will compromise, provided it obtains all it asks. One party seeks the abolition, the other the preservation of the protective system. There was now some little prospect that, after this discussion, parties might come to some medium point. At present they were as wide apart as they could be.

Mr. MARCY was so little accustomed, he said, to legislative forms, that, as a member of the Committee on Finance, he had acted with much caution and hesitation. After that part of the President's message relating to finance had been referred to the Committee on Finance, he supposed that it was the duty of the committee to report a plan for bringing the revenue down to the expenses of the Government. They had accordingly, besides the abolition of duties on unprotected articles, looked to the protected articles to see what reduction could be made there. The committee had been diligently employed in this labor. But after the reprimand, as it seemed to be, upon the committee, for touching the protected articles, he was at a loss to conceive how the committee could perform its duties in a manner satisfactory to the Senate. This is the situation of the committee. They are required to reduce the revenue some ten or twelve millions of dollars; and, by taking off the duties from all unprotected articles, they can, perhaps, effect a reduction of only five or six millions. The hope of a compromise, though somewhat faint, was not, he believed, so desperate as the member from Virginia represented. It was true that a majority of the Committee on Finance was in favor of preserving the protective system. But he believed that something might be done, which, if not satisfactory to all, would much lessen the present discontent, or at least spread it over a wider surface. The committee could report a bill if they were authorized to proceed in the way they had begun. They had not agreed as to the specific articles which should be subject to a reduction of duty, nor as to the extent to which the reduction should be carried. Information was coming in daily, which greatly assisted the judgment of the committee on these points. There was a great movement in the country, both in favor of, and in opposition to, this system, and each party collects and gives the public information in regard to it. For one, he was under the necessity of availing himself of all the knowledge on the subject which he could obtain. Not having, till he took his seat here, paid particular attention to it, he was not prepared to act upon it with so much celerity as some other gentlemen, who for years had been familiar with all its details.

The prospect, he said, of effecting an arrangement, was indeed not bright, but still not desperate. We shall not intermit our labors. We have incidentally become involved in the consideration of the duties upon manufactured articles; and though we shall not relinquish the system, yet we hope to devise a plan for preserving it consistently with a reduction of the revenue to the public expenses. As to the suggestion, that the consideration of executive business should be put off on account of the absence of one Senator, he said we have no assurance that no one will be ill or absent to-morrow. There was much business to be done, and it was not out of order perhaps for him to remark that much was also to be said. He would agree that no question of importance should be taken during the absence of that Senator, but they could proceed with the discussion. He was extremely anxious to proceed in the executive business.

Mr. CHAMBERS inquired of his colleague, who had the floor for the discussion of the resolution, whether he wished any postponement of the subject for his accommodation.

Mr. SMITH replied that he was ready to go on, was ready yesterday, and was ready now; but at this late hour he was unwilling to begin: for, although he thought he should not occupy more than an hour and a half, when we begin to speak, we know not how long we may continue. But, at the request of the gentleman from New York, he moved that the Senate do now proceed to the consideration of executive business.

The previous motion to postpone being withdrawn, the motion was agreed to, and the Senate proceeded to the consideration of executive business, and remained with closed doors till six o'clock; and

Then adjourned.

THURSDAY, JANUARY 26.

A NEW BANK PROPOSED.

Mr. MARCY, of New York, presented the memorial of David Henshaw and others, citizens of Massachusetts, praying that when the present charter of the Bank of the United States expires, the memorialists may be permitted to establish a bank, with powers and obligations similar to those under which the present Bank of the United States was established. [The petitioners propose a bank of fifty millions—one-half to be subscribed by the Government if desired, the other half by the citizens at large; to pay the Government as a bonus an annual tax of one per cent. on the capital; also, such tax on the actual capital employed by any branch in any State, as such State shall impose on its other banking institutions, not exceeding one per cent.; directors to be appointed by the Government in proportion to the amount of its stock; the charter to continue for twenty years. These are the prominent features in the proposed bank.]

In support of their application, the petitioners maintain that the capital of the present institution is chiefly in the hands of foreigners and a few wealthy American citizens, to the exclusion of other citizens from the enjoyment of the privilege. They maintain that the present bank charter might expire, and the concerns be closed, without material injury to the interests of the country, as the capital of that bank was but a small portion of the entire capital of the country vested in similar institutions. The State of New York alone had rising of twenty-four millions of vested capital, and the proposed institution might be made to take effect immediately upon the expiration of the present charter of the Bank of the United States.

Mr. MARCY observed that the present memorial was signed by a large number of the most wealthy and respectable citizens of the State of Massachusetts, and he moved that the memorial be printed for the use of the Senate.

Mr. CHAMBERS could not see the propriety of the motion for having the memorial printed, together with the long list of names appended thereto, in which no member would feel any interest, except it might be the gentleman who presented them. It was contrary to the usage of the Senate on similar occasions, and would be adopting a principle which would inevitably lead to much inconvenience, and waste of time and money. He was not in favor of expending the public money for any such purpose, without a sufficient reason being given for the request. He hoped that the printing of the long list of signatures, at least, might be dispensed with.

Mr. WEBSTER said that the memorial presented by the gentleman from New York, although from citizens of his own State, had never been communicated to him. He had no knowledge of the subject or the intention to make the communication until this morning, although he was a member of the same committee with the gentleman from New York who presented it. He thought the direction which the gentleman had proposed to give the memorial was proper. He had looked over the names of

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the subscribers to the paper, and he must say that there were some very respectable persons that had signed it, some names indeed that he had hardly expected to find affixed to so singular an argument. He thought that it might be well to refer it to a committee, and print it, either with or without the names.

Mr. HAYNE said the gentleman from Maryland was mistaken in supposing it was a new practice to print the names attached to memorials, if requested. He recollected it had frequently been done in similar cases, when it was thought proper and desirable to test the respectability of the names appended to the communication. He did not conceive that it was necessary generally to print long memorials with a great list of names, but in the present case he was in favor of it, because the effect might be important upon the decision of the subject, which would depend in a great measure upon the character and responsibility of the signers.

Mr. DALLAS was not in favor of the printing of the memorial. Its only effect he considered would be upon the treasury, by creating an unnecessary expense. Numerous memorials were coming in every day from various quarters, in favor of rechartering the bank, signed by thousands of highly respectable citizens, which were equally entitled to be printed with the present paper; and if the object would be, as was supposed, to affect the existing bank, it would be necessary to have the memorials in favor of the present institution printed also, to counteract any improper effect which might possibly be apprehended by some of its friends from the publication of the present document.

Mr. SILSBEE thought that he had some right to complain of the gentleman from Maryland for opposing the printing of this memorial; this was the first and only one of the kind which had been presented by the people of Massachusetts, and was subscribed by some of her most respectable citizens. He hoped the Senate would consent to the printing of the memorial.

Much further conversation and explanatory remarks took place between Messrs. MARCY, CHAMBERS, HAYNE, SILSBEE, and CLAY, on the question of printing the names to the memorial; at the conclusion of which,

Mr. WEBSTER asked leave to make one remark before the decision was made. A gentleman had taken exception to his remark, that he had not expected to find the names of some of the petitioners attached to so singular a paper. He did not wish to be misunderstood in the observation referred to. He meant to be understood that he was surprised that the names which he alluded to, should be found affixed to the arguments made use of in the memorial against the present bank—not that they were signed to a petition for a charter.

Finally, at the request of several friends, Mr. CHAMBERS withdrew his opposition to the printing; and the memorial with the names was ordered to be printed.

Mr. DICKERSON presented a letter from the proprietors of the Kenhawa Saline, in Virginia, addressed to him as chairman of the Committee on Manufactures, remonstrating against repealing the duty on imported salt, which was, by consent, referred to the Committee on Manufactures.

EXECUTIVE POWERS.

Mr. EWING laid the following resolutions on the table for consideration:

Resolved, That the practice of removing public officers by the President, for any other purpose than that of securing the faithful execution of the laws, is hostile to the spirit of the constitution—was never contemplated by its framers—is a daring extension of Executive influence—is prejudicial to the public service, and dangerous to the liberties of the people.

Resolved, That it is inexpedient for the Senate to ad-

vise and consent to the appointment of any person to fill a supposed vacancy in any office occasioned by the removal of a prior incumbent, unless such prior incumbent shall appear to have been removed for sufficient cause.

On motion of Mr. BENTON, the resolutions were ordered to be printed.

On motion of Mr. SILSBEE, the Senate took up the bill empowering the Secretary of the Treasury to compromise the claims of the United States on the Commercial bank of Erie; and, after some explanatory remarks by Messrs. SILSBEE, EWING, and JOHNSTON, (elicited by some inquiries of Mr. SPRAGUE,) the bill was ordered to a third reading, *nem. con.*

The Senate then proceeded to the consideration of executive business; and, after some time spent therein, Adjourned.

FRIDAY, JANUARY 27.

SALT.

Mr. BENTON rose to ask the attention of the Senate to a paper communicated to the Senate yesterday morning by the chairman of one of the standing committees. He alluded to the letter of certain salt manufacturers on the Kenhawa, to the members of the Senate's Committee on Manufactures. Mr. B. had looked over that letter, and found it to be highly encomiastic on certain Senators, who took part in the debate which occurred in the Senate on the reference of the alum salt bill; and rather disparaging to another Senator, who took part in the same debate. But to this part of the letter he had nothing to say, because it requires no action for the Senate: but there was another part of it which would require their action; it consisted of all that part of the letter which was intended for evidence, and to guide the Senate in their votes on the question to abolish the duty on alum salt. This part of the letter concerned the people, and might affect their interest, and that in a very injurious manner; he, therefore wished an opportunity to present countervailing testimony, and for that purpose to empower a committee to send for witnesses, to take their examinations in writing, and to report the minutes of their evidence to the Senate. He had formerly asked for a select committee to make these examinations; but he would not now ask for it. He would take the Committee on Manufactures. He [Mr. B.] had no place or voice in that committee; but there was one Senator upon it at least, (he did not know of another,) to whom he could give the right hand of fellowship on the subject of the salt tax. He alluded to the Senator from South Carolina, who sat farthest on his right, [Mr. MILLER;] and although that Senator might stand in that committee, and on the question of the salt tax, as one stands to four, yet, in the duty which the committee might have to perform under his motion, if it prevailed, he might prove himself to be not an unequal match for numbers, *nec pluribus impar*. He would, therefore, take that committee, and move, as he now did, that the Committee on Manufactures be empowered to send for persons, and to take their examinations in writing, under oath, on the state of the salt manufacture and salt trade, and report the minutes of the evidence so taken to the Senate.

Mr. DICKERSON said that he presumed the Committee on Manufactures would not object to take upon them the labors proposed. He was willing for one to enter into any inquiry that might be deemed expedient or necessary, but he hoped the gentleman from Missouri would inform the committee where the information required might be found. He should be glad to receive any light from that gentleman, or from any other quarter.

Mr. CLAY did not perceive the utility of the inquiry, although he had no particular objection to it. There could be no advantage whatever derived from it. The gentleman must recollect that there were twenty other States and two Territories in the Union in which salt was

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made. Mr. C. wished to know whether the evidence of one State would satisfy him. Will information from Kenhawa satisfy him? will information from New York satisfy him? or will he desire it from Maine, or Missouri, or Ohio, or Kentucky? or is the committee expected to procure it from all the various sources in the country? If so, it would be proper to give the committee leave to sit during the recess, for the information could not be obtained in six months. The Committee on Manufactures were conversant with that interest in all parts of the Union, and were inquiring into it from year to year. Does the gentleman want information as to the price, the quality, or the quantity, of the article manufactured? If so, he might learn by inquiring of the committee which had in its possession all the requisite information upon the subject. Where, then, is the propriety of further inquiry, or such as was proposed? He considered it perfectly inexpedient to make the inquiry; at any rate, he would, for the present, move to lay the motion on the table.

Mr. BENTON said he rose to give notice that the subject could not be got rid of without there being something said upon it. The debate could not be cut off.

The VICE PRESIDENT said the motion did not admit of debate.

Mr. CLAY said he wished to put no restrictions on the gentleman, and would withdraw the motion to lay on the table.

Mr. BENTON then observed that the letter presented to the Senate by the chairman of the Committee on Manufactures gave information respecting the salt trade, inconsistent with that in his possession: and as this letter had been laid upon the Senate table as evidence to influence its decision on the subject, he wished to have an opportunity to meet it by countervailing testimony. With respect to any difficulty he himself might experience in furnishing information for the guidance of the committee, he did not know how far they would be willing to receive it from him; and he had therefore presumed upon the disposition of the Senator from South Carolina, who sat on his right, [Mr. MILLER,] to aid his views, by asking for summonses for such witnesses as he [Mr. B.] might point out. He had no disposition to call for evidence to a greater extent than that given in the letter referred to. The evidence he proposed was one for the purpose of counteracting it; and if the Senate refused this, it would be a declaration to the people that they were determined to continue the burden without listening to any evidence against it.

Mr. BUCKNER, of Missouri, rose to explain the reasons which had induced him to vote for the reference of his colleague's bills to the Committee on Manufactures, in addition to those which he had given on a former occasion. With respect to the present motion, he had but little to say. He did not propose to refer the letter which had been alluded to, to that committee; nor was any part of that production in his phraseology. But he did vote for the reference of the bills to the Committee on Manufactures, because he believed it due to the committee, to himself, and to his country, that an inquiry of so much importance as that how far the provisions of bills recommending the repeal of the duties on certain articles coming in competition with the manufactures of our own country would interfere with, and run into, the interest of the manufacturer, should be referred to the committee which was entrusted with those interests; it not being the province of any other committee properly to investigate the subject. He voted for it, because, in addition to the reasons before given, he was disposed in his soul to take into consideration all the views and bearings of the question, in order to give a fair support to every interest of the nation, which he believed that the bills to repeal the duty on alum salt and Indian blankets, introduced by his colleague, were not calculated to effect. This was his reason, and he would proclaim to the Senate and the nation

that, in his opinion, the course pursued by that gentleman was not intended to conciliate the feelings of the country. Mr. B. said he was in favor of a reduction of duties, not only on alum salt and Indian blankets, but on a variety of other articles. These bills were calculated to effect only a partial reduction. He wished the whole subject of reducing the duties should come before the committee together, and he objected to those bills because they did not bring up the whole question of reduction. The gentleman seemed very anxious to disseminate knowledge upon the subject, by his motion for inquiry: but, sir, said Mr. B., the people of this country are capable of investigating the subject themselves. They want no such light as the resolution seeks for, neither does the committee to which the subject is referred. That committee is capable of investigating it fully with such information as they can themselves obtain. Yet the gentleman insists that this cannot be done without the aid of the Western people, who have been represented as sinking beneath the blight and mildew of oppression. Sir, said Mr. B., I protest this is not, and never was, the case. It will require no labor to establish this position. We need only to look at the fact that the West enjoy the blessings of happiness and contentment to an eminent degree, and wish for nothing but to be let alone. They want no alteration in the present system of protection, and, least of all, such a change as the gentleman proposes. They are a generous as well as a brave people, and will desire the welfare of the country at large. The same principle that led them to battle will induce them to sustain the interests of their common country. We are now, as we ever have been, willing to make all necessary sacrifices for the common good, not merely because a system may promote their peculiar interest, but from their elevated principles and disinterested spirit, which ever had, and ever would, he hoped, continue to animate them. The gentleman wishes the subject investigated; I say amen; let it be done, and the more it is investigated, the stronger, in my opinion, will be the conviction of the propriety of fostering manufactures in the bosom of our own country. Mr. B. said he would admit that, in curing provisions for a southern market, alum salt was necessary; but for all domestic purposes the other kind was preferable. He must be permitted to say that as he was a farmer himself, and residing in the midst of farmers, whose interests and sentiments he was intimately acquainted with, it would be reasonable to suppose that he had more practical knowledge upon the subject than his colleague, whose location and pursuits were better calculated for speculative and theoretical conclusions, which, however plausible on paper, were delusive; and he must take leave to say that the gentleman was deceived in his views. That gentleman uses perhaps one barrel of salt annually, while I use, said Mr. B., twelve or fifteen. [Mr. BENTON said he did not count his salt.] Very well, said Mr. BUCKNER, the gentleman does not count his salt; but, sir, I, who have to work hard for it, am obliged to count mine. He complains loudly of the oppressive duty on his barrel, while I am perfectly satisfied with the duty on my twelve. The only difference of interest on this article, said Mr. B., if any, will be found to be in favor of the West, not against it; and the people of the West are generally of that opinion. Mr. B. repeated he was from a farming district, was of that employment himself, was surrounded by fellow-citizens of the same class, the immediate charge of whose interests was entrusted to his care. If his colleague, instead of introducing theoretical resolutions and learned quotations from Prince Talleyrand to prove that the North Americans were the heaviest taxed people in the world, would go out among the farmers of the West, and get a little practical knowledge, he would be more likely to advance their interests. He would like to see the gentleman go among the farmers of the West, and try to persuade

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them that they were injured and oppressed, and borne down with burdens—that they were taxed like slaves; why, sir, they would laugh him in the face; the very children would laugh at it. The Western people never were more prosperous or more flourishing than they are now; they want nothing to promote their happiness but appropriations for purposes of internal improvement, to facilitate their intercourse with the different sections of the country. If the gentleman, instead of repealing a paltry duty of a cent or two per bushel on salt, which the people feel not, nor care for, had proposed a measure calculated to remove the obstructions in the Mississippi, Missouri, and other Western rivers, or some mode to construct a railroad from some proper point on the river, say from Cape Girardeau or Herculaneum, to Potosi, the heart of the mineral country, by an appropriation of the public lands, or otherwise to facilitate navigation and intercourse, this would have come home to their feelings, and have been worth all the trouble that he has taken about a few cents difference in the price of alum salt. Mr. B. said that he spoke the sentiments of his fellow-citizens when he said this; and he would bare his bosom to meet the result of their response to the opinion, while he proclaimed that this was the true interest of the people of Missouri. The gentleman had alluded to the practice of the English Parliament with regard to this subject, and seemed to infer that we must do the same. Sir, this is not an English Parliament; it is an American Senate; and it is a well known principle of legislation, that what is the interest of our country does not, of course, become the interest of another; in particular, when differently situated, with different institutions and opposite principles of Government. Because the British Parliament have adopted a certain course of proceeding; it does not follow that the American Senate and people must follow their steps. Our duty is to proceed in a manner suitable to the feelings and interests of the American people; not those of the subjects of the King of Great Britain, whose feelings and interests may be, and no doubt are, very different on this subject. Sir, said Mr. B., this doctrine is most obnoxious to the people of the Western country. The gentleman asks leave to introduce this testimony, because the evidence of the letter alluded to was before them. Mr. B. said, if he thought the interests of any rendered it necessary, he certainly should not object; but until he learned that the business could not be well done without it, or that the committee had not power already to obtain all the information required, he should not vote for it. There was no rule or order of the Senate to prevent the gentleman from laying all the information in his possession before the committee; and if he thought the interests of his constituents required it, he was in duty bound to do so. He would be the first to require the committee to examine into any information or facts which might be offered. Mr. B. said he would appeal to the country to say whether he had manifested any disposition to shut out facts or stifle investigation; or whether there was any difference of principle between the case of directly presenting, or referring evidence to a committee by permission of the Senate. As this power now existed, he could see no necessity for the measure proposed. He certainly did not wish to shut out any light, nor was he willing to prevent inquiry; and if the necessary information could not be obtained without this measure, he would vote for its adoption.

Mr. CLAY said the Committee on Manufactures were ready to take up the whole subject of the tariff, but the gentlemen from Missouri required that they should proceed with his favorite articles alone. This was what Mr. C. objected to. He was opposed to a partial investigation of the subject. If, therefore, it was proper to require the committee to pursue the course proposed in regard to salt, it was equally proper in regard to other branches

of home manufacture. He renewed the motion to lay the proposition on the table; which motion prevailed; when

The Senate proceeded to the consideration of executive business; and, after some time spent therein,

Adjourned to Monday.

MONDAY, JANUARY 30.

BANK OF THE UNITED STATES.

Mr. WILKINS presented certain resolutions of the president and directors of the Bank of Pittsburg, in favor of the Bank of the United States, and urging a renewal of its charter.

Mr. W. observed that the resolutions, while they bore testimony to the liberality of a State bank, also afforded evidence of the utility of the Bank of the United States, in establishing a sound currency, and exercising a salutary control over the State banks, always accommodating specie-paying banks, and restraining the issue of a spurious or unsound currency. He moved that they be printed, and referred to the special committee on the memorial of the United States' bank; which was agreed to.

THE TARIFF.

The special order of the day, being the resolution offered by Mr. CLAY for the reduction and repeal of certain duties, was taken up. The question being upon Mr. HAYNE's motion to amend,

Mr. SMITH, of Maryland, rose, and addressed the Senate as follows: I make no apology, Mr. President, said he, for approaching age. It will, however, admonish me to take up as little of the time of the Senate as the important subject under consideration will admit.

We have arrived at a crisis. Yes, Mr. President, at a crisis more appalling than a day of battle. I adjure the Committee on Manufactures to pause—to reflect on the dissatisfaction of all the South. South Carolina has expressed itself strongly against the tariff of 1828—stronger than the other States are willing to speak. But, sir, the whole of the South feel deeply the oppression of that tariff. In this respect, there is no difference of opinion. The South—the whole Southern States—all, consider it as oppressive. They have not yet spoken; but when they do speak, it will be with a voice that will not implore, but will demand redress. How much better, then, to grant redress? How much better that the Committee on Manufactures heal the wound which has been inflicted? I want nothing that shall injure the manufacturer. I only want justice.

I am, Mr. President, one of the few survivors of those who fought in the war of the revolution. We then thought we fought for liberty—for equal rights. We fought against taxation, the proceeds of which were for the benefit of others. Where is the difference, if the people are to be taxed by the manufacturers or by any others? I say manufacturers—and why do I say so? When the Senate met, there was a strong disposition with all parties to ameliorate the tariff of 1828; but I now see a change, which makes me almost despair of any thing effectual being accomplished. Even the small concessions made by the Senator from Kentucky, [Mr. CLAY,] have been reprobated by the lobby members, the agents of the manufacturers. I am told they have put their fiat on any change whatever, and hence, as a consequence, the change in the course and language of gentlemen, which almost precludes all hope. Those interested men hang on the Committee on Manufactures like an incubus. I say to that committee, depend upon your own good judgments—survey the whole subject as politicians—discard sectional interests, and study only the common weal—act with these views, and thus relieve the oppressions of the South.

I have ever, Mr. President, supported the interest of manufactures, as far as it could be done incidentally. I

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supported the late Mr. Lowndes's bill of 1816. I was a member of his committee, and that bill protected the manufactures sufficiently, except bar iron. Mr. Lowndes had reported fifteen dollars per ton. The House reduced it to nine dollars per ton. That act enabled the manufacturers to exclude importations of certain articles. The hat-ters carry on their business by their sons and apprentices, and few, if any, hats are now imported. Large quantities are exported, and preferred. All articles of leather, from tanned side to the finest harness or saddle, have been excluded from importation; and why? Because the business is conducted by their own hard hands, their own labor, and they are now heavily taxed by the tariff of 1828, to enable the rich to enter into the manufactures of the country. Yes, sir, I say the rich, who entered into the business after the act of 1824, which proved to be a mushroom affair, and many of them suffered severely. The act of 1816, I repeat, gave all the protection that was necessary or proper, under which the industrious and frugal completely succeeded. But, sir, the capitalist who had invested his capital in manufactures, was not to be satisfied with ordinary profit, and therefore the act of 1828.

The Senator from Kentucky [Mr. CLAY] says that a progressive decrease of duties is a slow poison, and yet that Senator swallowed the poison in the act of 1816, in the article of cotton, and I have never heard that it has done him much injury. He has also swallowed the poison in the act of 1824, where the duties are progressive, raising them annually. Are they to be understood to be less poisonous by a progressive increase than a progressive decrease? The South considers the progressive increase as the most deleterious. The handicraft-man—the blacksmith—the whitesmith—the workers of the bar iron, are all cruelly oppressed by the heavy duty on that all-important article. Give them the raw material as cheap as it is received by the British workmen, and they will ask for no protection: they will depend on their own hands, and on those of their sons and apprentices. They are not heard. Why? They are not rich—they must be sacrificed to the rich iron master, whose business is more profitable than that of any other in the Union. I forbear going further into this subject at this time. I reserve my further remarks until the subject shall be presented in a tangible shape—in a bill; when I trust I shall be able to show that the act of 1828 is highly injurious to the interest of the manufacturer. If you intend that this country shall be a manufacturing country, you must give the manufacturers the raw material (as England does) free of duty, or with very light duty. While you tax them high, as you do with imposts on hemp, wool, flax, and bar iron, you afford them no efficient protection by your minimum and excessive duties.

I rise, Mr. President, principally with an intention of following the Senator [Mr. CLAY] in the view taken by him in relation to the financial operations of the Government since the adoption of the constitution. It is necessary to take this extensive review, in order to a full understanding of this important matter. In it, I shall probably be obliged to differ somewhat from him on some points, which have unintentionally escaped his observation, but which are, nevertheless, very material to the subject under consideration, and will endeavor to show that he has thrown unmerited censure on the Secretary of the Treasury, arising, I must presume, from the fact, that the existence of the act of Congress of the 24th April, 1830, was entirely unknown to him, [Mr. CLAY.] Before I arrive at that part of my argument, I deem it necessary to go back, and trace the public debt from the establishment of the funding system, in which review I hope the Senate will indulge me.

In the year 1790, the funding system was created. It authorized stock to be delivered to each creditor of the Government to the amount of the debt due to him, two-

thirds thereof bearing interest of six per cent. from a certain date, and one-third remaining free from interest until ten years thereafter, commonly called the deferred debt. It also authorized stock to be issued for the amount of interest due to each creditor, on an interest of three per cent., which stock was not to be redeemed at any price less than the par value thereof. For the payment of these several species of stock, the public domain, and the balances in the treasury arising from duties on imports and tonnage, (after paying the expenses of Government,) were pledged. In the year 1791, a law was passed, which created a sinking fund. It provided that eight per cent. per annum should be paid in quarter-yearly payments to the holders of the six per cent. stock, (on which interest was payable,) by which system six dollars was applicable to the interest in the first year, and two dollars towards the principal of the debt every year thereafter. The payment for interest annually lessened, and that of principal annually increased. This system was not materially changed until the year 1802, when Congress passed an act appropriating the sum of 7,300,000 dollars to be applied to the payment of the interest and principal of the public debt, including the payment for loans previously made, and for any loan that might hereafter be made. In the year 1803, a further sum of seven hundred thousand dollars was added to that fund, making the whole sinking fund amount to the sum of eight millions of dollars. This additional sum was intended to meet and extinguish the debt created by the purchase of Louisiana. No material alteration was made respecting the sinking fund, until the whole of the debt (three per cent. excepted) was nearly or finally extinguished. In 1806, a law was passed, which authorized the Secretary of the Treasury to purchase the three per cents., provided they could be obtained at sixty per cent. A portion of this stock was (I believe) redeemed. In 1807, an exchange of old for new stock was proposed, on certain terms, which, however, was of but little consequence, further than that it contributed to facilitate the payment of the public debt. In 1817, an act passed "to provide for the redemption of the public debt," which had been created by the war. This act appropriated, annually, the sum of ten millions of dollars, to be applied by the commissioners of the sinking fund to the payment of the interest and the extinguishment of the principal of the public debt; and it declared that any surplus which might remain in the treasury, beyond the sum of two millions of dollars, after the payment of the expenditures of the Government, should be applied to the payment of the public debt. Two millions were thus reserved to meet any extraordinary exigency which might arise, and to provide for any unforeseen demands on the treasury. It was deemed advisable to make it legal for the treasury to retain a certain sum, rather than to permit the course which had been previously pursued without any legal authority; for it was shown by two reports from the Secretary of the Treasury, that one million of dollars had been annually reserved for the purpose of providing for any extraordinary demands on the treasury, which sum had been retained in the treasury without any legal authority. The authority to retain the two millions, (as I have reported to the Senate on a former occasion,) had seldom been exercised. In 1827, the Committee on Finance reported a bill to reduce the two millions thus retained to one million. The bill did not receive the sanction of the Senate. In 1828, the Senator from Missouri [Mr. BARTON] presented a bill, on leave, to repeal the 4th section of the act of 1817, "to provide for the redemption of the public debt," which would have deprived the treasury of the whole two millions held in reserve for exigency. This proposition was rejected. The same Senator, in 1829, submitted a resolution for the purpose of repealing so much of the act referred to, as authorized the retention of the two millions in the treasury, which resolution was referred to the Com-

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mittee on Finance, and reported against by that committee, as inexpedient to be adopted at that session, for reasons expressed in the report.

I now, Mr. President, have arrived at the principal point of my argument. In the year 1830, the Committee on Finance deemed that the time had now arrived, at which the treasury might safely dispense with the reserved two millions, and that authority should be given for the purchase of the public debt with this sum; and they accordingly presented a bill, which passed into a law on the 24th April, 1830. I will read the first and second sections of that law:

"*Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever, in the opinion of the Secretary of the Treasury, the state of the treasury will admit of the application of a greater sum than ten millions of dollars, in any one year, to the payment of interest and charges, and to the reimbursement or purchase of the principal of the public debt, it shall be lawful for him, with the approbation of the President of the United States, to cause such surplus to be placed at the disposal of the commissioners of the sinking fund, and the same shall be applied by them to the reimbursement or purchase of the principal of the public debt at such times as the state of the treasury will best admit.

"*Sec. 2. And be it further enacted,* That whenever, in any year, there shall be a surplus in the sinking fund, beyond the amount of interest and principal of the debt which may be actually due and payable by the United States in such year, in conformity with their engagements, it shall be lawful for the commissioners of the sinking fund to apply such surplus to the purchase of any portion of the public debt, at such rates as, in their opinion, may be advantageous to the United States; any thing in any act of Congress to the contrary notwithstanding."

The first section vests in the commissioners of the sinking fund ample authority to direct that "any surplus that may remain in the treasury shall be applied by them to the reimbursement or purchase of the principal of the public debt." No exception is contained in this section in relation to the purchase of the three per cents. or to any other part of the public debt. This provision of the bill authorizes the purchase of every description of debt due by the Government. The second section removes every doubt which might remain on this point in the mind of any gentleman. It distinctly declares that "it shall be lawful for the commissioners of the sinking fund to apply such surplus to the purchase of any portion of the public debt."

The commissioners have considered the law to be imperative, and, in consequence, they have redeemed the seven millions of stock deposited in the Bank of the United States. The present Secretary of the Treasury informs us that it is intended to purchase or redeem the three per cents. To that intention the Senator from Kentucky [Mr. CLAY] objects. He says, "I cannot think, and I should suppose Congress can hardly believe, with the Secretary of the Treasury, that it would be wise to pay off a stock of thirteen millions, entitling its holders to but three per cent., with a capital of thirteen millions, worth an interest of six per cent. In other words, to take from the pockets of the people two dollars to pay one in the hands of the stockholders." This language is intended for effect, and has doubtless operated on the minds of some Senators who may have been unacquainted with the act of 1830, to which I have referred, and of which even the Senator from Kentucky [Mr. CLAY] seems to have lost sight. That Senator seems to think that the payment of the three per cents. is a project originating with the Secretary of the Treasury. Such, however, is not the fact. It was the project of Congress, who passed the act of 1830, at which time the present Secretary of the Treasury was in England.

The Secretary, therefore, acts only in obedience to the law. He dare not act otherwise, and must pay the three per cents., unless the act be repealed. If repealed, what would be our situation? The report of the Secretary of the Treasury at the present session of Congress conveys more information in relation to the financial concerns of the Government, than any previous treasury report which I have seen. It is clearly expressed, and easily understood by all who have any knowledge of the subject. It contains no ambiguity; on the contrary, it frankly and openly declares the views and plans of the writer, and submits them boldly to the consideration of Congress. The plans of the Secretary, as expressed in the report, meet my entire approbation, and shall have my cordial support. The report states, and very correctly, too, that there will remain in the treasury, in the present year, (1832,) a sum exceeding fourteen millions of dollars, applicable to the payment of the principal of the debt. He also correctly states, as I shall hereafter show, that, with the particular exception of the three per cents., there is payable, in this year, a sum less than \$4,000,000. Well, sir, there will then remain in the treasury \$10,000,000 inapplicable (except to the redemption of the three per cents.) to any object. Is this large amount to remain dormant, losing interest? Or shall it be applied as the act of 1830 has directed? The several sinking fund acts place all the public debt on the same footing, and, therefore, whenever the treasury has the means, it must apply them to the reimbursement of the three per cents., in common with the other Government stocks. The Senator from Kentucky, [Mr. CLAY,] aware of the dilemma, insinuates that the Secretary has erred in supposing that there will be a surplus of fourteen millions. The Senator has reasoned as most gentlemen will do who are not fully informed, or have not carefully examined the subject. He has said that the importations of 1831 have been unusually great; that those of 1832 will, in consequence, be greatly reduced; and, in this particular, I think he is correct; but the Senator seems to infer that the receipts at the treasury will not amount to the sum reported, (fourteen millions.) In this supposition, Mr. President, the Senator from Kentucky is entirely wrong. The receipts in 1832 have little connexion with the importations of that year; perhaps one-quarter of the duties which accrue in 1832 may be received into the treasury during that year. But there is a difference between revenue accruing, and money actually received into the treasury. The Secretary predicates his report on bonds taken for duties which accrued in 1831, and which, from the usual credits given, are payable in 1832. In this matter, therefore, he cannot be mistaken. He has a list of the bonds before him. The Senate may, therefore, rest satisfied that the sum stated by the Secretary of the Treasury, of fourteen millions of dollars, will remain in the treasury, as expressed in the report; and that there will be ten millions of dollars inapplicable to any other object than the redemption of the three per cents., unless applied to the purchase of the stock payable in 1833 and 1835. I trust I have satisfied the Senate that no censure can attach to the Secretary of the Treasury for the expression of his intention to pay off the three per cents.; that, in so doing, he simply performed an act of duty, in compliance with existing laws.

The sale of the bank stock for the purpose of paying the debt is objected to. I propose to take notice of it merely as a financial measure. The principal considerations by which the proposition to sell the stock is recommended, are those connected with the public interests, with the liberation of the country from debt, and with all the consequences arising from such a state of things.

The report of the Secretary of the Treasury goes upon the supposition that, on these grounds, the Government cannot be resembled to an individual dealing with his stocks for the purpose of the greatest pecuniary profit; and

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that the general advantages of a sale, and the consequences, are more than equivalent to those of a mere stockholder.

But, as a mere financial and money operation, the scheme of the report is absolutely profitable.

It will be perceived by the report, that the ordinary means of the Government will, by the 1st of January, 1833, pay off all the debt, excepting \$10,302,686, which it is proposed to reimburse on or before the 3d March, 1833; consequently, the sale of the bank stock, and the application of the proceeds, must be considered as taking place at that time. Such appears to me, Mr. President, the obvious scheme of the report.

The authority asked in relation to the Government stock in the Bank of the United States, is to sell that stock at a sum not less than \$8,000,000, and not absolutely to the bank, but only in the event that it will give more than can be obtained in any other manner, or from any other source. Under a general authority, there is a reasonable probability that a portion of the stock may be exchanged on advantageous terms for the three per cents.; a proposition for more than a million has been already made to exchange at their respective value in the market.

I will assume, however, that the stock be sold at eight millions of dollars, which is about fifteen per cent. advance, and which may be considered as a fair price, when we take into consideration the question of the renewal of the charter, and the effect of this is conclusively shown by calculating the value of the stock to the Government if it retained it during the whole term of the charter, and comparing it with the amount of sale and saving of interest on the three per cents.

One share of bank stock, with three years' interest, seven per cent. per annum, would be worth, on the 3d March, 1836, - \$121 00
If sold on 3d March, 1833, at fifteen per cent. - 115 00

Apparent loss, - - - - - 6 00
But, in the first case, the United States would have paid three years' interest on \$100 of three per cents. amounting to, - - - - - 9 00

Thus showing an actual gain on each \$100, by the proposed operation, of - - - - - \$3 00

The same result will appear, by stating it in the aggregate, thus:

The stock of Government in the bank being, at par, - - - - - \$7,000,000
Add the interest at seven per cent. from 3d March, 1833, to the 3d March, 1836, being three years, - - - - - 1,470,000

If, therefore, we should sell the Government stock on 3d March, 1833, instead of keeping it, at - - - - - 8,000,000

We should incur an apparent loss of - - - - - 470,000

But if the stock be retained, the United States would pay three years' interest on \$8,000,000 of three per cent. stock, amounting to - - - - - 720,000

Thus showing an actual gain by the operation, of - - - - - \$250,000

It is true, Mr. President, that the stock will be worth much more, if the charter should be renewed; but, by this proposition, we get as much for it as will pay off the public debt.

Besides the objection to the proprietary interest of the Government in the bank, it ought to be observed that, should the charter be renewed, the Government may always amply indemnify itself against loss, in the premium for the new charter.

I now proceed, Mr. President, to present a brief statement of the funded debt, that the Senate may have the sub-

ject fully before them. I purposely omit the unfunded debt of thirty-nine thousand three hundred and fifty-five dollars, which may never be called for.

Debt redeemable in 1832.

3 per cents. - - - - -	\$13,296,626
5 per cents. of 1822 (exchanged) - - - - -	\$ 18,901
4½ per cents. of 1824 - - - - -	1,739,524
4½ per cents. of 1824 (exchanged) - - - - -	2,227,363
	<u>3,985,788</u>
	<u>\$17,282,414</u>

Redeemable:

On the 31st Dec. 1832, - - - - -	\$2,227,363
On the 31st Dec. 1833, - - - - -	4,735,296
	<u>6,962,659</u>

Total of funded debt, - - - - -	\$24,245,073
Estimated receipts for 1832, - - - - -	\$30,100,000
Old balance in the treasury, - - - - -	1,208,276
	<u>31,308,276</u>

Deduct probable expenses, - - - - -	13,365,202
Deduct unsatisfied appropriations, - - - - -	3,423,525
	<u>16,788,727</u>

Interest on the public debt, - - - - -	500,000
	<u>14,519,549</u>

Amount applicable to the public debt, - - - - -	14,019,549
Amounts of 4½ and 5 per cents., redeemable in 1832, - - - - -	3,985,788
	<u>\$10,033,761</u>

There will then remain of the public debt, Payable 31st Dec. 1833, - - - - -	\$2,227,363
Do. 31st Dec. 1835, - - - - -	4,735,296
3 per cents. - - - - -	3,262,863
	<u>\$10,225,522</u>

being the amount of the debt remaining unpaid on the 1st January, 1833. The amount of three per cents. which will then be unpaid, will somewhat exceed three millions; and they must be first paid, because the other remaining stock will not be immediately payable.

This inconsiderable amount of debt remaining unpaid, may be extinguished either by a sale of the bank stock, as proposed by the Secretary of the Treasury, and which I approve, or, if this course should not be adopted by Congress, then this debt can be redeemed by the sale of the public lands, or by an extension of the time for the reduction and repeal of import duties to the 30th June, 1833. I feel almost confident that, if we adopt the course I have here proposed, the whole amount of public debt may be discharged in that year, except the small amount due in 1835, which also may be redeemed, if the holders of the stock due in that year will sell it.

The Senator from Kentucky [Mr. CLAY] supposes that we ought to retain a revenue of eighteen millions of dollars. [Here Mr. CLAY explained. He said that he remarked in his speech that eighteen millions might now be retained, and hereafter to be reduced, if circumstances would permit.] To which I replied that I had not read the printed speech of the Senator, [Mr. CLAY] but was amply sustained in the quotation he had made, by the recollection of the Senator from South Carolina, [Mr. HAYNE.] Let me inquire why, and for what purpose, the eighteen millions should now be retained. The annual expenses of Government, hereafter, ought not to exceed thirteen million five hundred thousand dollars; and they will not, probably, exceed twelve million five hundred thousand dollars. The miscellaneous expenses can-

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not exceed those of preceding years; on the contrary, they will not, I think, amount to so much. The Senator may have two objects in view, when he proposes so large a revenue. The one may be, to carry into effect his splendid ideas of internal improvement; the other, lest by a reduction of the revenue below eighteen millions, the duties on protected articles must necessarily be reduced. In relation to the first object, I presume the Senator will not expect great success while the present President remains in office; and the second object will, certainly, tend to continue the dissatisfaction which now prevails, in a great degree, in the Southern States, and which might lead to consequences too serious to be even thought of. I do not hesitate to candidly avow my opinion respecting this important matter. It is this: the revenue, from the customs, ought not to exceed the sum of thirteen millions of dollars; and I would prefer a revenue of twelve millions. The revenue from the sale of the public lands, I estimate (taking the average of a series of years) at two millions, and the bank dividend five hundred thousand dollars. This latter income may cease in a few years. The three items which I have enumerated, would produce a gross revenue of fifteen million five hundred thousand dollars. Deducting from this sum the bank dividend, there will remain the sum of fifteen millions of dollars—affording, in my opinion, a surplus sufficiently ample for any probable extraordinary exigency, or demand on the treasury, which could possibly arise. If the revenue from customs could be reduced to twelve millions of dollars, it would diminish the total nett revenue to fourteen million five hundred thousand dollars; which I consider as amply sufficient. Indeed, I feel confident that there would be a handsome surplus of from two millions to three millions per annum, which might be applied to the more rapid completion of the fortifications, the establishment of additional arsenals, and other objects of a national character.

The Senator [Mr. CLAY] has said “that temporary causes may exact a reluctant acquiescence from the people of the West, in the suspension of appropriations to objects of internal improvement; but, as certain as you (the VICE PRESIDENT) preside in that chair, or the sun performs its diurnal revolution, they will not be satisfied with the abandonment of the policy.” Now, Mr. President, I will ask the Senators from the West, whether improvements, of a national character, have ever been refused to the West by the Senate, or even by Congress. If there have been any such, they have escaped my recollection. It will be my object to show that Congress have done as much, perhaps more, for the improvements required by the West, than for the East. I will enumerate some of a prominent character. I omit all appropriations of land granted to the seats of Government, and reserved for salines. There were granted, for roads and canals, to Ohio, one million six thousand one hundred and thirty-seven acres of land, valued, at the minimum price, at one million two hundred and fifty-seven thousand six hundred and seventy-one dollars. To Indiana was granted, for the same objects, three hundred and fifty-five thousand two hundred acres of land, amounting in value to four hundred and forty-four thousand dollars. To Illinois was granted, for similar objects, four hundred and eighty thousand acres of land, valued at six hundred thousand dollars. To Alabama was granted, for the same objects, four hundred thousand acres of land, valued at five hundred thousand dollars. The whole of the foregoing grants of land amounted to the sum of two million eight hundred and one thousand six hundred and seventy-one dollars. The foregoing statements were taken from document No. 145, 21st Congress, 1st session. There were also appropriated, agreeably to document No. 11, of the same Congress and session, but not distinctly stated for what objects, the following appropriations of land, viz.

	<i>Acres.</i>	<i>Value.</i>
Missouri,	1,132,719	\$1,415,899
Mississippi,	440,303	550,254
Louisiana,	920,061	1,150,077
Tennessee,	200,000	250,000

In addition to those grants of land which I have enumerated, large sums of money have been appropriated, to wit: for the Louisville and Portland Canal Company, three hundred thousand dollars; for the improvement of the Ohio and Mississippi rivers; for the improvement of the mouths of almost every creek and river in Ohio, emptying into lake Erie; for the improvement of the harbor of Presque Isle, on lake Erie; for the Cumberland road through Ohio, and for its being extended through the whole extent of Indiana and Illinois, agreeably to the wishes of those States, which appropriation of money cannot be less than two millions of dollars—making the total of land and money amount to nearly five millions of dollars: whilst Maryland has been expending its own money, and that of Baltimore, to the amount of from twenty to twenty-seven thousand dollars per annum, for the last twenty years, for the preservation of the harbor of Baltimore; and whilst a subscription to the Baltimore and Ohio Railroad Company, of five hundred thousand dollars, has been refused, although equally beneficial to the West as to the East. The West, Mr. President, are satisfied, at least I suppose so, because they have scarcely ever asked for appropriations of money from the treasury, or land from the public domain, for application to national objects in the West, without having such request ultimately granted.

The West, Mr. President, has always been the favored child of Congress. We have seen its rapid improvement, and we look, with pleasure, to its future great consequence to this Union. It has been our duty, as well as our wish, to promote all its improvements of a national character; and I trust, and believe, that Congress will, as it has heretofore done, do all that lays in its power, to promote its happiness and increase. I have always been, as Senators well know, and shall ever continue to be, a friend to the West, in promoting its views in every thing which relates to internal improvement of a national character.

I return my thanks to the Senate for their polite indulgence, and will now resume my seat.

Mr. HOLMES next rose. He said, I should not, probably, Mr. President, have thrown myself on the indulgence of the Senate, had not the Senator from South Carolina [Mr. HARRIS] denied the power of Congress to protect our manufactures, and intimated an opinion that a State might annul the acts of the Federal Government. And although the few sentiments which he uttered on the subject came in at the close of his remarks, and seemed rather as an afterthought, yet, as he has embodied them in the speech, I can never let doctrines so dangerous pass without my decisive disapprobation. Here every friend of the constitution should be upon the walls—he should “cry aloud, and spare not.” Here, we should repeat again and again, here there should be “line upon line, and precept upon precept.” And though my little bark has been pelted and shattered by the storms and tempests which infest the capes, shores, and seas of public life, yet, frail as it is, I will venture to launch it into the boisterous ocean of debate, if thereby I can contribute aught to save the constitution of my country from the shipwreck to which it is exposed. Sir, I have entertained an early and constant veneration for this constitution. My first essay in political debate was to defend it against innovation, under the specious name of amendment; and I shall never cease to regret the success of that alteration in regard to the election of President and Vice President. It has unquestionably impaired the beauty and harmony of

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the system, and multiplied the dangers which will always attend the election of a chief magistrate. When an attempt was afterwards made in my own, and some other of the New England States, to annul the acts of the General Government, I then exerted my feeble powers, against fearful odds, to defend this constitution against heresy and infatuation. And the same doctrines which I then inculcated upon the Hartford conventionists of the East, I will now enforce upon the nullifiers of the South. Sir, is it not the same cause? Usurpation of a State upon the legitimate powers of the Federal Government?

I know full well that even the thought of a dry discussion of this constitutional question is more revolting to the hearer than it is even to the speaker; still, sir, its importance at this crisis calls for the aid of all its friends. The strength and power which is exerted against it, was never greater than it now is. We see statesmen of the highest order, inferior to few in any country, whose power and influence in a good cause would almost certainly ensure its success, by some strange delusion, converting our Federal Government into a mere rope of sand. In this state of the case, I must approach this part of the subject, forbidding as it is, and volunteer my humble services in defence of this constitution. I will, sir, for brevity's sake, quote that part only of the constitution which grants to Congress the power to lay and collect imposts. That the character of an impost tax was well understood when it was inserted in the constitution, cannot be well doubted, if we consider the men who framed it. It had never been confined or limited to the object of revenue. Great Britain had always exercised this power to protect her manufacturing industry, and was, at that time, exercising it with a relentless hand, to suppress and entirely destroy the infant manufactures of the United States. The chief mischief to be remedied was the want of an efficient power to wrest from impending ruin our own domestic industry. Foreign goods were never cheaper, yet we were never poorer, or in greater embarrassment or distress; and I declare it as my deliberate belief, that, but for the want of this protective power, the constitution never could have been adopted.

Now, sir, there is no other restriction on this power of imposing an impost, but that it shall not be imposed on exports, and that it shall be "uniform" throughout the United States. The first restriction has nothing to do with the question, and the last refers not at all to the equality of the tax on different parts of the Union. An impost is a tax on consumption, which can never be equal unless you can compel all to consume to the same amount of the same article; or it fluctuates between the consumer and producer, or falls exclusively on the latter, according to the vicissitudes of trade. No one can, for a moment, imagine that the framers of the constitution could have ever entertained the thought that this tax was to fall equally on all.

It was to be "uniform" in this—that the same article should, in all parts of the Union, be subject to the same duty.

Now, can you make this impost duty bend to any purpose except that of revenue? Can you, for instance, regard the ability of the persons taxed? If it must be exclusively financial, you must impose it on that which will produce the greatest revenue, regardless of all other considerations. May you not have in view public economy, and give your imposts a sumptuary character? It will not be denied that this tax has always been made to bear most heavily on luxuries. And, if it may have regard to the economy, why not to the morals of society? May you not, for instance, impose less on articles of necessary consumption, and more on those which lead to intemperance and other immoralities? It is surely the characteristic feature of an impost, and among its chief excellencies, that it may be thus used. May you not regard religion in our imposts; laying heavier burdens on irreligious books than on others,

and even exempting bibles entirely? If, in these things, you have a discretion, if you can tax the rich and relieve the poor—the extravagant for the sake of the prudent—the immoral for the moral—infidelity and vice for piety and virtue—why not idleness for industry, inasmuch as indolence is the parent of vice; and nothing is more true than the adage, that "when the devil finds a man idle, he generally sets him at work."

But it is, I believe, admitted, that an impost may be "incidentally" protective. Now, if by "incidental" we are to understand casual, fortuitous, accidental, the protection must be a mere happening, and cannot at all enter into the design. Miserable, indeed, would be the fate of your manufactures, were their protection to be the sport of chance, or a blind fatuity. But ascribe to the term a secondary meaning, to wit, "subordinate, or not essential to the chief purpose," and then your impost must be chiefly financial, subordinately protective. But here a question meets us at the threshold. In determining whether an impost is chiefly financial or not, must we, in order to determine its character for constitutionality, be governed by the design or the effect? It will be readily perceived, an act intended for revenue may become almost entirely protective. It has been the case of nails and other articles; and, on the contrary, an act intended for protection may operate exclusively for revenue. Let us first suppose it is the design of the act which is to determine its character, and that we could agree in the tribunal to make the decision—it must be an exceedingly critical matter to decide. You must keep an account current of motives, and set down to the credit of the law those Senators who voted for it as a revenue law; and to the debit side those who voted for it for protection; and those for nothing, who were governed alike by both motives. But when you come to those who were governed almost as much by one consideration, and also those who were against the law altogether, you would find it exceedingly difficult to get down to the end of the alphabet with any accuracy even in this Senate. And then you must ascertain the motives of a much more numerous branch, many members of which would not probably know how or why they voted; and, could you even surmount all these difficulties, and go to the President to inquire of him, here you are finally stopped: for this Senate has solemnly decided that he is not obliged to give any reasons for any thing. And where is the tribunal to search the hearts and try the designs of the Federal Legislature who enacted the law? The Supreme Court would not. In a very palpable case, (the Senators from Georgia know what I mean,) that court solemnly decided that they would not inquire into the purity of the motives of the legislators who enacted the law; and if they would not in that case, it is not to be expected that they would in any other, for a stronger could scarcely occur. The design of a law of Congress, then, is only to be examined by a State; and its Legislature is, I suppose, to sit in judgment on the members of Congress, penetrate their inmost thoughts, and pronounce a law unconstitutional or not, as, in their wisdom, they may have ascertained the motives of the legislators who enacted it. If our Government is such a palpable absurdity, such a compound of contradictions and inconsistencies, it is a poor compliment to those patriots who formed it, and the people who adopted it, and its dissolution might be anticipated without one feeling of regret.

But if the constitutionality is to be determined by the effect, the difficulties will thicken, and are indeed insurmountable. The decision is to be made not upon the laws and constitution, but by matter of fact. It is to depend upon facts, and of a character, too, the most corrupt and uncertain, ascertained not even by positive and direct testimony, but upon the mere opinions of men influenced by different and opposite views and interests. Is this law of

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Congress chiefly financial or chiefly protective in its operations? This is the question of fact to be determined, upon which hangs the validity of a law. A State (for your federal court would not,) looking up evidence to nullify an act of Congress! Look a little further—an act at first financial and very constitutional, becomes, by its operation, protective, and therefore unconstitutional—dead. And who can tell at what time it died? When was this good law converted into a dead letter? And if this be so, then the converse proposition is true, that an act of Congress, protective, and therefore unconstitutional, at first, may, by the course of events, be raised into full and active life by its becoming financial. Sir, can it be seriously insisted that this power over the impost is confined exclusively to revenue, or that it has annexed to it this vague, visionary, incoherent, “incidental” quality, which none can define or understand? It is most manifest that this word was inserted in the constitution with its then ordinary import, force, and effect, qualified or altered only by the exceptions and limitations connected with it. And all of such a character were those only which require its “uniformity,” and forbid it upon “exports.”

But for what other purposes than revenue was this power given? The purpose for which it has always been employed by other nations, and by several of the States, was commercial; and, in some nations, that was almost its exclusive purpose. Other modes of taxation were resorted to for revenue, but this was an instrument for the protection of commerce. This, when the constitution was framed, was the chief engine of all the restrictions and countervailing restrictions of every commercial nation. The people of the United States were suffering from this power which they themselves were unable to exercise; and it was for this reason, more than any other, that they consented to adopt the constitution.

Look at the connexion of the grant to lay and collect imposts with the other grants. “To pay the debts,” this is one purpose. To “provide for the common defence and general welfare,” is this a substantive grant? If it is, it includes the protection of manufactures and every thing else. Is it a purpose or design of other grants? That is, may you raise and appropriate money at discretion? If so, the power of protection is included. I do not contend for either of those constructions. Congress has power to lay and collect imposts for the purpose of providing for the common defence and general welfare, viz. for the purpose of carrying into effect the other specified powers, one of which is the “power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.” The Senator from South Carolina, in the debate on the tariff of 1824, and he seems now to urge the same idea, insists, that as the power to regulate commerce is expressly given, and that to regulate agriculture and manufactures is not, it is clear that no such power can be inferred. It shall be my purpose to examine this objection, and I shall do it particularly; and, as the constitution is become the subject of ingenious criticism, and is in danger of being frittered away in this manner, I shall indulge in a close examination, even at the expense of being thought pedantic.

Now, sir, what was the known signification of this word “commerce,” when it was inserted in the constitution? I will give its literal, its historical or practical, and its political or scientific definitions. The best lexicographers define it, “the exchange of one thing for another,” in a general sense, an interchange or mutual exchange of goods, wares, productions, or property of any kind, between nations or individuals, either by barter or by purchase and sale. “The *lex mercatoria* includes in the word whatever is transacted in the way of barter, purchase, or sale.” Dr. Anderson comprehends in commerce, “navigation, colonies, manufactures, fisheries, mines, agriculture, and money concerns.”

The Edinburgh Encyclopedia says of commerce, that the word is frequently used in the limited sense of mercantile intercourse with a foreign country, while trade is made to denote traffic among the inhabitants of the same country. Strictly speaking, however, there is no foundation for this distinction, either word being entitled, both by etymology and decisive authority, to a comprehensive and general interpretation. Either may, therefore, be defined, in its broadest sense, “an exchange of commodities, whether the object of the exchange be consumption or resale at a profit.”

Mr. Say, the most scientific theorist on political economy, includes in it all products of agricultural and manufacturing industry. He observes, that industry, limited to the collection of natural products, is agricultural; employed in severing, compounding, or fashioning them to the satisfaction of our wants, is manufacturing; and in placing these within, which before were beyond our reach, is commercial. From all these we come down to this conclusion, that “commerce,” as understood when the constitution was adopted, is the interchange or mutual exchange of the products of agriculture and manufactures. Now, it is very true that the constitution does not grant power to regulate agriculture and manufactures, but it does grant the power to regulate the exchange of their products. Had the constitution conferred on Congress the power to regulate agriculture and manufactures, it would have conferred too much; that is, in what manner these shall be produced, or whether at all. Had it conferred the power to regulate the products of agriculture and manufactures, it would have amounted to about the same. But had it conferred the power to regulate the interchange, or mutual exchange, of these products, it would have done circuitously what it has, in part, done concisely, and distinctly, and much more appropriately.

Take away from commerce the products of agriculture and manufactures, and there is nothing left; labor and capital are the agent, the products of agriculture and manufactures the object, and commerce is the action. Now, take away the object, and there is nothing on which to act. And how can you act when there is nothing to do? Without these products, commerce is a mere ideal being; it is even less, it is the merest abstraction; there is nothing in it tangible, ostensible, or imaginable. You may as well conceive of roundness without a ball, of smoothness without a surface, motion without something to be moved, a quality without the thing qualified, as of commerce without the objects of exchange.

Navigation is not commerce, and no power is given to regulate this. It is the vehicle, the instrument, by which commerce is carried on. It is even less essential to commerce than the products of agriculture and manufactures; because without these there can be no commerce; and without the interchange of these, commerce is a misnomer. And where is your power to regulate seamen, as another instrument of commerce? Yet this never has been questioned.

And what is this power to “regulate”? It is to make rules to govern. And what is a rule? It is a law. We all remember when, in our incipient studies, we were taught that a law was “a rule of civil conduct, prescribed by the supreme power of a State, commanding what is right, and forbidding what is wrong.” The supreme is the legislative power; and this must be supreme over the subject-matter and person on which it is called to act; and the “right or wrong” is determined by the decree of the judiciary, to whom, in free Governments, this duty is confided. The word rule, is, in the constitution synonymous with law. “Uniform rules of naturalization,” and “rules for the government of the army and navy,” are made by enactments, and are, to all intents and purposes, laws. To regulate commerce, therefore, is to prescribe rules to govern the exchange of the products of agriculture and

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manufactures; and it is a power over the whole subject-matter, except where restrained by the constitution itself. It would seem to me that this inference is irresistible, and that, unless the regulation of commerce includes that of the exchange of its objects, it is nothing but an abstraction.

But if I am wrong in this, the constitution has failed of its design. It originated in the want of power to reciprocate the favor, and retaliate the injuries of foreign nations on this very subject of trade. This power of protecting our own manufacturer was urged as the chief reason for its adoption. Some States had, notwithstanding the articles of confederation, undertaken to expound treaties. Congress, on the 13th of April, 1787, came to the following resolution:

"Resolved, That the Legislature of the several States cannot explain, limit, or control, a national treaty, but such treaties are the supreme laws of the land, by the articles of the confederation."

In 1784, April 30, a resolution of Congress recommended to the several States to vest the United States in Congress assembled, for the term of fifteen years, with power to prohibit any goods from being imported into, or exported from, any of the States, in vessels belonging to, or navigated by, the subjects of any Power with whom the United States have not formed any treaties of commerce; and, also, of prohibiting the subjects of any foreign State, &c. unless authorized by treaty, from importing into the United States any goods, &c. which are not the produce or manufacture of the dominions of the sovereign whose subjects they are.—5 *Marshall's Washington*, 70.

"The idea of compelling Great Britain to relax somewhat of the rigors of her system, by opposing it with regulations equally restrictive, seems to have been generally taken up."—*Id.* 69.

So also note, Mr. Adams's letter, recommending that Congress should have the power.

"The Boston petitioners request that the numerous impositions of the British on the trade and exports of these States may be forthwith contravened, by similar expedients on our part."—*Id.* 77.

"The Pennsylvania memorial, after stating that other nations will not be restrained by any apprehensions, as long as the power remains severally with the States, of being met by any consistent and effectual restrictions on our part, prays Congress to recommend to the States to give it the necessary power over the commerce of the United States."—*Id.* 78.

Washington, in a letter to a friend in Great Britain, thus states: "They (the people) now see the indispensable necessity of a general controlling power, and are addressing their respective assemblies to grant it to Congress."—*Id.* do.

Again: "I do not see that we can long exist as a nation, without lodging somewhere a power which will pervade the whole Union, in as energetic a manner as the authority of the State Governments extends over the several States."—*Id.* 95.

"Suppose, as has been contended, that the federal power of taxation were to be confined to duties on imports, it is evident that the want of being able to command other resources would frequently be tempted to extend those duties to an injurious excess."—1 *Federalist*, No. 35, p. 18.

"The more intelligent adversaries of the constitution admit the necessity of the power of taxation, but they qualify their admission by a distinction between what they call internal taxations; the latter of which they explain into commercial imposts, or rather duties on imported articles; they declare themselves willing to concede to the Federal Government."—1 *Federalist*, No. 30, p. 19.

"Our manufactures are another great object which has received no encouragement by national duties on foreign manufactures, and they never can, by any authority in the old confederation.

"The question is, have these been encouraged? Has Congress been able, by national laws, to prevent the importation of such foreign commodities as are made by raw materials as we ourselves raise."—Mr. Daves, of Mr. *Elliot's Debates*, 1 vol. p. 76.

"Mr. Pierce (opposed to the constitution) was afraid the impost would be abandoned for direct taxation."—*Id.* 91.

Mr. Williams, of New York, proposed an amendment to the constitution of the United States, that when the moneys arising from imposts and excise should be insufficient, then a requisition for a direct tax upon the States should be made, and, on refusal, Congress should levy the tax."—1 *Elliot's Debates*, p. 294—5.

"Chancellor Livingston, in objecting to this amendment, remarked that if the manufactures of this country were always to be in a state of infancy, if the amendment were only a temporary expedient, the provision might consist with good policy; but, at a future day, an enlarged population will render us a manufacturing people; the imposts will then necessarily lessen, and the public wants will call for new sources of revenue."—*Id.* p. 303.

"Mr. George Mason opposed the power to lay direct taxes."—2 *Elliot*, p. 64.

Mr. Madison. "Direct taxes will only be resorted to for great purposes."—*Id.* 96.

"Mr. Nicholas. Money cannot be raised more judiciously than by imposts. It is not felt by the people. But he insisted that the power of direct taxation was necessary."—*Id.* 98.

"Mr. Marshall answered the objection, that direct taxation was unnecessary."—*Id.* 187.

"Mr. Monroe contended against direct taxation, because the impost and back lands were sufficient."—*Id.* 232.

Mr. Madison. "I admit that the impost will increase until the population becomes so great as to compel us to recur to manufactures."—*Id.* 238.

Mr. Spencer, of N. C. "I would give them the power of laying imposts, and I would give them power to lay and collect excises. I confess that this is a kind of tax that I would with great reluctance agree to exercise. But it is obvious that, unless such excises were admitted, the public burden will all be borne by those parts of the community which do not manufacture for themselves."—3 *Elliot*, p. 77.

Mr. Wilson, of Pennsylvania. "The future collection of the duties and imposts will, in the opinion of some, supersede the necessity of having recourse to internal taxation."—3 *Elliot*, p. 289.

Mr. Wilson again, on the same subject. "It is not an important object to extend our manufactures and our commerce."—*Id.* 282.

"Mr. Martin, of Maryland, proposed, in the convention for forming the constitution, that requisition should precede direct taxation."—4 *Elliot, Yates's Min.* 30.

"Massachusetts convention ratified the constitution, and proposed, among other amendments, that Congress do not lay direct taxes but when the moneys arising from the impost and excise are insufficient for the public exigencies; nor then, until Congress shall have first made a requisition upon the States."—4 *Elliot*, 210.

South Carolina. "The General Government of the United States ought never to impose direct taxes but where the moneys arising from the duties on imposts and excise are insufficient for the public exigencies; nor then, until Congress shall have made requisition upon the States."—4 *Elliot*, 214.

"New Hampshire in nearly the same words."—*Id.*

"New York, nearly the same."—*Id.* 218.

Rhode Island. "No direct taxes without previous requisition, nor without the consent of three-fourths of the States."—*Id.* 225.

"In the preamble of the act of the 22d July, 1789,

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the reason of that tariff is alleged to be to pay debts and protect domestic manufactures."—1789, *first session*.

"To complete a temporary system (of revenue) in time to embrace the spring importations, Mr. Madison presented the scheme of impost which had been recommended by the former Congress, and had already received the approbation of a majority of the States; to which he added a proposition for a tonnage duty. Mr. Fitzsimmons, of Pennsylvania, moved to enlarge the catalogue of specific duties, to include those calculated to encourage the productions of our own country, and protect our infant manufactures, and others tending to operate as sumptuary restrictions upon articles of luxury. But though the propriety seemed to be admitted, yet the time was thought insufficient for a permanent and extensive plan."—5 *March*, 1800.

"Mr. Madison consented to subjoin the amendment proposed by Mr. F., and it was received. But a difference of opinion arose on filling the blanks, as to particular articles; and no inconsiderable degree of watchfulness was discovered lest those States which were more populous, and whose manufactures were in greater progress, should lay protecting duties, whereby the industry of one part of the Union would be encouraged by premiums charged on the labor of another part."—*Id.* 191.

"On the tonnage question, Mr. Madison supported the affirmative, that we ought to have vessels enough to answer all the purposes of our commerce, to form a school for seamen, and to lay the foundation of a navy; and if this were a burden on some parts of the Union, they ought to bear it for the public good."—*Id.* 192.

You see then, sir, after the constitution was adopted and put in operation, what was the understanding of it by those who contributed to its formation and adoption. The very first public general law, approved on the memorable fourth of July, 1789, bore upon the face of it its design to protect domestic manufactures. If the constitution has been violated, the enormity was committed by its framers and adopters, by the very first act which they did after their votes to support it, and this, too, on the glorious anniversary of our independence. Its death-wound was inflicted at its birth—ay, wantonly inflicted—there was no mistake—no plea of ignorance to shelter them; the protection of manufactures stood in glaring capitals, conspicuously on its front. And, strange to tell! that, from that time down to 1824, though we had had protection upon protection, and had experienced a partisan warfare, in which the combatants were violent and vindictive, and not over-fastidious about their weapons, not a lip was uttered of this usurpation, nor the least pretence of the unconstitutionality of a protective tariff. Sir, I put these historical facts against all the arguments made, or to be made, I care not how ingenious, subtle, or powerful. Washington, Hamilton, Madison, and a host of others, who made this same constitution, could not have mistaken its design in this respect; and they either were right in the exercise of this power, or wilful and wicked usurpers.

Sir, it is most certain that if revenue must be the chief object of an impost, it is excluded from every other pursuit, as well as the protection of manufactures. How, then, could the tonnage act be justified? How could the famous resolutions of Mr. Madison, of 1794, discriminating against nations having no commercial treaties with us, be justified? Now let us see what have been the Executive opinion and practice on this subject.

Washington's inaugural address.

"The advancement of agriculture, commerce, and manufacture, by all proper means, will not, I trust, need recommendation. But I cannot forbear intimating to you the expediency of giving effectual encouragement, as well to the introduction of new and useful inventions

from abroad, as to the exertions and skill in producing them at home."

Was this for revenue?

Mr. Jefferson's report of 23d February, 1793, made pursuant to a resolution of the House of the 14th February, 1791:

"Where a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs, first burdening or excluding those productions which they bring here in competition with our own of the same kind, imposing on them duties lower at first, but heavier and heavier afterwards, as other channels of supply open."

Not for revenue, surely.

Message, November, 1804, he submits:

"Whether the great interests of agriculture, manufactures, commerce, and navigation, can, within the pale of your constitutional powers, be aided in any of their relations." Nothing of revenue in all this.

Again: "An immediate prohibition of the exportation of arms and ammunition is submitted to your consideration." Nor in this.

Message of December, 1806:

"Shall we suppress the impost, and give that advantage to foreign over domestic manufactures?" This looks like protection.

Mr. Madison's message, December, 1810:

"Although other objects will press more immediately on your deliberations, a portion of them cannot but be well bestowed on the just and sound policy of securing to our manufactures the success they have attained, and are still attaining, under the impulse of causes not permanent; and to our navigation the fair extent of which it is at present abridged by the unequal regulations of foreign Governments." This too is protection.

In the clause of the constitution which declares that Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, the word "commerce" comprehends "navigation;" and a power to regulate navigation is as expressly granted as if that term had been added to the word "commerce."—*Gibbons vs. Ogden*, 9 *Wheat.* 189, 193.

"Exceptions from a power mark its extent."—*Id.* 191.

"The power to regulate commerce extends to every species of commercial intercourse between the United States and foreign nations, and among the several States." *Id.* 193.

"Like all other powers, it is complete in itself, may be exercised to its utmost extent, and has no other limitations than such as are prescribed it by the constitution."—*Id.* 195.

"It is the power to prescribe rules by which commerce is to be governed. It seems to imply in its nature full power over the thing to be regulated, and necessarily excludes the action of all others that would perform the same operation on the same thing."—*Id.* 209.

Sir, unless the United States have an ultimate, effectual decision and determination of conflicts between State and federal power, the constitution is a misnomer. A constitution of government, and no power to govern without the consent of the constituent? Legislative authority to make laws, to be executed only at the will of those on whom they are to operate? Judiciary and Executive power to be met and opposed with effect, by those from whom these powers emanated? A Government containing, in its constitution, a revolutionary principle which can destroy it? And yet this denominated a Government! Palpable absurdity. Your confederation was a "perpetual league," and its energies would be exerted upon the different members only by advice, or actual force, war. The name and nature of this was changed, and we have a constitution conferring legislative, judiciary, and executive powers as

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absolute upon those matters on which they are designed to act, as such powers can be.

I am aware that, at times, States have attempted to put on airs, and set up their own against federal opinions. But they have always been in the wrong, and were compelled to retract. Virginia, in her famous resolutions against the alien and sedition acts, as they were called, was supposed to advance the doctrine that a State could annul a law of Congress, on the ground that, in the opinion of the State, it was unconstitutional. But, by recent explanation, it is believed Virginia did not intend to go so far. But be that as it may, she, in about ten years afterwards, disavowed the principle entirely. It was at the time Pennsylvania was disposed to measure her strength with that of the United States, in *Olmstead's* case. It seems the Legislature had ordered out the militia to resist the marshal in the execution of a precept, issued under the authority of the United States; and, on the pretext that the decision of the court was wrong, General Bright marched this army against the marshal, who had nothing but his precept to defend him. He, nevertheless, in the presence of this hostile force, executed his precept, and the General marched his army "back again." It was on this occasion that Pennsylvania applied to the other States for an amendment of the constitution, to establish some other tribunal to determine conflicting claims of jurisdiction between a State and the Federal Government. Then Virginia, with great unanimity, answered that the Supreme Court was the most suitable tribunal, and that the constitution, in this respect, is very well as it is.

At the times of the embargo and war, my own State, and some others, urged upon Congress their nullifying doctrines. I have some reason to remember it: although it was scarcely safe to attempt to resist the infatuation, yet, at every hazard, I condemned it as a usurpation. And, sir, I will enforce the same objections and arguments to all who maintain the same doctrines, at any time, and in any section of the Union. These, sir, were my sentiments then. [Here Mr. H. read a passage from his own speech in the Senate of Massachusetts, in 1814.] These are my sentiments now. Then, I was sustained and encouraged in these doctrines by many members of Congress whom I now see around me. But "*tempora mutantur, et mutamur in illis*," and what was "moral treason" then, may be patriotism now. Have they all apostatized—all gone and left me? No, I see one. It is a consolation—I am not left entirely alone. But I will quit this, which may savor of egotism, and give you something far better.

Patrick Henry, in his address to the people of Charlotte, speaking of the Virginia resolutions, remarked that "the State had quitted the sphere in which the constitution had placed her, and, in daring to pronounce upon federal laws, had gone out of her jurisdiction in a manner not warranted by any authority, and in the highest degree alarming to every considerate man; that such opposition, on the part of Virginia, to the acts of the General Government, must beget their enforcement by military power; that this would probably produce civil war; civil war, foreign alliances; and that foreign alliances must necessarily end in subjugation to the Powers called in."

"Congress were as much our representatives as the Assembly, and had as good a right to our confidence. He had seen, with regret, the unlimited power over the purse and sword consigned to the General Government; but he had been overruled, and it was now necessary to submit to the constitutional exercise of that power. If," said he, "I am asked what is to be done, when a people feel themselves intolerably oppressed, my answer is ready—overturn the Government. But do not, I beseech you, carry matters to this length without provocation."—*Wirt's P. H.* 374-5.

Sir, I impute no improper motives to the complaints or

discontents of any portion of my fellow-citizens. I consider the nullifying power claimed by a State, pernicious at any time, and any where. And, sir, allow me to add, that the effect of such doctrine, with the precepts and examples of South Carolina, are, to my mind, indeed, most pernicious. Had these complaints, and the remedy, come from some new State, scarcely instructed yet in the principles of our confederated republic, we might have ascribed them to rashness, or want of instruction, and treated them "as the capricious squalls of a child, who don't know whether it is aggrieved or not." But coming from a State always and still distinguished, as well for her intelligence and patriotism, as for her politeness and urbanity, the tendency and effect is to be deprecated in proportion to the high source whence the cause proceeds: for if these things are found in the green tree, what may be found in the dry? If the golden vessels of our political sanctuary are thus marred, what is to become of the earthen pitchers? If the sturdy oak thus bends its majestic branches to the blast, how is it to fare with the hyssop upon the wall? If, in fine, South Carolina can inculcate these precepts, in the spirit of patriotism, what may we not expect of others in the spirit of faction?

I now quit the discussion of the constitutional question, which has detained me much longer than I intended, and inquire how the Federal Government, in its operations, failed to secure to the people the great objects anticipated and intended. Is the picture of the distress and ruin of the South, as drawn by the Senator from South Carolina, real? And has this desolation come upon them so sudden? If so, I say with Patrick Henry, "overturn the Government." In the language of the declaration of independence, it having failed to secure to the people "life, liberty, and the pursuit of happiness," it is your right to alter and entirely abolish it. But remember, the moment you take this ground, you are, as the States were who made that declaration, in a positive revolution, and out of the pale of the constitution.

But sir, it seems to me that the evils which we have heard described with such feeling and touching eloquence, must be either imaginary or greatly exaggerated. In 1824, in discussing the subject of the tariff, that Senator thus describes the then condition of the people of the United States:

"Frederick the Great could make his subjects so prosperous, that every family should enjoy on the Sabbath day the luxury of a meat dinner. All classes of our people are supplied with food, not, as in many parts of Europe, a single kind, and of insufficient quantity, but in a great variety, and in vast abundance—they have convenient dwellings, sufficient fuel, warm and comfortable clothing, and these blessings are possessed to an extent which leaves no room for complaint in any part of the country. We possess, too, the means of educating our children."

Now, in little more than seven short years, they, from this high eminence, this summit of human happiness, are plunged into the deepest and darkest abyss of misery and despair. In looking at the population of the cotton-growing States, viz. South Carolina, Georgia, Tennessee, Alabama, Mississippi, and Louisiana, I find that, in 1820, it was 1,622,889, and in 1830, 2,371,748, giving an increase in ten years of 748,899, or nearly fifty per cent.; and, while allowing a proportionate gain upon the increase for the next ten years, it will double in twenty years. Now, whether the means of subsistence, the comforts of life, precede or follow an increase of population, it is certain that one always treads very closely on the heels of the other. If this then is to be relied on, here is an indication of prosperity unexampled in the history of man. Further: the great staple, the chief industry of these people, is cotton planting. Let us see the result of these products at two given periods, 1821 and 1830:

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	1821.	1830.	Gain.
Cotton,	lbs. 124,993,404	290,314,937	165,318,532
Value,	\$20,157,484	\$29,674,883	\$9,517,399

By these results we see a population doubling in twenty years, increasing the export of its great staple one-half in value, and nearly three-fifths in quantity, increasing the home consumption of the same article at least one-half in the same period, and furnishing in it more than half of all the domestic exports of the United States; and yet within the last seven years fallen into the region of despair. Sir, if this is so, it is a paradox that would confound and paralyze every political economist and statesman who ever wrote. See what they were in 1824—a true picture, I admit. See what they now are described to be—the most appalling picture of desolation I ever witnessed. Ossian himself could not have surpassed it. “The stream is removed from its place by the falling of the walls, the thistle shakes there its lonely head, the moss whistles in the wind, the fox peeps out of the window, and the rank grass of the wall waves round his head.”

One-sixth of the population, doubled in twenty years, nearly doubling the value of its products in ten, and furnishing, in a single article, more than half your domestic exports; and with all these indications of prosperity, you witness discontent, complaint, and lamentations; the tariff must be abolished altogether, and then a jubilee! The gentleman from South Carolina [Mr. HAYNE] wants a jubilee! What! another, and so soon, too? Sir, the one which you have will not expire, at soonest, until the 4th of March, 1833; and now you would have another on the back of this! The tribes of Israel (and they were a discontented set) were satisfied with one year in fifty. Then all debts were cancelled, all prisoners released, and those who had been in any way deprived of their lands had them restored. The poor Indians would, I think, be satisfied with even such a jubilee. But, on the 4th of March, 1829, you blew the trumpet, and the jubilee was announced for four years at least, and I am sure more and greater blessings were anticipated than the Israelites ever enjoyed in all their jubilees. Very much was promised, and very much too was realized. Editors, postmasters, and contractors, were to have offices—and it was so. Friends were to be rewarded, and enemies punished—and it was so with a vengeance; and even friends were massacred, who were a stumbling-block in the road to ambition. Reform was to be thorough, and it is so: so thorough, that the President is now engaged, most of his time, in reforming his own reformation! The bank was to be abolished, and a new one established, based on the public revenues; and, as there is so large a surplus of these, all were to come and have what money they would! I mean all the friends of the administration; and it is to be so; that is, if the question can be postponed until after the next election! And, in addition to these, you have enjoyed, and are still enjoying, many things which were not promised. The President has done what no other man ever did or can do; he has, as it were, annihilated space, and an American minister is near to the court to which he is appointed so long as he can get no further off. He has, moreover, invented a suit of politics, fit for any size, or any form! Are you a democrat? I am the father of the democratic party. Are you for amalgamation? See my first cabinet—poor fellows! Are you federalists? See my last—four to one. The federalists had been so long neglected, that I was determined to make up for lost time! Are you against appointing members of Congress to office? See my precepts. Are you for it? See my practices. Are you against internal improvements? See my Maysville veto. Are you for them? See an act of the same day, embracing the same principles: “Approved, Andrew Jackson.” Are you for nullification? I had no power (do you see) to execute a law, nor even a treaty, against

the will of a “sovereign State!” Are you against it? Read my letter to the Charleston dinner eaters. Are you against the bank? Read my first message. Are you for it? Read my last. And, to come to the subject directly before us, are you for or against a protective tariff? On that subject I am this, that, or nothing—precisely as you please, gentlemen! Now, with all these blessings pouring in upon you like a torrent, will you go away? No, stay and enjoy this jubilee! What a delightful variety! Are you not fond of variety? If you are, you never can expect to find a greater than under this nondescript administration.

Sir, the effect of the objections to the protective system are the same, whether they be to its expediency or constitutionality, viz. to defeat the design of the constitution. The proposition of the Senator from South Carolina is, that restriction should never be resorted to, but for the purpose of coercing other nations to abandon their restrictive systems on us.

Now, the exception amounts, in practice, to nothing. Free trade is your avowed policy, and you only resort to restriction as a measure coercive. This is saying at once to other nations, “we will force you, if we can, to quit your restrictive measures upon our commerce; but free trade is our policy, and if you will not yield, we must.” Like the case of two men, who met in a very narrow way; one called out to the other, “turn out, and let me pass;” the other believing, perhaps, that he had an equal right to the road, disregarded the command, and remained leisurely in his carriage. The first called out, “sir, if you do not turn out and let me pass, I will—” “And pray, sir, what will you do?” “Why, sir, if you do not turn out and let me pass you, I will—turn out and let you pass me.” The proposition, therefore, of the Senator from South Carolina, thus stripped of its useless and inoperative exception, is nothing more nor less than a preference of a passive to an active commerce. It is emphatically Chinese. If other nations make it a part of their permanent policy to encumber our trade, we are to submit. The whole freight and capital engaged is to be foreign, and we are to become the passive sellers and buyers at home. I see, sir, we have stronger indications still that the Chinese policy is gradually gaining ground. Our late minister to England, in his miserable “arrangement” in regard to the colonial trade, after having given to British tonnage a preference alike injurious and disgraceful to us, attempts an apology, by saying that it will always be for our benefit for other nations to export our foreign produce; that is, that they should have a preference. And if a preference in the exportation of our foreign, why not in our domestic production? Take the Senator’s and the minister’s proposition together, and there will be very little ground to complain that “our tonnage is diminished.”

But it is contended that protection keeps down foreign competition, and enhances the price to the consumer. Now, whether the impost falls on the consumer or producer, or is divided between them, depends upon the demand. If the producer is much more necessitated to sell than the consumer to buy, the impost falls on the first; if the reverse, it falls on the last; if the necessity is equal, it is divided between both. Diminish the number of producers, and you destroy the competition in the production. Diminish the number of consumers, and you effect the same in the consumption. The Senator tells us that a coat may be purchased cheaper in Canada than in the United States. Be it so; and what would be the result, should you withdraw your protection from your own woollens? Should it suppress the American fabric, the British manufacturer would be almost without competition. He then could furnish the market, and establish the price. Take a simple illustration. In a country village there are twenty consumers of a single manufacture, and two producers of the article. While these rival artists remain, each would attempt to excel the other, and the purchasers

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would all profit by the competition. Let one of the two be withdrawn, and I might put the question to any one who hears me—would not the whole twenty suffer by being left to the mercy of a single producer, who might, with impunity, demand his own price? Further: suppose, in the same village, twenty producers of the raw material should furnish these two manufactures. On the withdrawal of one, would not these twenty equally suffer with the consumers? In the first case, they might sell to one of the two rivals; now, they are at the mercy of the one without a rival. Now, if Great Britain were our sole manufacturer, and we were the consumers of her products, and the producers to her of the raw material, why would not the producers of this raw material, and the consumers of the manufactured article, be as much in her power as in the example cited?

But, you will answer, withdraw protection, and foreign manufactures will struggle for our market; the competition we lose at home will be supplied abroad. But where? We must take the commercial world as it is, and then we find Great Britain capable of monopolizing our whole market. She can break down every other foreign competition.

If you calculate upon relief from this, by supposing that her manufacturers will so compete with each other, each striving for the preference in our market, you have forgotten her whole policy. You would find combination and monopoly, instead of competition and rivalry; and we should be made the sport of her capitalists, and, in effect, be recolonized. But the Senator admits, nay, insists, that to diminish foreign competition, is to enhance the price; that is undoubtedly the effect, unless there is a corresponding increase to the home competition. Make your protecting duties prohibitory, and you would undoubtedly burden consumption, until the competition of producers should be greater than that of the consumers. But it is a matter of fact, the foreign importation is not diminished, but is increased, and regularly increasing. Here, then, your tariff encourages the domestic manufacture, without diminishing the consumption of the foreign. There is, therefore, a threefold competition—the foreign with the domestic producers, and the domestic with each other; keeping your own manufactures to their good behavior, and giving the greatest stimulus possible to production. But if to diminish the foreign competition enhances the price, much more, therefore, would a diminution of the domestic consumption of the domestic products, being always far greater than that of the foreign. It seems to me, therefore, very clear that the present low prices are accounted for in the competition of production, encouraged by the protecting system. But, let us have free trade—free trade. Now, sir, this notion of free trade is an entire fallacy. Commerce every where begun by protection, has continued by protection, and is still maintained by protection. It is not in the nature of man that it should be otherwise. It is the very "politics of nature" which the Senator desires. Should every commercial nation now spring into existence, organized into communities as they now are, they would, from the very nature of things, resort to the protecting system. Where they are disposed to a perfect reciprocity, they would differ at once in defining it. Suppose all men honestly disposed to do justice to each, still law and civil government would be just as necessary as they now are: for they would never agree what was justice. Suppose a solitary one on a desolate island: he raises his bread, and makes his clothing, and the surplus of his labor is worth nothing. Another, a manufacturer of clothing, is cast upon the same island, and bread is exchanged for clothing, and here commences what is termed "exchangeable value." But the moment the manufacturer concludes to raise his own bread also, then the other must make his own clothes again, or go naked. Here reciprocity ceases, and protection begins.

Commerce, from the first, was indebted to protection for its existence and its growth. "The Hanseatic league" was formed and sustained for the defence of commerce against the rovers, (advocates of free trade,) who made themselves a little too free with the legitimate enterprises of merchants. Our non-intercourse, non-importation, and embargo laws were restrictions upon the freedom which was practised with it by the British orders and French decrees; and our navy has very lately operated as a restriction upon those associated gentlemen in the West India seas, vulgarly denominated pirates.

Adam Smith and John Baptist Say wrote for Europe, as it was, and, like all others, in opposing the abuse of a system, they have become adversaries of the system itself; as men, by seeing religion and liberty perverted, have become infidels and tyrants. Mr. Say observes, "that there is, perhaps, not a nation in Europe where a man is free to dispose of his industry and capital in what manner he pleases. In most places he cannot even change his occupation, or even his place of residence, at pleasure." But even here, he says that Smith's rule, that "every one is the best judge how to employ his own capital and industry," admits of many important exceptions; and admits that encouragement is proper whenever the "usual application of the power of capital is contemplated with distrust or disdain." This principle of Mr. Say is illustrated by the doubt and prejudices which have at different times been felt or entertained in regard to what are now our most important products. I will give you an instance in the silk and cotton.

SILK. Sully's objections to Henry IV, against the production of silk. "It is true her (France's) climate denies her silk—the spring begins too late, and an excessive moisture almost always prevails; and this inconvenience, which is absolutely irremediable, affects not only the silk worms, which, on this account, are hatched with great difficulty, but likewise the mulberry trees that these insects feed upon, for which a mild and temperate air is necessary in the season wherein they put forth their leaves."

In 1590, less than two centuries and a half ago, this was the opinion of one of the greatest statesmen of the age. But Henry would not be dissuaded, and now France produces annually more than all Europe besides; and the United States has grown, in that time, to 13,000,000, and has imported 6,599,007 dollars—3,634,839 dollars of which is the product of this same France.*

COTTON. In 1788, Richard Leake, Esq., of Georgia, thus writes to Thomas Proctor, Esq., of Philadelphia: "I have been this year an adventurer, (and the first that has attempted it on a large scale,) in introducing a new staple in the planting interest of this State—the article of cotton. Several here, as well as in Carolina, have followed me, and tried the experiment, and it is likely to answer our most sanguine expectations; samples of which I beg leave to send, and request you will lay them before the Philadelphia Society for the Encouragement of Manufactures, that the quality may be inspected into. I shall raise about five thousand pounds in the seed, from about eight acres of land, and next year I intend to plant fifty or one hundred acres, if suitable encouragement is given.

The principal difficulty that arises to us is, the clearing it from the seed, which I am told they do with great dexterity in Philadelphia, with gins or machines made for the purpose," &c. He then requests his friend to purchase, and send to him, one of those machines, and adds, "I have not the smallest doubt but that this State will be able to furnish all that will be necessary for the manufactories in the Northern States"—and concludes with his conviction of its "magnitude to the manufacturing interests of America."

Mr. Hamilton's report: "The extensive cultivation of

* This is for 1830

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cotton can, perhaps, hardly be expected, but from the previous establishment of the domestic manufactories of the article. He proposes to remove the duty of three cents per pound from the foreign article."

The Senator from South Carolina has spoken of the free trade system, and principles of Washington and Hamilton. I confess I was not a little surprised; for these are the last authorities to sustain the free trade doctrines of the present day. Washington's opinions and practices I have already cited; and should scarcely think that any one who had read Hamilton's celebrated report on manufactures, could possibly imagine that he and the Senator were both on the same side of the question. They would readily admit that the Senator made a very good argument against the protective system, and the Secretary a very good one for it. But surely our understanding must be obtuse, indeed, to imagine possibly that both were aiming at the same object.

[Mr. HAYNE here rose to correct Mr. HOLMES, and said he had not quoted Alexander Hamilton as an authority in favor of the doctrines of free trade. What he had said was, that Alexander Hamilton's protecting system was, essentially, a system of free trade, inasmuch as he did not propose to impose duties beyond 7½ per cent., an amount far below what the most zealous advocate for free trade now would be willing to submit to, as necessary for revenue.]

I have already given the reason why the duties were then so low; but I will recur to the Secretary himself for proof of his principles. I cannot tax the patience of the Senate to read his report, which is very voluminous, as well as very able; but I have taken a synopsis of it, containing the substance, which I will present to their consideration.

In answer to a resolution of the House of Representatives, 15th June, 1790, Mr. Hamilton, Secretary of the Treasury, made his report on manufactures.

"The embarrassments which have obstructed the progress of our external trade, have led to serious reflections on the necessity of enlarging the sphere of domestic commerce."—5 *Niles*, 153.

"He maintains that land is, itself, stock or capital, advanced by its owner to the occupier or tenant."—*Id.* 155.

Speaking of the productiveness of manufactures and agriculture—"the maintenance of two citizens instead of one is going on, and the State has two members instead of one; and they, together, consume twice the value of what is produced from the land."

"The division of labor and its effects—greater skill and dexterity—economy of time, and an extension of the use of machinery."

"Additional employment of classes of the community, not particularly or necessarily engaged—women and children."—*Id.* 157.

"Emigration from foreign countries—greater scope for the diversity of talents, and a more ample field for enterprise."

"The uncertainty of the foreign demand for the products of agriculture should induce us to substitute a home market."—*Id.* 159.

"The arguments against the encouragement of manufactures would have great force, if the perfect liberty to industry and commerce were the prevailing system of nations. But the regulations of several countries with which we have the most extensive intercourse, throw serious obstructions in the way of the principal staples of the United States."—*Id.* 159-60.

"It is no small consolation, that the measures which restricted our trade have accelerated our internal improvements."—*Id.* 160.

Against the hypothesis that manufactures, unprotected, will grow up as fast as the interest of the community requires, he replies: "The strong influence of habit, the spirit of emulation, the fear of success in untried enter-

prises—intrinsic difficulties incident to first essays against foreign competitors, with their skill and the protection which they experience."

"He answers the objection to the use of foreign labor and capital. He speaks of the funded debt as a species of capital." But query of this.—*Id.* 160-61-62-63.

"He then enumerates several manufactures in which we have been successful, viz. of skins, iron, wood, flax and hemp, bricks, tiles, and potter's ware, spirits and malt liquors, paper, hats, refined sugars, oils of animals and seeds, soap and candles, copper, brass, and tin wares, carriages, snuff and smoking tobacco, starch and hair powder, painter's colors and gunpowder."—*Id.* 190.

"The theory, that to abridge foreign competition increases the price of the articles, does not correspond with the fact."

"But if such were the effect at first, it is universally true that the contrary is the ultimate effect with every successful manufacture."

"Thus, in a national view, a temporary enhancement of price must always be compensated by a permanent reduction of it."—*Id.*

"There seems to be a moral certainty that the trade of a country which is both manufacturing and agricultural, will be more lucrative and prosperous than that of a country which is merely agricultural."

"The essential of national supply—the means of subsistence, habitation, clothing, and defence, every nation should possess within itself."—*Id.*

"The extensive cultivation of cotton can, perhaps, hardly be expected, but from the previous establishment of domestic manufactures of the article."—*Id.* 193.

"To accomplish the object, he recommends protecting duties, which have been sanctioned by the laws of the United States in a variety of instances. Prohibitions of the exportation of materials of manufactures—pecuniary bounties. The right to do this has been questioned, but without foundation."—*Id.* 195.

"Premiums of a nature allied to bounties."—*Id.*

"Exemption of the materials of manufactures from duty."—*Id.*

"Drawbacks of the duty on the material when manufactured; judicious regulations for the inspection of the manufactured article; the facility of pecuniary remittances; bank paper, and the facilitating of the transportation of materials by roads and canals."

"It were to be wished that there was no doubt of the power of the National Government to lend its direct aid to a comprehensive plan of internal improvements."—*Id.* 197.

"He then proposes specific protection to certain manufactures: Iron, copper, lead, fossil, coal, wood, grain, flax and hemp, cotton; the duty of three cents per pound on the foreign raw materials should be removed; wool, silk, gunpowder, paper, printed books, refined sugar, and chocolate."

I have before me a volume of Chaptal, who, more than twenty-five years after, expresses the same sentiment. He is the great practical writer on political economy, and one whose opinions are now followed exclusively in France. It is in the original French, but I believe I can render it correctly into English.

"If Government does not afford to an important branch of industry which is undertaken, the advantages necessary to indemnify the undertaker for sacrifices and losses which are inevitable in a first establishment, what prudent man would engage his fortune in enterprises so hazardous? In this case Government should endeavor to reconcile two kinds of interests. That of the manufacturer, who cannot risk his capital without a guaranty that the industry with which he would enrich his country should not be sacrificed to that of foreigners; and that of the consumer, who ought not to be left to the mercy of the manufacturer for

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the price of an article consecrated by use. This legislation, applicable to every kind of industry, forms a guaranty for the manufacturer who engages his fortune in an enterprise; it excites emulation, multiplies establishments of the same nature, and establishes very soon a competition which is to the entire advantage of the consumer.

"Without doubt, in the first moments, the consumer might be injured; but it is a light sacrifice which he makes for his country, which opens a new source of riches; and the competition which is induced in the fabrication immediately lowers the price to what it ought to be. We have seen a very recent proof of this in the cottons, the salts, alum, light draperies, and most of the articles of cutlery. As the immutable principles of nature will not bend to the caprices of men, we readily perceive that we have taken a false direction, and have had to overcome difficulties, which we might have escaped, but for this false position; and to preserve the industry created, it has become necessary to resort to extreme measures, and to enforce the prohibition of foreign products.

"We have to speak of the forced condition in which Europe is placed. England has set the example, and she has drawn almost all nations into her measures; so that now we are obliged to imitate the conduct of our neighbors. It is, perhaps, the only means that a great nation could employ, strong in its industry and its agriculture, and more independent in its resources, to bring back people to true principles. We dare believe that this return, so desirable, is not far distant; and, in expecting it, we should prohibit foreign products, so far as foreigners exclude those of our soil and our country."

Again: The necessity of the protecting policy is so clearly enforced in the following French decrees of 1785, that I cannot omit a quotation from them:

"The tide of fashion, which, in this country, had run so long and so strong in favor of French goods, especially those depending upon fancy, had now set as strongly in the contrary direction; and English manufactures, of almost all kinds, were in such request in France, that the shopkeepers used to write over their doors, 'Warehouse for English goods.' The King of France, in a decree issued on the 10th of July, very liberally declared that nothing could be more agreeable to his own principles, than a general liberty of trade, which should permit the free circulation of the produce and manufactures of all nations, making them all, as it were, but one nation in point of trade. But, unless such a liberal system could be universally and reciprocally established, he must consult the interest of his kingdom, by prohibiting the importation of white calicoes, stuffs of cotton and linen mixed, handkerchiefs, dimities, and nankeens, except those imported by the India Company, or vessels licensed by a late decree; foreign printed calicoes, whether imported from India or Europe, were ordered to be exported; and all muslins, gauzes, and lawns, of foreign manufacture, were strictly forbidden to be sold in the kingdom. But he allowed his subjects till the 10th of August, 1786, to dispose of the goods already in their possession, and also six weeks to receive goods already ordered from foreign countries; and he excepted from the prohibition blue linens, checks, &c. fit for the Guinea trade.

"July 17th. In a few days this decree was followed by a second one, the preamble of which states that the industry of the country was discouraged by the demand for foreign goods, and chiefly English ones, which, from fashion and fancy, had obtained a preference, which was the more intolerable as French goods were rigorously prohibited in England. Therefore the King strictly prohibited the importation of English saddlery, hosiery, woollen cloths, hardware, and all other English goods, except those allowed by a decree of the year 1601, whereof a list was annexed. All polished steel wares (except tools and instruments for the service of the arts and sciences) and

glass, and crystal of foreign manufacture, were also strictly prohibited. Those who carried on no trade were permitted, upon obtaining a special license, to import small quantities of foreign goods for their own use only; but, that the enjoyers of luxuries might be obliged to contribute to the general utility, they were to pay a duty of above thirty per cent. on the value, to be applied for the encouragement of the national manufacture, and upon no account to be remitted to any person, of whatever rank or quality.

"It was said that above a hundred looms in Spitalfields, in the gauze branch only, were stopped by the countermanding orders sent over in consequence of these decrees."

The next year, however, notwithstanding this "tide of fashion and fancy," France was seduced into a commercial treaty, stipulating for low duties on the manufactures of each country, and mutually excluding silks, of which France produced the raw material, and England did not. This was the finishing stroke to a successful rivalry with England. The manufactures of Great Britain have ever since maintained the ascendancy, and their unrivalled success may be ascribed to this very treaty. Had these decrees but been enforced for a few years, this "tide" would have turned, and very many French manufactures would, at this time, have excluded the British.

The Senator still insists that "the consumer pays the impost." This, though it may be generally, yet not universally, true, in a revenue, is no rule in a protecting duty.

Mr. Say, on this subject, observes, "those writers who have maintained that the tax bears upon any one or more classes in particular, or in any fixed or certain proportion, have found their theory contradicted by experience at every turn." Yet, if any one rule, more than another, is to be relied on, it is this, that, as soon as protection begins to operate, and in proportion to its operation, the tax is reflected back from the consumer to the producer. Take the case of bar iron: in the years 1818, 1826, and 1830, when the several tariffs of 1816, 1824, and 1828 were in full operation, I recur to the price current in Boston, and select for an example, "Old Sable." In 1818, the duty was \$9 per ton, and the price, including the duty, \$104. In 1826, duty \$18, price, including duty, \$100. In 1830, duty \$22 40, and price, including duty, \$96. Thus, while the duty has been constantly increasing, the article taxed has been as constantly diminishing. The reason is as manifest as the fact is true—the domestic article has been increasing in quantity. Suppose the foreign manufacturer furnished three-fourths of your consumption, the greater quantity would command the price, and this tax would fall on the consumer. But let the domestic product increase to one-half, the competition between foreign and domestic producers will be more equalized, and the tax will be divided between the producer and consumer. Further: let the domestic product be three-fourths, and your own producers govern the market, and the foreign producer bears the whole tax, or nearly so. Again: take the article of nails: the duty five cents per pound, and the nails, duty and all, but five and a half cents. Now apply the rule that the consumer pays the tax, and take off this duty, and your nails would come at a half cent, when the raw material of which it is made is four and a half cents. Take the article of cheese—the duty is nine cents, and the best cheese, good enough for any gentleman's table, may be had for eight cents. Now, in this last case, it would, I should think, be rather difficult to convince the purchaser, who paid but eight cents for his cheese, that he had also, by construction, paid nine cents duty in addition, making seventeen cents.

But another very grave charge against the protecting system is this—high imposts upon the fabrics of those who take our raw materials, diminish the demand for such materials. This is supposed to be done by taxing the consumer, and lessening the consumption, or by taxing

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the producer, lessening his profits, and, consequently, driving many from employment. But, still, it comes to this at last, if the producer has more need to sell than the consumer has to buy, it falls on the former; and if the foreign fabricator of our raw material diminishes his demand on account of the price, the deficiency will be more than supplied by the domestic competition. As to the idle and vain alarm, that foreign manufacturers will not take our raw material, unless in exchange for their fabrics, were we their only consumer, they might not buy unless they could sell; but it is idle to suppose that they would ever buy elsewhere, so long as they obtain our products cheaper and better. This alarm, that the impost would exclude foreign fabrics, and, consequently, diminish the demand for our raw material, was sounded loud in the discussions of the tariff of 1824. The Senator from South Carolina, relying on the calculations of a member of the other House, [Mr. CAMMERLONO,] prophesied that that bill would diminish the importations \$26,000,000, the revenue \$8,000,000, exclude cotton fabrics \$7,000,000, the duties on which would be \$3,000,000, and diminish the exports of our cotton 44,000,000 pounds. Had the Senator himself examined the state of the case, instead of relying on one whose commercial predictions have very seldom, if ever, been realized, he would scarcely have hazarded his reputation for accuracy, on a supposition so extravagant. Our whole exportation of cotton, in 1823, was 173,723,270 pounds. To Great Britain, 127,684,442 pounds—her whole consumption, 182,072,100 pounds. Her fabrics of cotton were stated by Mr. Huskisson, in Parliament, in 1824, (referring to the returns in '23, no doubt,) to amount to £56,000,000 sterling, equal to \$160,000,000. Our whole consumption of foreign cotton fabrics, the same year, was \$5,587,097, British, say \$4,500,000, or less than three per cent. of all her cotton fabrics.

I will add to this, that our whole imports, for 1823, were \$77,579,767; and for a man, with these facts before him, to be seriously alarmed lest the tariff, as then proposed, would diminish our importations one-third, our revenue one-third, our importations of cotton fabrics for consumption seven millions of dollars, when the whole was about five and a half, and the revenue thereon three millions, about half a million more than the whole; and, above all, cut off forty-four millions of pounds, more than one-fourth of our exportation of cottons, is, to be sure, among the extraordinary predictions of these extraordinary times. And all this because we had raised the duties on about 3-100th parts of all their productions in this article. I admit that 1825 was a very unfortunate year for the fulfilment of these strange predictions. The events of that year afford no fair calculation of the effects of this tariff. There was a morbid excitement in the commercial world, in this article in particular, and commercial exchanges were unusually great. But, as there was a consequent depression in 1826, it will be fair to take an average of these two years to ascertain how far these predictions have been verified; and you will see it in the table which I will now present you.

Importation.

1823.	1824.	1825.	1826.
\$77,579,767	\$80,549,007	\$96,340,075	\$84,994,477.

Cotton and cotton fabrics—exportations.

Pounds,	173,723,270	142,369,663	176,444,707	204,935,415
Value,	\$20,445,520	21,947,402	36,846,649	26,025,314
Importation,	\$8,240,371	7,498,243	12,800,516	8,318,034
Re-exportation,	2,583,174	2,461,168	2,404,456	2,126,806
	5,587,097	5,037,075	10,105,061	6,191,822

You see, sir, by this exhibit, that, contrary to the strong prediction of such a fatal diminution of trade, the importations and exportations, and particularly of cotton and

cotton fabrics, have been surprisingly increased; so that, in 1830, the cotton exported was, as we have seen, 290,311,937 lbs., valued at \$29,674,883; and the cotton fabrics imported for consumption, \$5,926,070. Here we see the direct proof, by matter of fact, that our reasoning is sound and conclusive. The necessity of the producer has become greater than that of the consumer, by the competition which your protection has caused, and, consequently, a reduction of price, and an increase of consumption. I will show, most clearly, that the consumption of the foreign fabric has greatly increased under the operation of your tariff. It is a palpable error to try this by the price or money value of the article imported. It is the quantity which the consumer obtains, that interests him. If the same goods are obtained for one million, that heretofore cost three, the consumption is treble, though the price is the same. Take the foreign cotton fabrics imported, deducting the re-exportations for 1821, \$5,707,450, and 1830, \$5,926,070—an increase, in nine years, of \$218,630 only, if you regard the price. But the price of these goods, in those two years, was as thirty-two to eleven—that is, the same goods, in quantity and quality, which cost thirty-two cents in the first period, could be purchased for eleven cents in the last. This fact I have obtained from the surest sources. Then, as eleven is to thirty-two, so is \$5,926,070 to \$17,239,476, the value of the goods consumed in 1830, provided the price had been the same as in 1821. Then, as \$5,707,440, (the value of goods in 1821,) is to 100, or any other given number, so is \$17,239,476, the goods in 1830, at the price of 1821, to 300 and a fraction. So that we consumed, in 1830, three yards of foreign cotton goods to one in 1821, and paid less money for them. But this is not all. There has been a corresponding increase of quantity and reduction of price in the domestic fabric. We, probably, can manufacture, at this time, not less than one hundred millions of pounds of cotton, valued at \$10,000,000. Suppose the fabric to be quadruple the raw material, the manufactured article would be worth \$40,000,000. Deduct the exportation, and the whole consumption of cotton fabrics, foreign and domestic, can fall little short of forty-five millions of dollars; this, at the price of 1821, would amount to one hundred and thirty-five millions. So that, at the rate of value at that time, we must have diminished our consumption, or have paid \$90,000,000, annually, more than we do at present prices. How are these things to be accounted for but from an intensely active competition between manufacturers, foreign and domestic? Your protective system, if it has not done all, it has contributed largely to this result. It is a happy result; it is just as it should be; and what man could expect that an abandonment of protection would make it better? Indeed, why should we wish it better? Why not "let well enough alone?" Why is a certain good to be put at hazard, or thrown away, on a doubtful and most unpromising experiment?

But we are fostering manufactures, at the expense of commerce and agriculture. If it has been proved, as I trust it has, that the rise of price at first, as a consequence of protection, operates a reduction afterwards, and the depression has already taken place, the objection is answered. But, suppose it may be to some extent a protection at the expense of other interests, why should not manufacturers take their turn? They have never been the *alumnus* of the nation. The parent had well nigh strangled it in its cradle. So early as 1731, spies were set upon the colonists, to take care that they did not begin to supply their own wants by their own domestic industry. Informers were employed by the lords of trade and plantations, to report every symptom of a disposition to manufacture. Heavy penalties were inflicted for engaging in setting up factories; and it was dialoal for a man to make his own hat or shoes, or for a woman to knit her own

SENATE.]

The Tariff.

[JAN. 30, 1832.]

stockings.* After the revolutionary war, and until the adoption of this constitution, we were obliged to submit to the free trade system now contended for, and our manufactures were consequently in ruin. Very soon after this Government was organized, all the capital in the country, then very small, was turned into other channels, by the war which sprung out of the French revolution, where it continued to run until our war with Great Britain. Our restrictions, embargo, and war, gave a temporary stimulus to manufactures, but the period was too short, and it was not until 1816 that any thing could be done for them.

Commerce has had, and we trust will continue to have, our fostering care. It was for commerce, mainly, that our constitution was made. It was for commerce that we laid discriminating duties of tonnage. It was for commerce that foreigners are excluded from your coasting trade. It is for commerce that your bounty is given upon your fisheries; and your restrictions, embargoes, and war, have all been endured for the protection of commerce.

And has agriculture had no protection? Near two-thirds of your whole population are agricultural, and yet elect representatives always unfriendly to this great interest! No, sir, it has not been so. We have offered to every nation a perfect reciprocity in navigation, that they may export our heavy products upon the same terms as our own citizens.

The constitution has forbidden an export duty. Our flour, rice, beef, pork, tobacco, and other heavy products of agriculture, have always enjoyed protecting duties. Cotton, the great, the capital export, has, since 1789, enjoyed a protection of three cents per pound, which, upon your hypothesis, that "the consumer pays the impost," would, to this time, have been a tax of sixty millions of dollars. This tax, equal, at the time it was imposed, to an ad valorem of twenty per cent., designed to protect an agricultural product then in its infancy, and whose success was, to say the least, problematical, with five per cent. only on the manufactured article, is an example of the "cold comfort" afforded to manufactures, when brought into competition with agriculture.

But, sir, agriculture has been specially protected. Of this I do not complain; far from it. It is the first, the great interest—the foundation of all the rest. The earth is to us what the mother is to the child—our best nurse—our dearest and kindest friend; and, although she sometimes frowns on us, in her storms, her blasts, and her pestilence, yet she again smiles, in her gentle breezes, her refreshing showers, and genial sunshines; and, when we arrive at the evening of life, and need repose, she kindly receives us to sleep in her bosom. But, metaphor aside; I would speak practically to practical men. And I aver that no nation ever did more for agriculture than the United States has done. Indeed, none ever had the means. We commenced, as the great landholder. The public lands were pledged to pay the public debt; but this was but a secondary consideration. The primary object was, settlement, cultivation, wealth, strength—an extension of civilization, and an augmentation of the means of happiness. Every facility given to the purchaser of these lands,

was a premium on agriculture. It was bringing so much agricultural capital into the market, at a reduced price. It, to be sure, diminished the value of this kind of capital already invested, by overstocking the market; and it diminished the revenues of the capital, by increasing the production. But this is always the effect of the influx of every kind of capital, every where. The whole mass of production and profit is increased, though individual revenues are diminished by competition. Your excellent system, for the sale and settlement of the public lands, was constantly subtracting the industry and capital from the Atlantic States. Sir, who would purchase cotton lands in Georgia, at four guineas per acre, when he could obtain better in Alabama, at half as many dollars? Whatever facility, therefore, that the United States' Government has given to the purchasers of its lands, over or above what would have been given if these lands were owned by companies or individuals, either in price, payment, exemption from taxes, or "relief system," was a bounty and a temptation to lure men from the pursuits of commerce and manufactures into those of agriculture. Understand me, sir; I do not complain of this. It was an understanding, at the time, that it would be so; it was a part of the compact that it should be so. The sales of these lands, at an average of a million a year, and, considering all the facilities, fifty per cent. less than they would otherwise have commanded, is an annual bounty to agriculture of half a million. Here, then, we see at once the cause of all the evil of which portions of the South so loudly complain, if evil it can be called. Have I not, then, traced the mischief home, and found its birth-place, its character, and its name? And, strange to tell, its name is plenty! There is such a surplus of the products of agriculture, that the price is depressed. The gross profits of cotton planting are far greater than ever; but they are distributed among too many. The many can be comforted, but the few cannot get rich. Sir, is it republican to complain of this? See the result of your land system. A savage wilderness, in less than fifty years, converted into the finest settlements and most productive agriculture, inhabited by three millions of human beings, free and happy, and advancing onwards, with firm and rapid step, to the highest state of prosperity. And to wealth and prosperity is not the only advance; it is "the march of mind." Schools, academies, and colleges are springing up every where, and science soars on eagle's wings. "The Sun of Righteousness," with his beams, is penetrating the darkest, meanest, remotest cabin there; and there, "in strains as soft and sweet as angels use, the gospel whispers peace;" and, pardon me, when I add, it is this very West that the patriot's anxious eye is now directed for some bold adventurous champion, to save our country from its degradation, and "pluck up our drowning honor by the locks."

Sir, it is not the democracy, it is the aristocracy of the country that is complaining. The true index of the prosperity of the State is the high price of labor. To this rule there are exceptions. A temporary rise, by the forced state of affairs, is one. High taxes, which subtract from the gross amount; productive laborers called off to defend the country, or promote its future interests. But these exceptions apply not to the United States. When, for a series of years, a given quantity of labor will produce most of the comforts and conveniences of life, then is the country most prosperous. Now, let us examine: I take the free agricultural labor as the standard, and I will give you the reason. Slave labor might be taken into the amount if it was diffused generally through the United States. But it has sectional limits, and has little or no interest in the amount produced. It is, therefore, more like machinery, under a patent, to be used within certain limits by the patentee. I take agricultural labor, because it constitutes the greatest portion of our

* 1733. Act of 5 George II, 6. 32. American hats were forbidden to be exported under penalty of five hundred pounds sterling; none were permitted to make hats, unless they had served an apprenticeship of seven years; and no master to have more than two apprentices at a time—"nothing to prevent their manufacturers from interfering with ours, but their being constantly employed in raising raw materials for our own manufactures, such as silk, flax, hemp, iron," &c.

In the same year, the Lords Commissioners of Trade and Plantations reported to the House of Commons. It seems that the household manufacture of coarse woollens and linens gave them such uneasiness that "it were to be wished that some expedient might be fallen upon to divert their thoughts from undertakings of this nature;" and, after a particular account of the manufactures in each province, they recommended an encouragement to the production of naval stores. 1760, an act was passed for the encouragement of pig and bar iron from the colonies; and to prevent the erection of any mill or iron factory for splitting or plating, &c. any iron, or making steel.—*ib.* p. 280.

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The Thrift.

[SENATE.]

industry, and must, consequently, regulate the price of all the rest. In England, the agricultural population is calculated at one-third of the whole. In the United States, were the industry divided into twelve equal parts, we might assign to commerce two, navigation one, manufactures two, and agriculture seven. Seven-twelfths being more than all the rest, would regulate the prices of all other classes. I say regulate; for, though other labor may be lower or higher, according to the demand, skill and talents, constancy of employment, education, rank of profession, certainty of success, or personal danger, yet all must relatively rise or fall with that of agriculture.

What, then, was the value of free agricultural labor, in the different periods of 1818, 1826, and 1830, when the respective tariffs of 1816, 1824, and 1828 were in full operation? In which of these periods would a given quantity of labor yield most of the comforts and conveniences of life? By comforts and conveniences, I do not limit myself to the bread necessary to save the poor from starvation. I do not speak of the scanty sustenance of an European serf. I speak of the means of subsistence required by an American free laborer, "worthy of his hire." I have examined into this subject with some care, and obtained, from the best sources in my power, a schedule of the value of labor in the three different periods which I have named, in each State of the Union, with the exception of Louisiana, which does not employ a sufficiency of that labor to establish a price. I find, by this schedule, which I shall not trouble the Senate to read particularly, but which is free for the inspection of any Senator, that the diminution of price, in the whole United States, is not above ten per cent. The valuation in this schedule is the price per month, taking all seasons of the year, inclusive of board, and exclusive of clothing.* By this, I find that the labor which, in 1818, was ten dollars, was, in 1830, at nine dollars, giving a reduction of ten per cent. only; while all the articles of necessary consumption, subject to a protecting duty, have fallen one-half, and a large proportion of them two-thirds. I now come to the means of subsistence to be acquired by this labor. I have made

out a schedule of these, with as much accuracy as possible, from the best sources of information. It is based upon the prices current at Boston, in those three periods. I have selected the principal articles of subsistence, and placed the duties opposite the prices, and the result will show, at one view, the effect of protection on the comforts and conveniences of life. And here, sir, I do not fasten upon the article of bread, or any two or three other articles barely sufficient to sustain life. I take the great essentials which support comfortably an American free laborer, with his wife and children—comfortable food, clothing, and habitation. [Here Mr. H. read and commented on the articles of subsistence in the schedule alluded to.]

Mr. President, it is proper that I should remark, in regard to these, and those of clothing and habitation, which I am about to present, that the products of agriculture and manufactures which we export to any considerable extent, are clearly not injuriously affected by our tariff: for the fact of exportation proves that they are cheaper at home than abroad. Such, it appears, are bread stuffs, meats, butter and cheese, fish, hats, manufactures of leather, cotton fabrics, glass, cabinet work, and nails. And the last article of subsistence which I have noted, (salt,) about which we have witnessed, for three or four years past, so much "weeping and wailing," was, during the very time, lower than it has been for twelve years before and since; and it has not been higher for twelve years, than since the duty was diminished.*

[Mr. H. then particularized the essential articles of clothing subject to protection, showing the gradual depression of prices under the operation of different tariffs, and proceeded.] Sir, I think I have now provided the free American laborer with comfortable food and clothing; but there is one thing yet: he must have a resting-place, to which he has a right to retire, to deposit his cares and enjoy repose. He must have a home. It is the instinctive principle in nature—"the foxes have holes, and the birds of the air have nests"—and miserable, indeed, must that man be who has not where to lay his head. Even the statesman here, struggling in strong debate, or forcing his way up the delusive road of ambition, riding upon the whirlwind and ruling the storm—how often does he turn aside, and cast a longing, lingering wish upon home! How often does he sigh for the endearments of the domestic fireside—the family circle. [Mr. H. commented upon the articles of building and furniture, contained in his schedule, and proceeded in his remarks.] I intended, sir, to have noticed more fully the tariff on woollens, and particularly the opinion entertained here, that British statesmen are relaxing their notions of the restrictive policy; but this would require more time than I had prescribed to myself, and I can only remark, that it is easily proved that British statesmen, as well as British writers, have one set of politics for themselves and another for us; and, while their free trade doctrines are imported and retailed out here at a profit, their practice is at direct war with their precepts.

The Senator from South Carolina denies the justice of taxing his State for the manufacturers of the North. I

* Average price of agricultural labor in each State, from June, 1818, to June, 1830, per month, through the year.

	1818.	1826.	1830.
Maine,	\$8 00	\$8 00	\$8 00
New Hampshire,	8 50	8 50	10 00
Massachusetts,	10 00	10 00	8 50
Rhode Island,	10 00	10 00	10 00
Connecticut,	10 00	8 50	8 50
Vermont,	10 00	10 00	10 00
New York,	10 00	8 00	8 00
New Jersey,	8 50	8 50	8 50
Pennsylvania,	11 00	9 00	9 50
Delaware,	6 00	6 00	6 00
Maryland,	12 00	10 00	10 00
Virginia,	6 00	6 00	6 00
North Carolina,	6 00	6 00	6 00
South Carolina,	10 00	8 00	7 00
Georgia,	14 00	12 00	12 00
Kentucky,	11 00	10 00	10 00
Ohio,	9 00	9 00	9 00
Tennessee,	8 50	8 50	8 50
Louisiana,	0 00	0 00	0 00
Indiana,	8 00	8 00	8 00
Illinois,	12 00	10 00	10 00
Alabama,	11 00	9 00	9 00
Mississippi,	15 00	10 00	10 00
Missouri,	15 00	15 00	15 00
Aggregate,	229 50	208 50	206 00
Average,	9 99	9 06	8 95

* Price of salt in Boston, per bushel:

	Price.	Duty.		Price.	Duty.
For 1815	90 cts.	20	For 1824	50 cts.	20
1816	60	20	1825	58	20
1817	62	20	1826	49	20
1818	70	20	1827	62	20
1819	70	20	1828	52	20
1820	62	20	1829	45	20
1821	60	20	1830	55	20
1822	60	20	1831	62	15
1823	52	20			

SENATE.]

The Tariff.

[JAN. 30, 1852.]

have proved that the South is not so taxed; but, if they were, I maintain its justice. The condition of the North, when the constitution was adopted, indicated clearly that they must depend on manufactures. Their soil, water power, and enterprise, all combined to make them a manufacturing people; and they had made some progress, under all the discouragements which they had encountered. The South needed, or might need, other protection, which was to be found in the strength and energy of the North; and it was well understood at the time, that this protection was to be accorded to the North, for which it had given a fair equivalent, when it should become necessary. Whoever thought that equality in public burdens must be contemporaneous? At one time, the state of affairs will throw the burdens heavier on New England; at another, on other sections; and each should bear them in turn. But, really, it seems to me rather a waste of time to urge this, inasmuch as nothing can be more manifest than this—that there is either no distress at all, or, if any, other causes, and not the tariff, have produced it.

It is said that the cotton growers can never manufacture the raw material which they produce. It would seem strange that it is so; and one of the reasons given by the Senator from South Carolina is stranger still. It is this: that one of our enterprising Yankees erected a factory there, and a negro burnt it down. It is not stated that he was governed by the anti-tariff mania, nor what induced the incendiary to perpetrate the crime. But, to make this case a good reason against the success of manufactures there, I suppose, if the negro had burnt the owner's dwelling-house, he ought to live out of doors, because houses would not succeed at all. This anecdote might lead to a train of thinking upon the subject of a certain class of population, which I choose to exclude; and, when the Senator is disposed to be merry at the expense of New England, and sneer at our "wooden ware and notions," instead of retorting, I will join in the laugh. It is true, our "wooden ware," our elegant cabinet work, not excelled by any in the world, does adorn the parlors, drawing-rooms, bed-chambers, and even the churches, of the rich and the favored South. We are, in this sense, your "hewers of wood," if not your "drawers of water." But, of one thing be assured, we do not intend to hew your wood, or draw your water, for nothing. We intend to be paid, and well paid, for it. And, as to our "notions," "I guess" that New England notions will bear a comparison with any other notions whatever.

But, nevertheless, protection must be abandoned. It is "sectional and unequal"—"a cursed, ruinous, fatal policy—"a case of life and death." "Give us back the merchants bankrupted by your policy—the sailors, ships, farmers, and, above all, harmony," and we consent to—what? why, that every factory shall be razed to its foundation! This, indeed, is very, very liberal; it looks quite like a compromise. Give me your food and raiment, and your money, too, and make me contented with it in the bargain; and, in consideration thereof, I will consent that you may go and starve. Sir, I have a small objection to the acceptance of this liberal offer—a want of reciprocity. We have now our all, nearly, vested in manufactures, and the industry of the country is engaged in them. We have no knowledge of any rich nabobs, nor of operators under task-masters. These things may exist in the South, but they belong not to New England.

The Senator thinks our exports, were it not for the tariff, would have been two hundred millions, and our tonnage two millions. After the predictions of 1824, and their failure, very little reliance, I should think, can be placed on predictions. But, as to our tonnage, I do not admit that it is diminished; and if it has not increased quite so fast as he would have expected, I can give him pretty good reasons for it. Our products, by being manufactured at home, their bulk and weight are greatly diminished

in proportion to their value, and their exportation requires consequently less tonnage. We have canal transportation, which dispenses with considerable coasting tonnage; and, above all, the improvement in ship-building, whereby a ship built now has been known to carry seventy-five per cent. more freight than one of the same tonnage built fifteen years ago. This, to be sure, is a strong case, but no doubt exists that our present freighting vessels will average fifty per cent. above the old ones; and I appeal to the Senator from Massachusetts [Mr. SIMMONS] for the correctness of the statement.

But, sir, the diminution of the tonnage of South Carolina is no evidence of the decline of trade. The merchants of that State prefer other ships. No State in the Union employs so great a proportion of foreign tonnage, and none, except two, so many tons. I do not complain of this; but, surely, they who prefer British tonnage, ought not to complain of the loss of our own. Northern ships, excepting the foreign, are chiefly employed for the freights of the South; and for the plain reason, that their merchants find it for their interest to hire, rather than build or purchase.

But, to me it is singular, indeed, that the grain-growing States should complain of domestic manufactures. England is your greatest manufacturer, and she will not receive in return your bread stuffs, until her own people are up to the point of starvation. Of all nations, there are more sellers of grain than buyers. In times of peace, people produce more than they consume; consequently, your exportations are diminishing. In 1818, your export of flour was eleven millions of dollars; in 1830, six millions; while, on a fair calculation, the consumption of the manufacturing population, in New England alone, cannot be less than ten millions, and the demand is constantly increasing. Raze our manufactures to their foundation, and where is your market for your bread stuffs? And yet I admit that the groans of the cotton States are equally strange. One-sixth of the whole population, increasing beyond example, exporting annually three hundred millions of pounds of cotton, worth thirty millions of dollars, being more than half of our domestic exports, and regularly increasing, besides one hundred millions of pounds, equal to ten millions of dollars, for domestic manufacture, and yet complaining of distress and misery!

One word more, and I shall have done. In reading an account of the cotton factories of Great Britain, in the Edinburgh Encyclopædia, I was very unfavorably impressed by the immoral tendency of the establishments, as there described. I have since, however, read an excellent article in the Edinburgh Review, on the same subject, which reverses the whole picture. From this contradictory testimony, I concluded it safest to examine our own establishments; and I wrote to gentlemen on whom I could depend, at the principal factories in New England, inquiring into the moral and religious deportment of those employed; and I will give you one from a gentleman of the first respectability at Great Falls, as a specimen of the others, with which I will conclude my remarks.

SOMERSWORTH, December 12, 1851.

Hon. JOHN HOLMES:

DEAR SIR: Your favor of 15th ult., inquiring in relation to the moral and religious education and deportment of those engaged in this establishment, was duly received, and I have waited your arrival in Washington to reply, as you request.

The tendency of your queries, and the information likely to be elicited by them, are of great importance, and I heartily rejoice that you have taken the subject in hand. The prevailing opinion, in a great portion of the Union, is unfavorable to manufactures, as a school of morality, taken, no doubt, from the condition of the operatives in the manufacturing districts of England. A thorough in-

JAN. 31, 1832.]

Superfluous Treasury Officers.

[SENATE.]

resignation of the subject, as regards this country, will exhibit, I am well convinced, a far different state of society and moral deportment from the prevailing opinion in the Middle and Southern States.

In this village, we can say, without exaggeration, that less crime or misbehavior, of any kind, can rarely, if ever, be met with in any community, however pure. Much and unceasing attention is bestowed by our ministers, of each persuasion, upon the moral and religious instruction of those composing our village; and the number who constantly attend the different churches and places of worship, is very great, in proportion to the whole population. The company give such encouragement to this subject as they, with propriety, can, and do not for a moment countenance any improper or irreligious conduct. Persons of this latter description always meet with a prompt and invariable discharge from the premises. With respect to the females, I feel well assured there are none, in any situation, or under any circumstances, who are less obnoxious to the charge of immoral or improper conduct, than those in our employ. The reason is obvious, and the remedy or prevention so direct, that immorality, to any extent, cannot exist among them. A large majority of our girls have seriously attached themselves to one or other of the religious denominations, (of which we have four or five,) and will not, consistently with their feelings, work or associate, in any manner, with those of even doubtful character. This at once brings the matter to our ears, and we rarely hesitate. The cases have been comparatively few, and much less within the past two years than previously; but solitary instances of immorality cannot be avoided.

To men of intemperate habits, we extend no encouragement whatever; and we do not continue any for a single day who are in the habit of using spirituous liquors improperly. Excepting at the bar of the hotel, the company do not permit any liquor to be sold upon their premises; and there is not, within the corporation, any spirituous liquor retailed, excepting at the hotel. On no account is liquor permitted in any of the mills or workshops, and its use is discountenanced by us in every practicable method. A very large majority of the village belong to the "Temperance Society," which excludes the use of liquor, *in toto*, from its members.

The manufacturers in this section of the country would eagerly challenge a close investigation into the habits and morals of their establishments; and I fondly trust your experience and influence will excite discussion and inquiry, which cannot but result to our advantage.

I felt much gratified you called upon me in this instance, and shall be always happy to receive and attend to your communications, whenever you may favor me with them.

Very respectfully, your obedient servant,

LLOYD W. WELLS.

TUESDAY, JANUARY 31.

SURPERFLUOUS TREASURY OFFICERS.

The following resolution, submitted by Mr. FOOT, was called up by him:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the act of the 3d of March, 1817, to provide for the prompt settlement of public accounts, as to abolish the offices of Second Comptroller and Second Auditor, and assign the duties now by law referred to them, to the First Comptroller and Third Auditor.

Mr. WEBSTER observed that the resolution contemplated an inquiry by the Judiciary Committee respecting the organization of the Treasury Department. It would be better to give the resolution a different direction, as the Judiciary Committee had no particular acquaintance with the subject.

Mr. FOOT said he had no choice as to the committee to which the resolution should be sent. It had seemed to him, that some inquiry as to the necessity of retaining the offices of Second Comptroller and Second Auditor was necessary, and he therefore offered the resolution, without deeming it of much importance what committee made the inquiry. It was known that, by the establishment of the office of Solicitor of the Treasury, a considerable portion of the duties of the Second Comptroller was taken from him; and it was known also, that both of the offices referred to in the resolution were created to settle the mass of accounts which grew out of the late war; and gentlemen who were then in public life might recollect, that the understanding at the time was, that they were to be abolished when the purpose for which they were created was answered.

Mr. MARCY thought that the committee which took charge of the resolution, ought to have full power to go through the whole of the public offices, and see which could be best spared—whether there were not some others that might be abolished without detriment to the public service. Perhaps it might be found, on inquiry, that these offices were more necessary than many others that were to be retained. If the gentleman would make his inquiry more general, he would vote for it.

Mr. FOOT said, if the gentleman from New York would look back to the law creating those offices, he would find that they were created solely for the purpose of settling the accounts of the late war. Now all these accounts had been long since settled, and the necessity, therefore, for retaining the offices ceased. It was understood, at the passage of the law, that the offices were to be abolished when the accounts were settled.

After so modifying the resolution, at the suggestion of Mr. WEBSTER, and with the consent of the mover, as to refer the inquiry to the Committee on Finance, the resolution was agreed to.

The resolution of Mr. EWING, respecting the improper removal of public officers, was taken up; and, at the instance of Mr. GRUNDY, (who said it could not be expected that the resolution should be decided without discussion,) it was made the special order for Monday week.

The following resolutions, submitted by Mr. BENTON on the 25th January, were taken up, and agreed to:

Resolved, That the select committee to which was referred the memorial of the directors of the Bank of the United States, praying for the renewal of their charter, be directed to inquire as follows:

1. Into the nature and amount of the loans, if any there were, made by the bank or its branches, of local bank paper; and to report all the facts and circumstances which shall be necessary to enable the Senate to judge and determine whether there was usury in the contracts for such loans, or oppression in collecting them.

2. Into the fact of *non-user* of its powers by any of the branch banks, and all the circumstances which may be necessary to enable the Senate to understand the nature, extent, and duration of such *non-user* of powers.

3. Into the amount of the real estate acquired by the bank, and at each branch; and a detailed statement thereof, showing where situate, the price at which acquired, the price for which sold, if sold, and the present value, if not sold.

4. The number of buildings, if any, where situated, and the cost thereof, which may have been erected for the purpose of being rented.

5. Whether the branch bank notes, or the branch bank orders, issued as currency, are received in deposite, as cash, at the parent bank, and at every other branch; and, if not, to report the exceptions.

6. Whether the branch bank notes, or the branch bank orders, issued as currency, are at a discount in any town or city where a branch bank is situated; or in Philadel-

SENATE.]

The Tariff.—Indian Treaties.—Salt.—Unclaimed Dividends.

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phia, where the parent bank is; and if so, the rate of said discount.

7. The amount of the gold and silver coin and bullion annually remitted by each branch bank to the parent bank, or to any other place by the order of the parent bank, from 1817 to 1831, inclusive.

8. The annual aggregate amount of the expenses of the bank and her branches, from 1817 to 1831, inclusive.

9. The annual amount of the expenses of the same, for the same time, under the heads: first, of printers and editors; second, attorneys and counsellors at law; third, contingencies.

10. Of what consists the capital of the Bank of the United States, and of such of the branch banks as are reported in the monthly statements to have capital; and the difference between the specie which is reported in one column to be on hand, and the capital which is reported in another.

11. Whether different rates of exchange are taken at any of the branches, or at the parent bank, on bills of exchange, as sold to merchants or persons in official stations, and to the body of the citizens.

12. Whether facilities for obtaining loans are granted to persons in official stations, which are not extended to the citizens generally.

13. That the said select committee be empowered to send for persons and papers, and to have oaths administered to witnesses; and that they be allowed a clerk, to be paid out of the contingent fund of the Senate, to keep the journal of their proceedings, and to take minutes of the evidence, and to do such writing as the committee may direct.

THE TARIFF.

The tariff resolution was resumed, and Mr. HOLMES spoke between two and three hours in continuation and conclusion of the speech he commenced yesterday.

[The speech is given entire in the preceding pages.]

The Senate then adjourned.

WEDNESDAY, FEBRUARY 1.

INDIAN TREATIES.

The following resolutions were submitted for consideration by Mr. FRELINGHUYSEN:

1. *Resolved*, That the Government of the United States is bound by the terms and stipulations of several treaties made with the Cherokee nation of Indians, and also by the provisions of the intercourse act of 1802, to protect said nation from all intrusions upon their territory.

2. That the President of the United States does not possess the constitutional power of dispensing with the execution of the intercourse act of 1802, and of said treaties; and that until the said act shall be repealed, and while the said treaties remain, it is the duty of the President to enforce their provisions and stipulations.

SALT.

The following resolution, submitted yesterday by Mr. BENTON, was taken up, and agreed to:

Resolved, That the Senate's Committee on Manufactures be instructed to inquire of the gentlemen whose letter on the state of the salt manufacture and salt trade on the Kenhawa has been communicated to the Senate by that committee, as follows:

1. The present actual cost of manufacturing salt at the Kenhawa works.

2. The minimum amount to which such cost might be reduced by exertions within the power of the manufacturers to make.

3. The selling price of salt at the works for five years previous to 1825.

4. The usual selling price at the works since 1825.

5. Whether the sale of salt was unrestricted before 1825, and all purchasers bought at will.

6. Whether the sale has been restricted since that time; and, if so, the nature and extent of such restriction.

7. The cost of transporting salt, during the spring months, from the works to Cincinnati, Louisville, and St. Louis.

8. Whether the works, or a large part of them, have been leased to a company; and, if so, at what time, and for how long a time.

9. How many furnaces are in use, how many idle; and if any are idle, or have been idle, whether the owners have been paid, and for what time. Also, the same inquiries with respect to not opening new wells.

10. Whether the company, since 1825, have not required their agents to sell salt by the weight, marked at the works on the barrel; and, if so, how long did that practice continue.

11. Whether the company will sell salt at the works to wholesale dealers, for the latter to retail elsewhere; and, if so, at what places these wholesale dealers are allowed to retail.

12. Whether the company who have leased the works, (if any such there is, or lately has been,) have established agencies in the West to retail salt; if so, the places where such agencies are established, the prices at which they have sold salt in the fall season of each year; whether they received any thing but cash for salt; and whether any agent was restricted from selling salt to a wholesale dealer, to retail in the district of such agent, or any other district.

The same queries to be answered, not only according to the personal knowledge of the gentlemen to whom they are directed, but according to such information as they may have received and believe to be true, and according to such information as they can conveniently obtain, and can rely upon as true—the whole to be communicated as soon as conveniently it may be.

UNCLAIMED DIVIDENDS.

The following resolution, offered yesterday by Mr. SPRAGUE, was taken up:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate the amount of the unclaimed dividends of the funded debt of the United States which have been due more than two years, with the names of the persons to whom the same may appear to be due, and the particular species of stock upon which it accrued.

At a subsequent part of the day,

Mr. CLAY observed that the resolution had passed while he was absent but a few moments from his seat. It related to a subject which had once been before the other House, who then deemed it inexpedient to act on it. It was a subject also that required some consideration; and he hoped the honorable Senator who brought it forward would, for that purpose, allow the vote taken on it to be reconsidered.

Mr. SPRAGUE said that, in consenting to reconsider the resolution, it was with the understanding it was for the purpose merely of restoring it to the situation in which it stood before its adoption, and not with any view of withdrawing it. In introducing it, he had no other object than that which ought to actuate every Senator—to procure information on subjects of importance. The dividends referred to had remained in the Treasury Department for thirty years, and perhaps without the knowledge of those entitled to them; and it was but just to let the claimants know that there was money of theirs in our own hands, which we are ready to pay them. He would consent to restore the resolution to the situation in which it stood before it passed; and when it again came to be acted upon, he hoped the Senate would give it a favorable consideration.

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St. Louis College.

[SENATE.]

Mr. CLAY observed that he had no other object in asking a reconsideration than to gain time for an examination of the subject.

The Senate then, on motion of Mr. SPRAGUE, agreed to reconsider the resolution, and it was laid on the table, and made the order of the day for Monday next.

The bill from the House, giving effect to a commercial arrangement between the United States and the Republic of Colombia, was read the first time, and ordered to a second reading.

The bill for the relief of John J. Jacob; and

The bill for the relief of William Tharp, were considered in Committee of the Whole, and ordered to a third reading.

ST. LOUIS COLLEGE.

The bill granting a township of land to the French college of St. Louis, was taken up in Committee of the Whole.

Mr. KING explained the reasons why the committee had thought proper to report in favor of the object of this bill. Congress had appropriated lands in all the new States for the benefit of seminaries of learning; and the bill granting aid to the French college of St. Louis, was founded on the ground that those lands appropriated for the purpose of education were granted for the benefit of English institutions, and the present applicants derived no advantage from them whatever. They were the original inhabitants of Missouri, and formerly subjects under the French or Spanish Governments before the territory was ceded to the United States. They had now become citizens of the States, and, as such, were entitled to all the rights and privileges of American citizens. When the change took place, they were left unprovided for, and were now dependent upon the liberality of individuals to support their institution, which was not only important to themselves, but to the whole American people, as children, whether of French or English origin, were equally admitted to the benefits of the institution. There had been a grant made by Congress in support of the deaf and dumb asylums at Connecticut, and elsewhere, besides appropriating for other seminaries, which he referred to. He could only add that, besides these views which the committee had taken into consideration, the old French inhabitants had peculiar claims upon Congress, that would not apply in any other case of the numerous similar applications which had been made from various sources for appropriations for the benefit of English institutions which were already receiving the proceeds of the lands heretofore appropriated for the advancement of learning throughout the country.

Mr. BENTON asked the reading the petition, which contained a statement of the present and past situation of the college—its origin and present number of students, and the grounds upon which they prayed for the aid of Congress.

Mr. POINDEXTER said he had no objection to the grant of land asked for by the memorialists; but, in his opinion, similar grants should be made to other States if this was adopted. There were many applications, and among them one from his own State, which he thought was equally entitled to an appropriation; and he wished to know of the gentleman from Alabama, who was on the committee to which this memorial had been referred, whether it had been acted on, and, if so, what was the result. He observed that some States had received a grant of three townships, while others had but two, and Mississippi was among the latter description. He thought it would be the best policy to place all the States upon an equal footing in their grants of land, either in the present bill, or in some other that might be brought forward. He wished to be informed on this subject, because he stood here as a representative of those who had applied

in his own State, and he could not consent to this bill if they were to be excluded, because in the colleges of all the new States the French language was taught as well to the children of the original inhabitants as to others, and he could see no propriety in selecting the St. Louis college as one entitled to peculiar favor, if all the others were to be excluded. He should, therefore, feel it his duty to move to lay the bill upon the table, for the purpose of further consideration and amendment.

Mr. KING said that the committee had under consideration the memorial alluded to by the gentleman from Mississippi, and he believed they were not disposed to report favorably upon it. He had before given his reasons why the committee had thought the college at St. Louis entitled to favor, and he would leave the Senate to decide the question. He had before stated that Mississippi had two townships, and Missouri and Alabama had the same, while Indiana had three. No cause had been assigned for the preference that he knew of, that had induced this action of Congress in their favor. It seemed to him that there would be equal propriety in giving three townships to each State, and he should not object to any proposal that the gentleman might make for that purpose; but to grant the present petition to protect the college of St. Louis, would only be following the course heretofore pursued by Congress in patronizing learning by grants of land; and as this institution was without the reach of benefit from the public lands already granted, he thought something should be done for it. He would support any amendment that the Senate might think proper.

Mr. HOLMES hoped this question would not be connected with others with which it had no concern. He was in favor of granting lands for the benefit of institutions of learning, but he did not see the propriety of granting to one college, and refusing it to another.

Mr. BENTON said the merits of the bill had been well stated by the Senator from Alabama, [Mr. KING,] who had reported it from the Land Committee, of which he was chairman. Mr. B. knew that the hour for taking up another subject (the tariff resolutions) had arrived, but he hoped that a few minutes would be spared to this bill, and thereby prevent it from being laid over till another day. He was sure he could appeal to the liberal feelings of the Senator from Mississippi, [Mr. POINDEXTER,] not to press an amendment for his State, which would be of a nature dissimilar to the bill before the Senate. [Mr. POINDEXTER bowed assent.] Mr. B. continued. This bill is for the preservation and the diffusion of the French language; a language of too universal use and necessity to be commented upon here. It is to preserve and diffuse that language, not for the children of Missouri alone, but of the whole Union. The college is now in operation; a brick building of four stories high having been built by private exertions and liberality; about one hundred and forty students, many of them receiving gratuitous instruction, were now at the institution, the whole under the care of a president and professors eminently capable of discharging their important trusts. Besides the French language, all the branches of a liberal education were taught there; the modern living languages, English, Spanish, and Italian, as well as French, and the dead languages. It was a place where the modern living languages, especially French, could be learnt practically; where the tongue and ear could become master of the language as well as the eye. French was undoubtedly taught in all our seminaries of learning; but how? and to what purpose? Merely to translate; hardly ever to speak it, to write it, to understand it when spoken. Mr. B. said the French college at St. Louis would differ from all these. It would teach the language practically; make it useful; add it, in fact, as a second mother tongue to the American or English learner. Mr. B. could see no constitutional objection to this application. The United States had bought the province of

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Louisiana, and could sell the land, or bestow portions of it as she pleased. Two townships of land had been granted to the State of Missouri for the support of a seminary of learning, but both these townships would go to the support of an institution chiefly dedicated to the English language. Why give all our support to the English language, when we have acquired, with an immense public domain, a large population of French extraction, descended from that nation which stood by us in the war of the revolution, now incorporated with us in our political union, entitled to all the benefits of the Union, and only asking for a pittance out of the vast domain which came with them into this Union, and which pittance is to be used in the most meritorious manner, not for their own advantage only, but for the common and mutual advantage of the whole Union? Mr. B. said it was an object in the administration of the laws to give public satisfaction; much more should it be an object to give satisfaction in the enactment of laws. The petitioners in this case are a portion of the ancient inhabitants of Louisiana. They have been petitioners at this bar for a long time, not for this object, but for another; not for bounty, but for justice. They have been petitioners here for a quarter of a century, not for a college grant, but for the confirmation of their land titles. Those titles were not yet settled. Mr. B. would not now touch that question—another occasion would present itself soon—but he would declare to the Senate, that it was the conscientious belief and firm conviction of the ancient French population that justice had not been done them; that formalities and unfounded suspicions had been allowed to interpose, and to deprive them of their lands, and that in a republic which the bounty of kings had bestowed upon them. This was their belief; and now, if, after so many large grants to the States for the support of seminaries; if, after the grant of one section in every township throughout the new States for the promotion of education, the whole of which grants enured to the benefit of English schools and English colleges; if, after all this, a petition for one township of refuse land, to be taken out of their own former inheritance, and to be devoted to the preservation and diffusion of their native language, should be rejected, it will be impossible for them to see an adequate reason for the rejection. Dissatisfaction must be the consequence, and a stronger belief of injustice must pervade their bosoms.

Mr. HAYNE observed that the object was an important one, and likely to take up much time; he would, therefore, move to lay it on the table, for the purpose of resuming the special order of the day. This motion was agreed to.

THE TARIFF.

The Senate then resumed the consideration of Mr. CLAY's resolution, proposing a modification of the tariff; together with Mr. HAYNE's amendment thereto.

Mr. HILL, of New Hampshire, said, as I, Mr. President, am so unfortunate as to differ in my views from those of almost every other Senator representing the States of the North, on the subject of the resolution now under consideration, I am forced to do what I had not expected to feel obliged to do during the present session—give at length the reasons which will prompt my vote on the question—a question of great importance to every section of the country. I should not do justice to myself, or meet the expectations of my constituents, if I suffered the occasion to pass with giving simply a silent vote.

Sir, among the artifices resorted to by the political tariff men—for we have political tariff men, whose newborn zeal outstrips all the old and steady friends to the protection of American industry—is that of making this a question of variance as between the North and South. I trust I shall be able to show that it is not less the interest of the great body of freemen at the North to reduce the taxes

on articles of necessity, than it is that of the freemen of the South; that if the people of the South are suffering from the effect of heavy duties, so do the mass of the people in the manufacturing States suffer from the same cause; that the chief intention of those who employ agents to besiege Congress, to resist all attempts to reduce the taxes, and to call for more protection, is to benefit the rich and depress the poor—to enable the wealthy manufacturers to swallow up the small manufacturers and mechanics, the farmer's family manufactures, and all the money the farmer can earn. In a word, I hope to succeed in demonstrating that the high tariff, continued without abatement, must result in the complete monopoly to wealth, in the virtual creation of lords and vassals, and in the destruction of that proud spirit of independence which characterizes free institutions and free men.

Another artifice of the political tariff party is to interpose the question of constitutionality, on which the opponents of a high tariff are divided. The wire-drawn arguments, the nice definition and collocation of words, and the labored inferences which are or may be offered on this subject, I will not attempt to answer. The question is not with me—are high duties intended exclusively for the protection of home manufactures constitutional? But, are they expedient? If inexpedient, they are bad, and ought to be changed: if both inexpedient and unconstitutional, they are still bad, and can only be changed. If they are daily increasing that discontent which may terminate in a disruption of the constitution, it is folly surely to discuss nice points which may never be satisfactorily decided while we suffer the evil to occur which might have been averted. It is quite enough for me, if our fathers who framed the constitution considered the power of enacting a protecting tariff for the growth of manufactures to be the main object of that instrument, that they never laid or enforced taxes on the people in the shape of duties on imports which went beyond the revenue necessary for the support of Government—that they had no projects of federal internal improvement, or splendid Government, to furnish an apology for high taxes.

I am opposed to the resolution submitted by the gentleman from Kentucky, as well because the principle of that resolution, if carried into effect, will make taxation more unequal than the tariff of 1828 now is, as because the adoption of such a principle is calculated to produce greater discontent and heart-burnings, and to fan the flame of discord in this happy land. Nay, sir, it is my fear that if laws shall pass at this session, carrying into effect the principles of that resolution, civil war may be the consequence.

Gentlemen more than once have alluded to the "protective system" as being the very life-blood of our country's prosperity—as having scattered its "rich fruits" over the land—as having "replenished the public coffers," and enabled the Government to discharge the public debt. In my belief, they have mistaken altogether the effects of their system. I had supposed if any tariff law had been of essential benefit to the general interest by fostering American manufactures, it was the law of 1816; but this the Senator from New Jersey denies. I understood him to say that "the tariff of 1816 carried destruction to the Eastern States;" but that the Eastern States were relieved by the law of 1824. Now, sir, the law of 1824 did not satisfy—it did not afford the protection asked for, and under that law the manufacturers were ruined: million of money expended on manufactures were sunk between that year and 1829. The law of 1828 was passed: this law, by some of its present friends, was termed a "bill of abominations." The gentleman from Kentucky is not satisfied with it—he says its wholesome provisions are evaded, and that, under its present operation, the manufacturers of woollens are still great sufferers. The gentleman from New Jersey is also dissatisfied with some of its provisions—he says the duty on wool was laid too high

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The Twif.

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Without hearing a word from the opponents of the present tariff, reasoning from the opposite facts and inferences presented by its friends, I can come to no other conclusion than that the imposition of all duties beyond what is necessary simply to raise a revenue for defraying the current and ordinary expenses of the Government, is of a policy at least doubtful.

Mr. President, I will assume and attempt to prove the position that neither the tariff of 1824 or that of 1828 has essentially benefited manufactures.

It is true that since the passage of the law of 1828 several great manufacturing establishments have arisen in the Eastern States.

So, under the moderate protection of the law of 1816, several large, and many small, establishments grew up and flourished. The cotton establishments at that early period were as well protected—nay, better protected, than they ever can be under any other law. Not that the laws of 1824 and 1828 did not aim at protection—but what with the revolutions consequent to continued legislation, and annually moving this subject—now, the market overstocked and glutted with the foreign article, and rendering prices merely nominal, and now the spirit of speculation stimulated by the “glorious protection” which was to be furnished by a new tariff—thousands of persons of moderate property, who had invested all they had in manufacturing establishments, were ruined. Of all the small woollen establishments within my knowledge, there was no one that had not stopped; yes, sir, the owners failed, or shut up shop, at the close of the year 1829, after the tariff of 1828 had been in operation more than one year.

Does any one suppose that if the duties on imports had remained uniform from 1816, such vast sums would have been lost in the cotton and woollen manufacturing establishments? Will any one contend that the manufactures both of cotton and wool would have been less flourishing in New England than they now are? Such assumption would now be a mistake; and every practical manufacturer in the country will tell you so.

I trust, Mr. President, that I am not of those who will not rejoice to see any portion of our country prosperous. I rejoice to see large manufacturing establishments growing up in my neighborhood, and I am gratified when I hear that their owners are enabled to make large dividends. But these large establishments are not, to my section of the country, all that they appear to be—all that the gentleman from South Carolina supposes them to be: they are not always to be taken as an indication of the “general prosperity.”

In a township of the State of New Hampshire, a few years ago, an establishment with a capital of one million of dollars was set on foot for the manufacture of cotton; many men of small capital in the vicinity were induced to take shares; the principal part of the stock was, however, taken by the rich men of a city in another State. The work of erecting buildings, tearing down old houses, opening new streets, erecting dams, and creating artificial ponds of water, went on swimmingly until the first million was expended. The directors and agents had not yet gone far enough for the “prosperity” of the place: they took out a new act of incorporation for another company, with a capital of five hundred thousand dollars; and not to burden the small proprietors with new assessments, who were too poor to raise the money, the rich men engaged preferred to loan the sum to the new corporation, taking for their security the property of the first establishment. The stock, the price of which those interested knew well how to control, fell in the market—the corporation became embarrassed—the property was attached, and in the end the whole was seized to the use and ownership of those who had loaned the one-third of the original cost, while the other creditors to the corporation obtained not a cent. It is believed that not an individual owner of the

stock, resident in the State where this establishment was located, escaped the entire loss of his amount of stock paid in, and the hard earned wages of the workmen and workwomen were never paid. This, sir, is but an instance of many, in which the men of moderate property, the widow and the orphan, have been filched of their all.

Another evil attending these large establishments is, that they tend to the annihilation of that household industry, under which the matrons of New England had reared those sons who have been the stamina of our liberties, and those daughters who have arisen to call the nation blessed. The common farmers of New England, sir, are working men, and their wives and daughters were working women; it was their pride and their delight to “lay their hands to the spindle, and their hands hold of the distaff—to make fine linen and sell it, and deliver girdles unto the merchants.” So extensive were these household manufactures, that almost the entire clothing of the farmers’ families was produced on their own farms, manufactured into cloth, and the garments made under their own roofs. The value and extent of this manufacture may be estimated from the fact that, “from 1790 to 1794, the average cost of woollens brought into the United States, including duty and expenses of importation, was seven and a half millions of dollars; the population about four and a half millions of persons. At the moderate estimate of six dollars per head, this would give an annual woollen consumption for the whole United States of twenty-seven millions of dollars; only seven and a half millions of which being of foreign production, it is manifest that a woollen manufacture existed in the United States, equal to the wants of three-fourths of its whole population, at a period when the duties were almost nominal.” Every neighborhood then had its fulling mill, and clothier, who dressed this cloth, and prepared it for use. This occupation now is almost entirely broken up—the clothier has been obliged to seek an occupation elsewhere—the farmers’ daughters are obliged to herd together in fifties, hundreds, and thousands in the manufacturing establishments; or, if they remain at home, no longer find that profitable and wholesome employment which was so highly beneficial to the prosperity and to the morals of the whole community. While pursuing these occupations at home, they were respectable and respected. You may imagine, sir, what is, what will be one hundred years hence, their condition in such establishments as will be the future Birminghams and Manchesters of America; how well fitted they will be to fill the places of the mothers of our country.

Here, sir, I may be permitted to notice the information given by the Senator from Maine in a letter from some agent of the great manufacturing establishment at Great Falls. Great Falls is within the State of New Hampshire, and I have a right to say something about the place: the village contains more than a thousand inhabitants, and part of the settlement belongs to the State of Maine, being situated on and near the line of the two States. The Senator from South Carolina the other day informed you how many yards of cotton cloth were made there in a year. But the letter read by the Senator from Maine gives more important information: it discloses other machinery there in operation. It seems the inmates of the establishment are there all forced to become religious.

[Mr. HILL was here interrupted by Mr. HOLMES, who denied that any such inferences were deducible from the letter which he had read yesterday. He [Mr. H.] said he had not the letter in his place, but would go to his lodgings and procure it.]

Mr. HILL resumed. The manufacturing dons, said he, have always been of the party claiming “all the religion” as well as “all the wealth and respectability;” and if their dependents refuse to become so, [that is, refuse to subscribe to their peculiar doctrine,] they are, *sans ceremonie*, turned out of employment. They are also forced to be

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temperate; or, at least, they are under such a restrictive system as permits them to purchase intoxicating liquors only at one place, and that place managed without doubt to the advantage and profit of the rich owners of the establishment. It will be seen by the letter read by the Senator, that a director of one of these great establishments controls every thing—that he directs, not only the actions, but the thoughts of all persons in his employ—that they are but machines in his hands to execute any purpose, to turn off any work he may be employed to do, whether it be to manufacture cotton cloth, or vote at the polls for such candidates as the owners shall designate. Is it presuming too much to say that the future condition of the persons composing the manufacturing population will be no better than that of the serfs and vassals to the European barons of the feudal system?

Sir, the effect of large manufacturing establishments may be illustrated by a comparison. The States of New Hampshire and Vermont, nearly of equal size, for the last thirty years have been of nearly equal population. Vermont has the advantage of more recent settlement and a more extended fertile soil, while New Hampshire is nearer the seaboard and to a profitable market for her surplus products. In 1810, the population of Vermont exceeded that of New Hampshire by about three thousand; but, by the census of 1820, New Hampshire went ahead of Vermont more than nine thousand. During these ten years there were no manufacturing establishments in either State, of sufficient magnitude to affect the population. From 1820 to 1830 has been the manufacturing era. Millions of capital, much of it entirely sacrificed, have been invested in New Hampshire, but none of any considerable magnitude in Vermont.* I do not know of a cotton or woollen establishment in that State—at least, I believe there is none in operation on the east side of the Green Mountains. As New Hampshire had the advantage of the millions invested, and the great manufacturing establishments in operation; as she had some thousands added in operatives from Ireland and England, we flattered ourselves that the granite State would still keep ahead in population of her sister, Vermont, in the census of 1830. We are disappointed. Vermont is above New Hampshire by 11,146, having gained upon her in the last ten years more than 20,000, and having a population of 280,679, while New Hampshire has but 269,533. Under the last census, New Hampshire had six, and Vermont five representatives in Congress; under the present census, the case may be reversed, and will be reversed if the ratio either of 45,000 or 46,000 shall be adopted.

The manufacturing establishments have doubled and sometimes trebled the population in some half dozen townships of New Hampshire; but their immediate presence has so discouraged agriculture, that other farming towns in their vicinity have less population than they had ten years ago. The active young men have been tempted by the prospect of cash and high wages to labor in erecting these manufacturing establishments: when this business is finished, they return to their former occupation, discontented that they cannot labor there with the prospect of immediate cash payments. Some of them go in search

of new temporary employment in other States, where manufacturing establishments are erecting; others go to the far West, where more golden prospects are held out to them. The daughters of the farmers seek employment first at some neighboring factory in the State, and afterwards pursue a round wherever they can find employment in factories of other States. It has often surprised strangers who travel in New England, to witness the number of young females travelling in the public stages from place to place without a protector. Sometimes they find full employment, and a little better wages than they can obtain in families; sometimes the female domestics are lured from their homes, it being considered more respectable to work in a factory than in the kitchen, and the price of family service is raised for the moment some twenty-five and fifty per cent. At other times a whole factory establishment is thrown out of employ, and the female inmates are obliged to seek any roof where they can find a shelter. It is believed a majority of these females are no better off, after having labored for years in a factory, than they were when they entered it; they usually are kept in debt to some store connected with or owned by the factory proprietors: the moral effect of their associations is better conceived than described. What respectable man would wish a daughter placed in such a state of vassalage, away from friends, away from home? Yet the daughters of respectable men are obliged to place themselves in this situation; and far be it from me to impeach their virtue in the condition to which circumstance has forced them.

We have seen, sir, how New Hampshire, a manufacturing State, stands, when compared with her sister, Vermont, an agricultural State—what is the consequence? She is deprived of at least twenty thousand of her most active population—yes, more than this—twenty thousand are taken from her agriculture; for, by so much as the manufacturing towns within her borders have been increased, has her agricultural population suffered a proportionate decrease. The consequence is, that we have more cleared land than hands for its proper cultivation; that the price of lands has fallen; that agricultural capital, even when the soil is cultivated by the hands of its owners, will not yield a profit of three per cent.; and if cultivated by hired service exclusively, will scarcely pay for the cultivation; that the price of houses and lands, except in or near some thriving village, is almost nominal. Does a farmer wish to better his situation by going into some manufacturing employment? He can scarcely realize a sufficient outfit from the sale of his farm to do it. I have known some to leave their farms entirely unoccupied, for the prospect of better employment: others I have known to sell all they possess; and, after employing themselves near some factory, perhaps in taking boarders, or in acting as menials a few years, return poor and penniless, having contracted habits which, to the credit of our yeomanry be it spoken, few of them possess.

To show you, sir, how much protection the tariff affords to our farmers, I will enumerate some of the taxes they pay on articles of necessary consumption. Suppose a farmer, with a family of ten persons; they will consume and wear out, at a random calculation, in a year, as by the following table:

	TARIFF 1828.		TARIFF 1790.	
	Tax.	Inc'd.	Tax.	Inc'd.
200 lbs. raw iron,	\$3 70	\$0 87½	\$0 15	\$0 4
300 lbs. brown sugar,	9 00	2 25	4 50	1 25
20 yards woollen cloth				
under \$1 minimum,	9 00	2 25	1 00	0 25
10 do. \$2 50 do.	11 25	2 81	1 25	0 31
100 yds. coarse cottons,	3 00	0 75	0 50	0 12½
50 do. fine do.	4 00	1 00	0 50	0 12½
24 do. calico,	1 92	0 48	0 22	0 5
24 do. gingham,	1 92	0 48	0 22	0 5
50 lbs. coffee (act 1828)	2 50	0 62½	2 00	0 50

* Since this statement was made, the writer understands Vermont has been claimed as a manufacturing State! It will not be denied that Vermont does much in the way of common manufactures, as has every Eastern State for twenty years; that she has her flour mills, paper mills, carding machines, tanneries, &c. She has also had a few cotton and woollen establishments on a small scale, which were in operation before the tariff law of 1824. On inquiry at Montpelier, in November, the writer could not learn that a single cotton establishment of any extent was in operation. One at Hartford had been stopped for two years: the owner of another on Quechee river, supposed to be worth £100,000, had been ruined. A woollen factory at Northfield, which had been in operation before the tariff of 1824, had since that of '28 ruined its wealthy owner. In fact, from all the information received, the opinion must be reiterated that Vermont is not a manufacturing State, that is, she has no large joint stock companies of considerable extent, whose business is to manufacture cotton and woollen cloths.

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30 galls. molasses, (act 1828,) 3 00	0 75	0 90	0 22
4 lbs. Hyson tea, do, 1 60	0 40	1 28	0 33
8 lbs. Souchong, do, 2 00	0 50	1 44	0 36
20 yds. bombasin, 1 00	0 25	0 42	0 10
15 bush. salt (act 1828) 3 00	0 75	1 80	0 45
6 galls. wine, instead of spirits, 3 00	0 75	1 50	0 37½
4 woollen blankets, 3 30	0 88	0 40	0 10
20 yards flannel, 4 50	1 12½	0 50	0 12½
Spices, 1 00	0 25	0 25	0 6
24 lbs. raisins and currants, 0 84	0 21	0 10	0 2
12 yards silks, say 1 80	0 45	0 45	0 11
China ware and porcelain, 1 00	0 25	0 62½	0 15
Tin ware, 0 50	0 12	Free.	
12 yards linen, 1 50	0 37½	0 50	0 12½
Glass ware, 2 00	0 50	0 50	0 12½
Earthen and stone ware, 1 00	0 25	0 50	0 12½
Buttons, 0 50	0 12½	0 17	0 4
Leather, 4 00	1 00	1 00	0 25
20 lbs. steel, 0 30	0 7	0 15	0 4
<hr/>			
\$82 13		\$20 52	\$23 32 \$5 67

I have calculated the duty on the original cost, and added an advance of twenty-five per cent. on that duty, as the profits of the wholesale and retail dealer; for it should be kept in mind that the dealers charge and receive as much advance on the duties paid to the Government, as on the cost and charges. By this table, it will be seen that the farmer pays on twenty-eight articles a tax of \$102 65, whereas, by the tariff of 1790, he would have to pay on the same articles only \$28 99. These twenty-eight articles are selected from several hundred enumerated articles on which duties are paid, many of which are articles of necessity. It is believed, if some exceed, others fall below the amount used and consumed by families that are able to pay for them. To those in affluent circumstances, the list would be much extended.

Looking minutely into the tariff of duties, the consumer, the man of limited income, is enabled to see what is otherwise invisible—to see why, with all his efforts and his industry, he is continually becoming lessened in his means. If the farmer was required, when he purchased a new ploughshare, to count out and pay as a separate tax eighty-seven and one-half cents; a crowbar, thirty-five cents; a shovel, fifteen cents; a log chain, sixty cents; a cart tire, two to three dollars; a set of harrow teeth, \$1 50 to \$2; a yard of coarse woollen cloth, from one to two dollars; for every pound of brown sugar, four cents; or, if the tax-gatherer should go into the blacksmith's, or other mechanic's shop, and demand another amount equal to the first cost of all the iron and steel, or other raw material necessary to carry on his business, could it be supposed he would cheerfully bear this burden without complaint? When the artisan should further consider that the effect of this tax on the raw material directly tended to take the business out of his own, and place it in the hands of foreigners, who, not being taxed for the raw material, could furnish the manufactured article much cheaper, would he thank you that the tax was imposed on him, not for the purpose of necessary revenue, but for "protection?"

I have mentioned the article of brown sugar, which is but of recent production in the United States, and is now produced only in quantities in the State of Louisiana and the Territory of Florida. In 1790, when the first cost of this article in the West India islands was probably three times as much as it now is, the duty was only one cent and one-half per pound; since 1816, it has been three cents per pound. It was raised at that time with the view to the temporary encouragement of the Louisiana planters, who

were just commencing the business, and were investing their capital in purchasing and clearing the lands, in buying slaves, in erecting the houses and necessary appendages. It is no secret in the Eastern States, that immense fortunes have been made by these planters in the course of a few years: the planters themselves have returned and told us so. The price of sugar has since fallen; and it is gravely urged that this fall of price has been a consequence of the protection furnished by the tariff. There has been no tariff which has protected cotton for several years; and the price of cotton has been depressed equal to that of sugar. How does it happen, if the tariff on sugar is encouraging the growth of sugar in Louisiana and Florida, that twice the quantity of foreign sugar was imported into the United States in the year 1830, that was imported in the year preceding, as is shown by the returns reported from the Treasury Department? Sugar has become an article of consumption scarcely less alimentary than flour or rice: twenty years ago, in many places, foreign sugar was used as an article of luxury. It is of the first importance that it should come cheap to the consumer; and the consumer ought not to pay an extra tax for its protection, when it is produced in such abundance in so many places, where it is readily exchanged for many of the agricultural products of the Middle, Western, and Eastern States. There is no conceivable reason why the small farmers and mechanics, the working men of the United States, should pay a tax of fifty per cent., with twenty-five cent. added as the profit of the vender, for the protection of the rich planter of Louisiana. It has been said that the people of the United States might afford to hire all the slaves employed in the cultivation of sugar in Louisiana and Florida, at some one hundred and fifty dollars per annum a head, to do nothing, so they could be relieved from the tax on foreign sugar.

The Senator from Kentucky complains of the "scandalous violations" of the tariff law: he says, "false invoices are made as to woollens, and the classification into minimums is constantly eluded;" and inquires "whether it be not practicable to arrest this illegitimate course of trade." He complains that the valuation is made in foreign countries, and says this kind of valuation is an anomaly—that "seven-eighths of the importation of woollens into the port of New York, where more is received than in all the other ports of the United States together," are in the hands of the foreigner. A committee of the late tariff convention charges these frauds on "the American opponents of the protective system, who (they say) have endeavored to render that law as odious as possible; in which they have received material aid from those foreigners who are extensively engaged in importing from the agents of foreign manufacturers in this city," viz. New York. I am little disposed to bandy words with the American system advocates; but, so far as my knowledge extends, these gentlemen are much more engaged in purchasing, importing, and vending foreign woollens, than the opponents of the high tariff. It is believed there is not in the city of Boston a dealer in woollens, interested in the large woollen manufactures, who does not sell more British than American cloths. Come this evil from what source it may, it is an evil that must exist whenever the tax on imports is so high as to be oppressive. To the other calamities of the forcing system, we may add its demoralizing effect on the whole trading community. Such enormous duties as the tariff on woollens imposes, furnish a strong temptation to an evasion of the laws by false swearing, and all the arts of the practised smuggler. The evasions at New York are not the worst feature in this odious business. Entire cargoes of British goods are imported by way of the river St. Lawrence, for the purpose of being smuggled into the United States; and I state what I do know, when I say that professed friends of the American system in my section of the country are deeply engaged in this Canada trade. I

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know it, sir, because these men journey to and from Canada several times in a year, and because they hate and avoid custom-house officers quite as much as men of the same party hated and avoided custom-house officers during the late war with Great Britain.

Permit me, sir, to read an extract from a letter I received since I arrived here, dated December 7, 1831, from a member of the Legislature of New Hampshire, living in that part of the State bordering on the Canada line.

"At the time our Legislature was in session last June, I did not even dream that a great part of the broadcloths I saw in the stores, &c. were smuggled from Canada; but, sir, I have no doubt of the fact; and from circumstances and facts daily coming to light, there is a gang of smugglers who have been running goods through this country to Boston, Hartford, Concord, Portsmouth, Portland, &c. for eight or ten months past, and perhaps twice that length of time, and to a very considerable amount, as they convey three and four thousand dollars worth of cloths and nutmegs at a load, and frequently two and three loads have been known to pass this place in a night."

Another letter, subscribed by five gentlemen of veracity and respectability, living in a town more central in New Hampshire, under date of December 13, 1831, says:

"Every evidence short of absolute certainty is in our possession that smuggled goods are frequently, and to a large amount, carried through this village, by persons long since suspected, and now almost known to be engaged in that illicit traffic."

These letters, which furnish no new information to me, were written at a time when the winter sleighing had set in, affording facilities for rapid transport to and from Canada. As the whole frontier lies open, those who have long pursued this illegal trade know well how to avoid the few officers of the customs established at the different points. It is believed that not one case in a hundred is detected; and it has been confidently asserted and published, that insurance at the rate of fifteen per cent. on the original cost of the goods is readily procured against all risk of their arrest while on the way from Montreal to the shelves of the woollen dealer in the United States. The old offenders, who learned their trade during the war with Great Britain, in which they were then protected by some of the State authorities, in most instances prefer the "protection" which their own shrewdness and management will give their goods, rather than the "protecting duty" of fifteen per cent. paid in the shape of insurance on smuggling. They are almost to a man strong advocates for the American system, as well they may be; for under the "protection" which this system affords them, a single trip to Montreal will put more "money in their purse," at the expense of the Government and of the honest manufacturer, than they would gain in a whole year from any honest calling.

Another method may be here mentioned of evasion of duties. The gentlemen traders who have intercourse with Canada, at each journey they take, come out with one or more suits; pantaloons, vest, coat, surtout, and cloak, ready made, costing, for a full suit of the best broadcloth, less than a hundred dollars, and worth, when brought in, one hundred and fifty to two hundred dollars. Circular bills of prices, with directions how to take the measure, to be transmitted through the post office, and inviting orders, and engaging that entire suits of clothing shall be forwarded and delivered—yes, delivered, at the Montreal prices, have been seen in this city.

Were it possible to do away the evils of fraudulent invoices at New York, and secure the whole amount of duty at the real value; if the evil be as great as is represented by the friends of high duties, the channel of fraud will inevitably take a worse direction. The woollen goods will then come direct from the British provinces by water; and armed men will be unable to keep them out. Line

the whole interior frontier with a cordon of armed men, and goods will come, as they were brought during the embargo and war, from depots kept up at Halifax, St. John's, and St. Andrews; they will be there imported from England by American merchants, the professed friends of the "system and the whole system;" and they will probably find, as the same class of men found fifteen and twenty years ago, judges who will wrest the goods from the fangs of your law: certain they will never wantable lawyers, ready to interpose legal quibbles to amerce in heavy damages those faithful officers who honestly aim to execute the laws.

Since I came into the Senate this morning, my attention has been drawn to the memorial yesterday laid on your table of two hundred and seventy-six journeymen tailors of Philadelphia—that city which is the very focus of the protective tariff. The facts and inferences of this memorial are so apposite to my present object, that I must ask liberty to read a few paragraphs from it. And it should be recollected that these complaints come not from men who have frequently been in the habit of memorializing Congress, but from laboring men, in humble life, who surely ought not, on that account, to be turned off without a hearing!

After giving a history of the rise and progress, from low to high duties, on woollen cloths, and the effects of these high duties in depressing their business, the memorialists say:

"The facilities of smuggling ready made clothes, and the immense advantages resulting from it to those who can avail themselves of it, hold out temptations too strong to be resisted by the great bulk of the community; and many of us know the fact, that foreign made coats, and other garments, are now worn by the former customers of our employers, who have found agents of foreign tailors willing to supply them at a trifle more than the European prices. A coat, which is here charged at \$25, can be had in London for \$15, whilst one, for which our employers are obliged to charge \$35, can be had for £5 5, or \$23 33. The facility and cheapness of an intercourse with Canada, and the impossibility of closely watching the crews of vessels and passengers who come from Europe, present insurmountable barriers to any efficient system for preventing smuggling; and we are fearful that, if the present high duties are persevered in, smuggling will be so well established, that not even a reduction of duties to one-half would be sufficient to break it up.

"But it is not from smuggling alone that your petitioners anticipate an annual decrease of their business, under the present high rates of duty upon woollen cloths. Ready made clothing, of particular qualities, viz. that which is made of cloth upon which the highest rates of duty are charged, can be imported and sold, after paying the duty of fifty per cent., cheaper than it can be made in this country. The inevitable effect of this must be, to lead to extensive importations of ready made clothing from Europe, where labor is cheaper, not only on account of the great competition amongst laborers, but on account of the very low prices at which the laborers are enabled to clothe themselves and families.

"In thus representing our grievances, we cannot avoid bringing into view of your honorable bodies the condition of a very extensive and worthy class, who, from their sex, are prevented from addressing you. We mean the tailoresses of our city, who perform the light work of the trade. For several years past, this extensive class of females have felt the injury resulting from diminished employment, and are now in a state of extreme suffering in consequence thereof.

"The price of cloth is kept up by the high duties, so as to diminish the number of garments which people can afford to wear, or to oblige families whose means are limited to make them up themselves, and thus deprive of a job the tailoresses who would otherwise have been employed. The effect of high prices upon the demand for

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clothing is well known to our profession. We have it upon the authority of one of our principal merchant tailors, who has carried on business in this city for upwards of forty years, that, between the years 1790 and 1797, when a fashionable coat was furnished at 18 to 19 dollars, that class of customers who now purchase one or two coats in a year, used then to purchase from two to four; and there cannot be a doubt that a reduction of the duties upon every species of woollen manufacture would greatly increase the demand for the labor of journeymen tailors and tailoresses, and, at the same time, benefit all classes, by diminishing the price of clothing.

"In conclusion, your petitioners are fully convinced that a perseverance in the present policy will make their condition worse and worse; and they respectfully solicit your honorable bodies to take their case into serious consideration, and reduce the duty to the rate at which it stood by the law of 1816, that is, twenty-five per cent. *ad valorem* upon woollen cloths."

The course of my remarks has led to a digression from the direct point at issue, which was, that the tariff laws of 1824 and 1828 had been of no essential benefit to manufactures.

If it be contended that the present flourishing state of manufactures is owing to the protection of these tariff laws, I answer that the articles produced in this country, which have been protected by the lowest duties, are at this time in quite as flourishing and prosperous condition as those which have had the protection of the highest duties. Take the following, all of which are taxed at a duty of 30 per cent., and under, down to 12½, viz. buttons, hats, cabinet wares, manufactures of wood, clocks, manufactures of brass, brass in plates, earthen and stone wares, gold and silver watches, looking glasses, glass knobs, gilt wares, jewelry and paste work, leather, manufactures of brass, copper, iron, led, pewter, steel, and tin, not otherwise enumerated, millinery of every kind, ready made, nitre, spermaceti oil, whale oil, ochre, painters' colors, printing types, quills, saddles and bridles, silk shoes, leather shoes, snuffs, silks, cotton stockings, twine. The duties on these articles range, as I have said, from 30 down to 12½ per cent. Many of them are successfully manufactured in this country, and have been for years, before high duties existed. If the duties were prospectively reduced on all of them down to 20, 15, and 10 per cent., it is my firm belief—and this belief is confirmed by past experience—that the domestic manufacture would not at all be interfered with by foreign competition.

As a contrast to the foregoing comparatively moderate duties, let us turn to the duties on iron in an unmanufactured state, taxed more than one hundred per cent.; on wool, and manufactures of wool, taxed from fifty to more than two hundred per cent., and see what are already, and what inevitably must be, the effects of the enormous duties imposed for their protection—rather should I have said for their destruction. I take the facts and illustrations principally from an "exposition of the unequal, unjust operation of the present tariff system," compiled by a committee appointed at the Free Trade Convention lately held at Philadelphia.

And first as to the iron duty. After mentioning that iron was manufactured in this country previous to the revolution, in large quantities, furnishing, besides the domestic supply, more than 7,000 tons annually for exportation, the exposition proceeds:

"In the year 1784, before duties were hardly known on imports, the annual production of iron in the United States was extending vigorously. According to Mr. Coxe, in his *View of the United States*, published in 1794, there were, in Massachusetts alone, seventy-six iron works; Virginia made above 5,300 tons of iron; in Pennsylvania there were sixteen furnaces and thirty-seven large forges, besides slitting and rolling mills, that cut and rolled 1,500

tons of iron; in New Jersey there were seventy-nine forges and eight furnaces; and in Maryland, and most of the other States, iron works were very-numerous, although the details were not so well known. Mr. Coxe estimated the quantity of iron then consumed in nails and spikes at 4,000,000 pounds, of which 1,800,000 only were imported, the remainder being made at home."

Having no authentic account from 1794 to 1810, when the marshals were directed, while taking the census, to take also an account of the manufacturing establishments, these returns, although imperfect, are next given in the exposition:

"According to these returns, there were in the United States, in the year 1810, one hundred and fifty-three iron furnaces, and three hundred and thirty forges; the former making 53,908 tons of metal, and the latter 24,541 tons of bar iron. As it required 36,811 tons of pig metal, or one-third more, to make the 24,541 tons of bar iron, there would only remain 17,697 tons of pigs and castings; in other words, the actual production of iron, both wrought and cast, was 42,238 tons. The duties imposed on all descriptions of imported iron, up to the year 1810, had not got beyond fifteen per cent. *ad valorem*, with the exception of the two and a half per cent. duty, known as the Mediterranean fund, which continued during, and for some time subsequent to, the war with Tripoli. This increase of duties had been progressive. The act of July 4, 1789, commenced with seven and a half per cent. *ad valorem*, at which it remained until 1792; it was then increased to ten per cent. *ad valorem*. Under this scale of revenue duties, the manufacture of American iron had grown up to the extent stated; and the capital employed in the establishments necessary for its production, it is well known, yielded fair and liberal profits. Some of the largest fortunes in Pennsylvania, Maryland, and New Jersey, were acquired by iron masters during this period."

The exposition then goes on to give various estimates of the quantity of iron manufactured at the present time, and presents, as nearest the truth, the following:

"The author of the article 'Iron,' in the *Encyclopædia Americana*, published during the present year, expressly states that 'the total annual production of this metal in the United States cannot be estimated beyond 50,000 tons.'"

Noticing still further the testimony made by the iron masters, before a committee of Congress, in 1828, the exposition says:

"Have we not then a right to infer from this analysis of the testimony of these iron masters, that, so far from there having been any very great increase in the annual production of iron, from the year 1818 to the year 1828, it is quite doubtful whether as much iron of every description was manufactured during the latter as the former period?"

The exposition proceeds:

"What better evidence then can be produced, than the statement just given of the unequal and oppressive operation of the present high duty on raw iron, when compared with that imposed on the importation of the various foreign manufactures of the same metal. The effect of this part of the tariff system of protection has been to almost put a stop to all further competition between the domestic and foreign manufactures of hardware and ironmongery, and to cause many other articles of iron which had previously thereto been made at home by our smiths, to be manufactured abroad; and, instead of encouraging and protecting this important branch of domestic industry, has retarded the fair and natural growth of every branch of the smithing business, diminished the employment, and reduced the wages and profits of the valuable class of the American artisans actually engaged in, and dependent on it for their support."

Referring to the petition of the blacksmiths to Congress, at the three last sessions, the author says:

"Their last memorial is referred to as containing a most able and conclusive exposition of both the folly and iniquity of those provisions of the tariffs of 1816, 1824, and 1828, which relate to iron and its manufactures. The statements and reasonings of this document have not been met or refuted by the iron masters in their memorial to Congress, intended as a reply to it; and, in our opinion, cannot be answered."

The Senator from New Jersey, however, has attempted an answer, which, I must confess, was not very clear to me. When the smiths in England can procure as much iron for \$22 22, as will cost the American smiths \$90; and when a ton of frying-pans can be imported from England for \$96 24, while a ton of sheet iron from which they are made, in consequence of the duty, cannot be imported for less than \$155, it must be a sinister argument which can prove that the tariff protects American blacksmiths.

The argument of the Senator is best answered by the memorial of merchants, manufacturers, &c. of Boston, signed by an honorable Senator from Massachusetts, and supported by him in a speech in Faneuil Hall, in the year 1820. That memorial says:

"The impost on iron is particularly injurious to industry. The article is required for the machines of manufactures themselves, for all the implements of agriculture, all the tools of the mechanic arts, and for nails, of which 6,000 tons are annually made, and chiefly from foreign iron, and which are one of the very few of our manufactures now exported. A far greater number of men are now employed in converting this material into articles of use, than in extracting it from the ore; and surely the interests of the many ought not to be sacrificed by that of the few."

Since 1820, (says an eminent merchant of Boston,) the ratio of taxation by the increase of duty, and fall of iron abroad, has been nearly double.

I will now continue the quotations from the exposition. Alluding to the coking process of manufacturing iron in England, for which charcoal only is a substitute in this country, it requiring one hundred and twenty acres of woodland to produce the same iron here, that in England, by the coking process, may be obtained from less than half an acre of Staffordshire main coal, the author says:

"It is not possible, therefore, by the present mode of smelting iron, by charcoal and the hammer, to obtain the supply of iron required by the United States."

"The old process of charcoal, and the hammer, is the only one known, and the most perfect indifference has prevailed with regard to every improvement; and we have the evidence of the iron masters themselves, of their unwillingness to enter into competition with any economical or more perfect form of making iron, in their recent opposition to a company about to be formed in Pennsylvania to make iron by the coking process. It may, with perfect truth, be asserted that the tariffs of 1824 and 1828, so far from improving the manufacture of iron in the United States, have only had the effect, by removing further competition, of deadening invention, discouraging ingenuity, and actually leaving the American iron masters far behind their European brethren in the same branch of industry. As long as they are secured in the partial possession of the same market, they will make no further efforts, but continue the same rude and imperfect machinery and process, which have been wholly abandoned in England. In a word, if it be intended to advance as well as protect American industry, restrictions and impositions on imported foreign iron must be given up."

In relation to the iron masters of the interior, the same author, after remarking that the cost of transportation from the seaboard to Pittsburg is more than two hundred per cent. on the first cost of iron imported from Great Britain, says:

"The iron masters of the interior have not the shadow

of a claim for bounties or protection of any kind; their enterprise and industry, according to their own theory, require no stimulus from the Legislature to quicken their development; and give them permanence and stability. They can have no foreign competitors in the markets of the interior; and to bring their raw iron into the markets of the seaboard, requires much greater duties than even the exorbitant ones now imposed, if such high duties could ever prove more than nominal.

"The taxes now imposed on the American people, as consumers of iron, although apparently inconsiderable in reference to each individual, amount to more than four millions of dollars per annum. This is undoubtedly a heavy burden; but it is not the only evil it inflicts. The tax, at the same time, prevents the American smith, or other worker in iron, from extending his business and increasing his wages and profits, and denies him the opportunity of a fair and equal competition with his foreign rival at Birmingham or Sheffield; for it deprives the former of the cheap raw material, exclusively possessed by the latter, and by means of which the American workman could supply his own market on the same if not better terms. By throwing the market open to foreign competition, the consumption of iron would certainly be doubled, perhaps quadrupled, give employment to one hundred and fifty thousand blacksmiths, the class of artisans always most wanted, either in peace or war, in every country, and, if done by the hand, transfer the labor now performed by fifty thousand British smiths to our own fellow-citizens in American workshops. For such is the disproportion of the duty on imported hardware, in comparison with that imposed on raw iron, as we have already remarked, that the tariff acts of the United States afford bounties sufficient actually to give employment to the above mentioned number of smiths in Britain, instead of the same number of American citizens."

"Such is the ridiculous effect of the present adjustment of the duty between hardware and bar iron, that many descriptions of hardware, subject to the duty of twenty-five per cent. ad valorem, are actually imported at a lower cost than the price of the raw iron from which the same articles are manufactured."

"If the present duties be not speedily reduced, horse shoes and every other article, manufactured in whole or in part, not specified in the tariff laws, will, one after the other, be introduced. The blades of knives and prongs of forks are actually forged in England, and imported to be finished here; keys to have the wards cut out and finished, and parts of shovels, &c. Wheel tire can be imported for forty-four dollars and seventeen cents a ton, whilst the bar iron of which it is made costs, in this market, from eighty to ninety dollars a ton. A ton of imported knitting needles costs two hundred and forty-six dollars and thirty-seven cents; a ton of the wire from which they are made, duty included, three hundred and eighty-nine dollars."

To show that the manufacture of iron may be successfully pursued without the aid of heavy duties, I read from this exposition again:

"Extensive iron works, for castings of all descriptions, have been in uninterrupted and successful operation at Trois Rivières, and other places in Lower Canada, for upwards of a hundred years. Within the last ten years, at and near Long Point, on the shore of Lake Erie, in Upper Canada, American emigrants, from the State of New York, have erected large furnaces that make pig iron, stoves, machinery, and hollow ware. These castings, we are informed by one of the proprietors of these establishments, amounted, during the last year, (1831,) to the sum of thirty thousand dollars, and yield a handsome profit, although the duty on pig and bar iron, imported into the province from Britain, is only seven and a half per cent. ad valorem, according to the Quebec table of duties now lying before us."

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Take, on the contrary, another foreign sample, as the effect of high duties, furnished by a Boston merchant, as extracted from the Edinburgh Review:

"In 1790, the duty on the importation of foreign iron into France was two francs twenty centimes per quintal of two hundred and twenty pounds, equal to about four dollars per ton. In 1814, it was raised, for the purpose of protecting the iron masters against the cheaper foreign iron, to fifteen francs per quintal, or about thirty dollars per ton. This not being sufficient to secure the iron masters a monopoly of home market, it was again raised, in 1822, to twenty-five francs the quintal; thus carrying the duty up to fifty dollars a ton. These excessive duties, granted in quick succession, having raised the prices of iron at home, and reduced the importation of foreign iron, naturally attracted a great deal of capital to the iron trade, and occasioned a rapid extension.

Notwithstanding this immense duty, some foreign iron still continued to be imported, thus evincing that the protecting duty, high as it was, operated entirely as a tax on the consumers of the home made iron. An annual premium of one hundred and twelve and a half dollars per head was paid by the nation, to keep eighty thousand men employed, not for their benefit, (since they received no more wages than the average price of labor, which they would have obtained in any other occupation,) but, as with us, for the purpose of forcing an unprofitable business."

"With all this encouragement, however, to the iron business in France, it was, in 1830, in a very depressed state; partly owing to the increased price of fuel in the iron districts, and partly to that over-production and bad management commonly attendant upon a branch of business forced by prohibitions and bounties: and, according to the evidence taken before a commission of inquiry, the production of iron was not more profitable than it had been under a protecting duty of about half what it then enjoyed."

So much, Mr. President, for the protection which the high tariff affords to the important article of iron. I will now exhibit a few further illustrations, to show what has been, and what will be, the effect of the enormously high duty upon woollens.

From the exposition of Mr. Lee, of Boston, one of the most intelligent merchants in the United States, permit me to read a few extracts. He says—

"The duty on woollens under the act of 1789 was five per cent. It was subsequently advanced to seven, to twelve and a half, and, during the war, to twenty-seven and a half per cent. wholly, however, for revenue, and for no other purpose. In 1816, on the adjustment of the various claims that were put forward by those who had interests which had grown up under the war prices, it was thought just to give to the manufacturers of woollens twenty-five per cent., to fall, however, in three years to twenty per cent. But, before that period expired, a further time of seven years was allowed for a reduction of the duty to twenty per cent., and, during that interval, the act of 1824 was passed, by which the duty was raised to thirty-three and a third per cent.

"The manufacturers, not content with this duty, which, added to the common importing charges, gave them a protection against the foreign fabric of at least fifty-five per cent., again demanded more duties, which they obtained by the act of 1828, granting them rates of forty-five to one hundred and fifty per cent., and raising generally on the articles in proportion to their coarseness; thus taxing the people, not in proportion to their wealth, but to their want of it—one of the most prominent features of what is denominated the American system."

The author of the exposition, from which I have before quoted, goes into an elaborate discussion of the effect of the minimums of the tariff of 1828 on woollens. He shows that the laborer or mechanic, residing in the interior in this country, pays for the coarser cloth which he

wears three times as much as the English laborer or mechanic pays—such cloth as retails from two dollars and fifty cents to three dollars and fifty cents per yard; and at the same rate on cloths which cost from four dollars to four dollars and fifty cents. That the cloths called drabs, none of which are made in this country, costing in England two shillings and six pence per yard, are here raised by retail to one dollar and seventy cents and one dollar and eighty-seven cents per yard. That, under the two dollars and fifty cents minimum, cloths which the English consumer procures at two dollars and fifty cents per yard, are here sold for six dollars and six dollars and fifty cents per yard, and large importations of these are made—the whole production scarcely being sufficient to supply the wants of the inhabitants of one of our principal cities. That the cloths denominated "fine cloths," and which are sold at from six to eight dollars per yard—very small quantities of which are manufactured in the United States—pay, in the shape of a bounty to the American manufacturer, at the rate of eighty to ninety-five per cent. But that of the finer cloths, costing higher than eighteen shillings and sixpence, the maximum of the two dollars and fifty cents minimum, and charged under the four dollar minimum, only a few hundred pieces are imported, and none are made here at these prices; and that no cloths are imported which cost higher prices than those which render them chargeable with duties under the four dollar minimum.

He shows, that, on the article of flannels, which it is of vast importance that consumers should obtain at the least possible price, the operation of the tariff of 1828 has been peculiarly severe; that this duty, amounting to a prohibition, makes the article here cost twice and three times as much as it costs in England; and that the coarser flannels pay the higher duties. He shows that baizes, also under prohibition, are so little manufactured in this country as to be almost out of use, costing three times as much as they are sold for in England, other articles being substituted for them.

As to the effect of the duty on carpeting, forty cents per square yard of the common kind, amounting almost to a prohibition, he shows the duty on coarse wool to be so exorbitant, that the domestic manufacturer has been unable, even with a protection of one hundred per cent. to furnish any substitute. That what of this article is here produced, is made either of the coarse wool of South America, or from yarn imported from England already dyed and prepared for weaving; and that this weaving, which is almost exclusively performed by workmen from foreign countries, is all that gives it a claim to the title of American goods.

The writer says:

"Considering that nine-tenths of the people of the United States are ignorant of the real duties levied by the present tariff, and that none but practical men can be supposed to have accurate knowledge upon the subject, inasmuch as no higher rate of duty than forty-five cent. ad valorem is apparent upon the face of a law which exacts two hundred per cent. duty, we can feel no hesitation in pronouncing the system of minimum valuation to be a complete deception upon the people of the United States, in reference to the real amount of duties they are obliged to pay upon their woollen clothing.

"We have vainly attempted, by means of hotbed protection, to compensate for the disadvantages of a sparse population, high price of labor, want of skill in our operatives, and want of local concentration of the manufactories; and, above all, we have committed an error before unheard of in manufacturing countries, viz. the imposition of enormous duties on raw materials. In England, wool is admitted from foreign countries at a duty of about two cents per pound; our duty upon foreign wool is, in some instances, above thirty cents per pound."

Yet, sir, with this high duty upon wool, the manufacturers have, during the last six months, imported that arti-

cle in such quantities as has caused a reduction of the prices of American wool twenty-five per cent. in the hands of the purchasers and owners.

"Nothing (says the author just quoted) is more pernicious to manufactures than high duties upon the raw materials they consume; and American manufactures have suffered deeply from this cause almost ever since the commencement of the restrictive system."

"As an evidence of the preceding positions, we need only advert to the well known fact, that such of our manufactures as have been the least encouraged by duties, and have also enjoyed to a great extent the privileges of untaxed raw materials, have uniformly been most prosperous and least affected by change, while those which have been forced into existence by high duties, and have been obliged to use raw materials rendered dear by taxation, have always been subject to the greatest losses and fluctuations.

"The numerous manufactures which existed in great abundance in and about the city of Philadelphia, long before the rise of the American system, may be cited as examples of natural manufactures."

I might add the extensive manufacture of shoes at Lynn, Massachusetts, which has flourished for nearly half a century, and which never knocked at the doors of Congress for "more protection."

"We may enumerate the various manufactures of iron, tin, copper, brass, and pewter; those of wood, such as coaches, carts, [chaises, dearborn wagons,] wheelbarrows, cabinet ware, chairs, [pails, and other wooden vessels,] leather and its manufactures; umbrellas, [paper, books, printing types, stereotype plates,] &c., the duty on none of which has ever been higher than thirty per cent. Most of these grew into existence as investments of capital naturally profitable, without the aid of bounties or protection. On the other hand, those manufactures which have been prematurely forced upon the country by continued and increasing tariffs, have been subjected to the most distressing uncertainties and fluctuations."

"It must be borne in mind, however, that the manufacture of cotton commenced in this country under a five per cent. duty—that it steadily progressed, and yielded sufficient profits to the manufacturers, to enable them to amass large fortunes under a rate of duty never exceeding fifteen per cent., and it would unquestionably have continued to progress in such fabrics as were the best adapted to our powers of production, if the duty had never exceeded that amount."

"It is a common artifice of the advocates of high duties, to sum up the entire amount of the domestic manufactures of the United States, asserting that the whole of them owe their existence and continued support to the restrictive system, and by this means to endeavor to alarm the people by the idea that the whole of the manufacturing industry of the country is dependent upon the high duties for support, and would cease with their repeal: whereas the truth is, according to what we have already shown, that most of them had a vigorous existence before the enactment of the protective tariffs, and are now injured and stunted in their real growth and prosperity by the high duties on raw materials, and the increased expense of living, to which all artisans engaged in manufactures are subject, in consequence of the foreign articles they consume being so enormously taxed."

"The farmers, who grow wool, will be astonished that the manufacturers now complain they are deprived of a part of the protection they are supposed to enjoy under the present high tariff, by the high duty levied on the raw material, which composes the fabrics they manufacture. "It must be remembered that the duty upon wool forms no less a part of the great 'American system,' than the duty upon cloth."

"But no sooner had the law taken effect, than the latter (the manufacturer) immediately devised measures

to take from the former (the wool grower) their share of its expected profits. By means of combined efforts, or of individual exertions, immense amounts of foreign wool have been brought into the United States within the last two years; and the manufacturers, not content even with this palpable violation of the spirit of the American system, have had recourse to other measures still more prejudicial to the rights and interests of the wool grower. They discovered that by importing woollen yarn, which is admitted into this country at a duty of thirty-three per cent., whilst the duty upon raw wool is four cents per pound, and fifty per cent. upon the valuation, they could not only procure foreign wool, in this shape, upon lower terms than they could obtain either the American or the foreign wool in its raw state, but, by thus importing it, they would thereby avail themselves of the cheapness of English spinning, and the superior cheapness and excellency of the English dyes, whilst, under the provisions of our ill arranged tariff, they would be permitted to exact as high a price from the consumer for this semi-foreign fabric, as though it were really a commodity of American origin."

"The fall in the price of wool, which has taken place within six months past, amounts to about twenty-five per cent., and the article is dull at the present nominal prices, the market being glutted, and few sales taking place."

Millions of wool have been imported; and the speculators in wool have been bitten enough to equal all their gains of the previous year.

In reference to this importation of foreign yarns, I am myself a witness. Visiting, about a year ago, an extensive carpet factory, I was astonished, on inquiry, to find that the material used was spun, colored, and prepared in, and imported from, England, and that the workmen employed in weaving were all foreigners, a stout, able-bodied man being able to earn in the severe labor of weaving Brussels carpeting, which requires a skill and care uncommon to most manufactures, seventy-five cents to a dollar a day.

So much, Mr. President, for the tariff protection of woollens and wool. I might go on, and show the deleterious effect on domestic industry of the high duties on hemp and cordage. The duty and charges on a ton of Russian hemp amount to one hundred and twenty-eight dollars—a sum greater than the first cost of purchase in Russia. This duty has been raised since 1789, from twelve dollars a ton to sixty dollars a ton. But "Russian cordage, (a manufactured article,) subject to the present duty of four cents for tarred, and five cents for untarred, can be imported and sold, without loss, at ten cents per lb.—being near one cent per pound less than the raw material costs the manufacturer, under the present duty of sixty dollars per ton."

What must be the consequence of this enormous tax on the raw material? Will it not be the destruction of the home market for the growers of hemp? "Russian cordage has, already, to a considerable extent, supplied the place of the manufactured article; and our ships engaged in foreign trade to all parts of the world, can and do procure supplies abroad, at cheaper rates than in the United States."

The effect of the high duty on raw hemp has been the prostration of those numerous cordage and rope manufactories which plied so busily and so profitably twenty-five and thirty years since, in the vicinity of all our commercial towns.

A wealthy gentleman of the State in which I reside, now an "American system," advocate, because he owns some fifty to seventy-five thousand dollars in a woollen factory, and one of the meeting of some forty or fifty persons which elected delegates to represent the whole State at the Tariff Convention of New York, is also engaged extensively in commerce, and is the owner of ships. His zeal for American manufactures, which is new-born, and looks

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back only to the time when he subscribed for his manufacturing stock; his desire to protect American industry, may be estimated from the fact, that he has, during the last year, imported from the north of Europe the manufactural cordage necessary to fit out his ships; and this, too, when the laborers who have obtained a livelihood in the manufacture of cordage, living in his place, are thrown out of employ. Instances are known, where ships, owned by advocates of the American system, go to sea with old tackle and cables, and return with two, and sometimes three, spare sets of cables—evading entirely the Government duties on these articles.

By the facts and illustrations which I have presented, in the main having relation to three principal articles, to wit, iron, woollens, and hemp, and claimed to be protected by the American system, I flatter myself I have succeeded in establishing the position that the tariff laws of 1824 and 1828 are not, and have not been, of essential benefit to American manufactures and American industry.

And what does the resolution of the Senator from Kentucky propose, but drawing closer the cord of restriction? What does it propose but the destruction instead of the encouragement of American industry? He would raise eighteen millions of revenue after the public debt is discharged, when not more than ten, and at most twelve, millions are wanted to defray all proper expenses of the Government; he would continue the present high duties on iron, cottons, woollens, and hemp; he would not abate a whit of the tax on salt, brown sugar, and other necessary articles; he would take off the entire tax from many articles of husbandry which the rich man consumes, on the absurd and mistaken theory that high duties will make cheap goods.

What do the advocates of the "system" expect will be the result, should their proposition become a law? If it affords the "protection" they anticipate, would not its effect be to deprive the Government of all revenue, inasmuch as, if it shall protect, it must shut out all articles on which revenue depends? Such, however, will not be its effect. The revenue still derived will be at first undoubtedly greater than the gentleman's calculation; industry of all kinds, even the manufactures themselves, will be prostrated; commerce will suffer, and a general stagnation will ensue, till, last of all, the sources of revenue itself will be exhausted.

It is said that the system of protection which the resolution proposes—rather should I say a system of destruction—is as old as the Government itself; that it is not only the system adopted by all other enlightened nations, but that it is the system of Washington.

It is true, sir, that in the early days of the constitution there was a difference of opinion between the statesmen of that time as to the manner in which the public revenue should be collected. The most democratic part of the community contended for free and unrestricted trade with all nations in amity with the United States, and that the revenue should be collected by a direct tax on estates. Had this system been adopted, every one must admit the public burdens would have been more just and equal than they now are. Among the champions for this free trade system was George Logan, of Pennsylvania, the man, who, when "the public mind being much agitated on account of the French revolution, and the violent ascendancy of party spirit, and the nation standing on the brink of war with France, embarked for that country in June, 1798, in order to try to prevent such an issue. For this step, (my the authors of the *Encyclopædia Americana*,) he was denounced as a parricide to his country, and loaded with the utmost abuse. But he succeeded in his intentions;" he succeeded, after the Government agents had failed, and left the country, "in convincing the Directory of the impolicy of the measures pursued by France towards this country, and finally obtained a decree raising

the embargo, and liberating our seamen, and giving, through the American consul general, assurances to our Government that they desired to renew their former amity and friendship with the United States." This George Logan, who was afterwards, from 1801 to 1807, a member of this Senate, was the advocate for an entire free trade system. In a series of numbers addressed to the farmers of the United States, and published in the year 1791, he holds the following language:

"Every unprejudiced citizen must allow that the total freedom of commerce, without any restriction whatever, will be one of the principal means of promoting the prosperity of our country. In this great question you should take a decided part; and as you wish to support the general interests of the community, you should exert yourselves to expose and suppress the false principles of those men who wish to make their fortunes by monopoly and intrigue; and whose projects of opulence are ever founded upon the ruin of the people."

Again, he says:

"You can gain no possible advantage from indirect taxes upon articles of consumption; but, on the contrary, must suffer a very considerable loss. The mechanic, the manufacturer, the merchant, and every other class of citizens to whom you have occasion to pay wages, will make their charges in proportion to the duties they pay to the Government. All such expenses being deducted from the gross product of your farms, must diminish that surplus which constitutes your wealth, and in proportion to which you should pay a revenue to the State for protection. Such changes may become so great as to eat up the whole product of your industry, particularly where the soil is not always rich and fertile. In this situation you may be regarded as slaves to support the pageantry of Government, but cannot be esteemed freemen acquiring property for yourselves."

"An unjust and oppressive tax may be acquired from a free people without much difficulty, by laying a duty or excise upon articles of consumption; in which case, the purchaser thinks he is only paying the price of the commodity, whilst in fact he is paying a heavy tax. Such a system of deception may be well calculated for an aristocracy, where a few haughty and deluded men are in the habit of violating the rights of their fellow-citizens, and hold themselves unaccountable for the expenditure of the public revenue. But is it safe for a republic of freemen to be indifferent with respect to their finances?"

This is the language of one of the sages of Pennsylvania to the farmers of that patriotic State. Can it be possible she has forgotten it? Yet it seems a different policy of revenue was adopted by the Government. They did resort to duties on imports; they took up with what the friends of a high tariff call the "protective system." Was it such as is now contended for? If so, its little finger is heavier than its parent's loins; if so, it was but a chastisement with whips, and its successor does indeed lay on with scorpions. There was no duty laid by Washington, either in 1790 or 1794, that was laid for protection, as contended for by the friends of the resolution on your table. The duty on iron was then five per cent.; it is now one hundred per cent. The duty on woollens was then five per cent.; it is now from fifty to two hundred per cent. Wool manufactured was then free of duty; it is now taxed one hundred per cent. The duty on cotton cloths was then five per cent; it is now more than one hundred per cent.

Sir, the protection to American industry, afforded by the policy of Washington's administration, was not such a protection as is contemplated by the resolution on the table; nor even such a protection as the present tariff laws intend to extend. Why, sir, the strongest enemies of the present tariff would compound for a tariff that should impose twice the amount of duties imposed by the tariff of 1790.

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Sir, I will not deny that it has ever been the policy of our Government to protect domestic manufactures; but I do deny that it ever was the policy of Washington, of the first Adams, of Jefferson, or Madison, to afford a greater protection to any manufacturing interests than the legitimate purposes of revenue afforded. This, as I trust I have shown, was enough; it was the best protection ever afforded under this Government. Whether, if you go beyond this, it be constitutional or unconstitutional, it is impolitic, unjust, and unwise.

The extraordinary spectacle is now presented by the friends of the "American system," of grave arguments addressed to the American people, intended to convince them that the reduction of the tax of twenty-five cents on every pound of gunpowder tea, twenty cents on hyson, fourteen on hyson skin, and thirteen cents on all inferior teas, two cents per pound on coffee, and ten cents a bushel on salt, made by the present administration, so far from being a public benefit, has actually raised the price of all those articles!

I may be permitted here, sir, to say a word of the doctrine of internal improvements as connected with the tariff laws. That doctrine—I mean not, sir, the doctrine of making for ourselves good roads, excellent roads, and all the canals our business requires; that doctrine was repudiated in the State which I have the honor in part to represent in 1822; my colleague on this floor then endorsed the unanimous resolutions passed by that State Legislature, denying to Congress the power of making appropriations for mere objects of internal improvements. But are not these appropriations the boon that to this hour has been held out to the West to reconcile her to the tariff? She has none, or very few large manufacturing establishments to be protected, as has been shown by the Senator from South Carolina. What, then, induces her to hold on to the "American system," but that splendid part of it which offers to them millions and tens of millions to be expended on roads and canals running in every direction?

The Senator from Kentucky says, "effectual and permanent provision should be made for such internal improvements as may be sanctioned by Congress;" that this is "emphatically due to the West," and that she will "not be satisfied with an abandonment of the policy." He says the West have "no direct interest in the expenditures for the navy, the fortifications, or even the army." Have they not as much interest in all these as the interior country in any part of the old thirteen States? Particularly have not the army and its expenditures, since the termination of the war of the revolution, been as much for the benefit of the Western as of the Atlantic States? Has not our gallant navy protected as much the rights, and honor, and the property of every Western as every Eastern man? Are there not fortifications as expensive guarding the mouths of the Mississippi, and the whole commercial property of the West, as of the other rivers and harbors of our country?

But the Senator supposes something more is due to the Western than to the other States. I admit they deserve much of the country; their valor in defending it when assailed by its enemies, their enterprise in converting the wilderness into fruitful fields, and in building up towns and cities, commends them to our admiration. But, inasmuch as the Senator himself admits it would be injustice to collect money from one portion of the people to expend it on another, can Congress legitimately appropriate more to be expended on internal improvements in the Western than in the Atlantic States? At least let not this device induce the West to support the "American system," that golden eagles may come back to them in the shape of appropriations for internal improvements, for the silver dollars unnecessarily paid in high duties to protect manufactures in distant parts of the Union.

The tariff contemplated by the resolution will bear

scarcely less heavy upon the West than upon the South; and, if I may judge of the signs of the times, the people of the West are beginning to realize the fact. "A voice from Missouri," in resolutions just passed by the representatives of a large portion of her citizens, has reached us; that voice condemns a high tariff. The yeomanry of the West can calculate how much they will have to pay in taxes, and how much they will receive in appropriations for internal improvements; a contrast will show that the advantages they will derive from the "system" will not equal the disadvantages; that, while they pay the Louisiana planters three cents bounty on every pound of sugar, the Louisianians pay no bounty for their flour, corn, and bacon; that, while they pay a profit on the duties themselves, proportionate to their greater distance from a market, that greater distance depreciates the value of their own productions.

My worthy friend, the Senator from New Jersey, has presented us an elaborate and able defence of what he calls the protective system. I shall not follow that gentleman through his whole discourse, wrong as I think him in some of his facts, and mistaken as I believe him in most of his inferences. His opinion is, that the protecting system does not operate injuriously to any interest in any section of the country. If the "system" was what the term imports, it would indeed be beneficial every where. My difficulty lies in believing that hotbed protection is injurious, not only to all other interests with which it has any near or remote connexion, but to the very interest it would protect.

The credit which the friends of the "system" take for it, is like that which the wily quack takes for himself when the patient, in spite of dose on dose of deleterious medicine administered, is kept alive, and recovers by the stamina of a good constitution; the tricking practitioner claims for himself the credit of a cure, when all that he has done is to lay the foundation for employment; so long as the patient shall live, more medicine must be administered to counteract the effects of that already administered. So with domestic manufactures; when once bloated by the unnatural protection afforded by high duties, that bloating will end, like other intemperance, in *delirium tremens* and death.

Let manufacturers have their raw materials either free or at low duties, and this benefit, together with relief from the general taxation imposed by the restrictive system, and increased demand for their fabrics consequent upon this relief, will soon place them in that safe and prosperous condition where the fluctuations of foreign trade cannot materially injure them.

The Senator says, the true policy of the nation is to bring into action all the industry of the country; that it is by pushing all objects of industry that protection is afforded. If the Senator can admit the following propositions, now admitted to be the true principles of political economy, must he not also admit that his policy is very far from bringing into action all the industry of the country?

The rise of price always diminishes the consumption of a product, by putting it out of the reach of some of the consumers. The demand then diminishes, and the price of the article falls.

A tax on the raw material raises the price of the article manufactured; the ability to buy being less, less of the article is required to supply the demand.

Taxes destroy, equal to their amount, the products of labor, and at the expense of those who are unable to shift for themselves.

Taxes on imposts are not on the article itself, but on the consumer of the article.

Revenue from imposts is not value created, but value transferred; it destroys so much value in the hands of those who supply it.

When a particular production is favored, above others, by legislative protection, this is evidence that such pro-

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duction is less suitable to the wants of the nation, and less lucrative, because such production, without particular encouragement, is not able to support itself.

When profits are raised beyond what they would have been if a particular manufacture had been left to free competition, that which the producer gives is an excess of price lost by the consumer; it is not a value created, but displaced, and diminishes riches on one hand, as much as it increases them on the other.

By taxation for encouragement of manufactures, large capitalists are induced to invest their money in them. This encouragement is for the benefit of capital; thus the poor are taxed for the benefit of the rich.

A superabundance of capital will seek that employment which is most lucrative; and, when thus employed, if turned to agriculture, to manufactures, to the search of the products of the sea, or to the export and import of merchandise, gives equal employment to the industry and labor of a nation.

Sir, ever since the organization of our Government, the wealthy capitalists of this country have sought for and obtained a greater protection from Congress than the laborers and men of small capital. While capital was principally confined to commerce, every other interest must be sacrificed for the protection of commerce. And now that the large capitalists have invested millions in large manufacturing establishments, and those capitalists boast of their ability to divide their fifteen, twenty, and twenty-five per cent. per annum, while property in the soil will not yield as income of three per cent., Congress is called on to increase the burdens of the hardy tillers of the soil, to increase the tax on necessary articles of consumption, that the large manufacturers may divide still higher profits.

Sir, the manufacture of cotton cloth in the joint stock establishments of New England is greater in amount than the manufacture of all other articles in all other joint stock companies in the country. An honorable gentleman belonging to the other branch of the Legislature, whose income from his manufacturing stock the last year is said to have exceeded fifty thousand dollars, emphatically declared in my hearing, and in the face of the public, he was "ready to prove that a pound of cotton can be manufactured into cloth for less money here than in Great Britain." Another gentleman, a practical manufacturer of cotton, who has gathered a large fortune from the profits of cotton establishments in New Hampshire—who was induced to come as a delegate to a late convention at Baltimore, being taught to believe that the objects of that convention embraced much the most important item in the "American system"—but to whom I can cheerfully award the merit of being much more practical and sound in his views of manufacturing cottons than of making "American system" Presidents; this gentleman, while in this city, assured me that the business of manufacturing cottons was too good to last; that his fears were, the great encouragement now afforded would induce so many to rush into the business as to make it good for nothing. Let that rush take place; and nothing now prevents it but the general expectation that the duties will be reduced at the present, or the next session of Congress, and the manufacturers will within three years witness another revulsion such as they experienced in 1827-'28. The small men will be ruined, and the large and rich owners will carry off the spoils—purchasing up the establishments, as they purchased them before, for from twelve and a half to fifty cents on the dollar.

It is the opinion of another practical manufacturer, of my acquaintance, who has managed a cotton establishment, and made it profitable, for many years, that the immediate repeal of the law imposing duties on cottons would be disastrous, inasmuch as such repeal would at first invite an extraordinary importation of foreign cloths, by which importation both merchants and manufacturers would be equally losers: at the same time, said he, and I

use his own words, taken down at the time, "the repeal of all duties, after the importations had settled down to no more than a regular supply, could not materially injure the manufacture of cotton goods."

Thus it will be seen, from the opinions of the manufacturers themselves, that any reduction may be made in the duties on cottons without injury to the manufacturers, if that reduction shall be made prospective and gradual.

The prosperous business of the last year, like every thing else good, is set down to the credit of the tariff. Its friends contend that the protecting duties reduce prices, while in the same breath they utter their fears that prices will be reduced if the high duties shall be taken off. The prosperous condition of trade and industry, in my belief, owes nothing to the high tariff, except the credit of having been retarded by it. A greater start was given to business by the opening of the West India ports, however the arrangement by which that trade has been secured to us may be here derided, than by any other event that has transpired during the last ten years. The effect of opening those ports was immediate in my section of the country: the rise was simultaneous to that event, and has continued from that time to the present. The demand for every species of Northern (and, I believe, Southern) production, ever since that time, has exceeded the supply; and this demand continues. The price of lumber has been raised twenty-five per cent.: our shipping has been in so great demand, that the usual supply of salt and molasses, which had been brought home only because it was better than to bring home nothing, has failed, from the more lucrative employment of ships; and the consequence is—a consequence that can be only momentary—that the prices of those articles have not been reduced equal to the reduction of the duties.

I repeat, Mr. President, that it is not to the high tariff we are to attribute the present prosperity of the country. It is to other causes, which have produced an equal prosperity to the neighboring British provinces, where there are no protecting duties in force, and where the taxes on necessary articles are scarcely one-tenth what they are in the United States, which have given an impetus to trade and commerce throughout the civilized world; it is to the opening and enlarging the channels of foreign intercourse, not exactly on the restrictive principle, that we may give credit for the present activity in business, and the demand for every species of production. Among the causes for the cheapening of almost every kind of production, the rapid improvements in labor-saving machinery may be mentioned.

But, sir, let it be supposed that I am mistaken in my views in relation to the operation of the tariff; let it be supposed that particular interests have been, and may be, benefited by high protecting duties—what does "equal and exact justice" to our whole country require at the hands of its Government?

The eloquent Senator from South Carolina has drawn a picture—a gloomy picture—of the commercial capital at which he resides, and of the operation of the severe duties imposed by the tariff on his section of the country, which I am sure must have operated on all within hearing of his voice. His was not the language of menace, or threat, or taunt; it was a strong expression of the sense of injustice operating on the whole people; it was what we may well conceive to be the utterance of well founded complaint, by the whole people, against oppression which is daily becoming more aggravated, because daily deemed less necessary. It matters not to me whether or not the South, and South Carolina particularly, be really suffering the injuries to the whole extent represented; certain it is, that it is the almost unanimous opinion of the Southern people that they do thus suffer. I much regretted the spirit in which the complaints coming from the South were met by the Senator from New Jersey. His

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remarks, although I can readily excuse his feelings on this subject, surely were not provoked by any part of the speech of the Senator from South Carolina. In this instance, too, had it not been better he should have recollected that the parties stood on unequal ground? Even had it been the disposition of each party to see which could do the other the most harm—had it been a war of extermination—how cruel is it for the strongest party to glory in his advantage? I must believe that, for the moment, the Senator from New Jersey had forgotten that he possessed this advantage, when, speaking of the intentions of himself and his friends, he uttered the very significant words, “yes, we will die in the last ditch.”

I speak not without book, Mr. President, when I say that the majority of the people of my State would not “sully the mighty meed of their large honor for so much trash as may be grasped thus;” that they would not take to the amount of a cent, much less to the amount of millions, if they could grasp it, to enrich themselves at the expense of their brethren of the South. Did the people of the North pour out their blood like water to obtain the rights and privileges which we enjoy; and can they, in cool blood, deprive their brethren of the same rights and privileges, for the paltry gains which such an assumption would give? No, sir, there is still left a phalanx of freemen at the North, who will not wittingly and willingly goad their brethren to resistance for the sake of filthy lucre.

Sir, there is a good number at the North, who, for their attachment to the principles which have animated some of the best men of the country, have for more than thirty years been accused of being, first, under “Virginia influence”—more recently, under “Southern influence,” and who have been called the “white slaves of the South.” These men have often, in New England, been in the minority, and they have more than once had occasion to thank their Southern brethren that their voice has brought back the Government to the purity of first principles. Never will those men of the North who continue to stand on the ground of principle, be forgiven by their adversaries. Those adversaries have assumed all the colors of the chameleon, that they might deceive honest men, as to their real schemes and purposes. Long have the patriots of the North been reproached for their fellow-feeling with the patriots of the South, as being partisans, by men who, when they are the minority, can cry out in derision, “party, party, party;” but who themselves never performed a public act, or advocated a public measure, where party was not at the bottom. Sir, in the most perilous days of this republic, when the “rich nabobs” of the East withheld their money from the aid of their bleeding country; when the Legislature of an Eastern State resolved it was unbecoming a moral and religious people to rejoice in the success of the American arms; when secession from the Union was threatened, and openly advocated, the patriotic party in the States of New England had the physical strength sufficient to master the factious opposition, and a knowledge of this fact prevented a resort to the open force which was threatened. The Union was then preserved, and “it must be preserved.”

Is it not evident that, in five of the Southern States, embracing a white population not exceeded by any other population on earth for magnanimity and patriotism—for chivalrous attachment to principle, and for a readiness to sacrifice interest on the altar of public good—is it not evident that these five States are nearly unanimous in the opinion that the high tariff of duties on articles, none of which they manufacture, but all of which they consume, operates to their injury, without returning them a corresponding benefit? Whether the fact shall be so or not, is there not evidence of a deep and settled conviction, on the part of that people, that they must be ruined if the high duties are continued? Will they take it as a matter of favor and “conciliation,” if you now repeal the taxes on

many articles of luxury which the country cannot produce, and continue them on the principal articles of necessity, which, not they, but other sections of the country, can produce? Can it be denied that the contest now assumes this appearance—that if one interest is to be benefited, this is to be done at the expense of other interests, and that the suffering will be most felt in that section of the country where there is no pretence that any interest is to be protected? Such, at least, is the appearance of the “system” which the resolution proposes. Can we blame the South for resisting such a system? Nay, sir, convinced as we must believe them to be, that this system involves them in utter ruin, must we not anticipate consequences, such as may root up the very foundation of this Union?

I hope, Mr. President, that a desire to increase discontents, to fan the flame of division between the North and the South, forms no part of the policy of the present day. I hope there is no union of purpose between some of those politicians who urge the highest duties as necessary to the vital interests of the country, and some of those who urge to a forcible resistance of high duties, because they are oppressive. If there be any such, from them can we expect no compromise, no conciliation, no meeting on ground which shall satisfy all sections of the country. I trust there is a majority in the present Congress ready and willing to embrace the glorious opportunity which the present crisis presents, so to reduce the taxes on imports—at least to make preparation for such reduction—as will satisfy every part of the country, restoring that harmony which characterized the very best days of the republic.

The Senator from Maine has read to us extracts from Washington, and the fathers of the constitution, to prove it was their opinion a protecting tariff is constitutional. I would that all the statesmen of the present day would go further than did Washington and his compatriots, in imposing burdens upon the people. We are told that the protecting system should be adopted by us, because Great Britain and “enlightened” nations have adopted it; and yet we are told in the same argument, that it was this system of British protection which first caused the resistance of these States to British authority. How is it with Great Britain now? She does not tax her colonies one-fourth the amount that we are taxing ourselves, while at home the simple annual interest on her public debt is eight times the amount of the present principal of ours.

I thank the Senator from Maine for quoting Thomas Jefferson; and I will here present as the system I would choose, that part of Mr. Jefferson’s “report on the privileges and restrictions on the commerce of the United States,” made in 1792, which that Senator did not see fit to present. It follows:

“Instead of embarrassing commerce under piles of regulating laws, duties, and prohibitions; could it be relieved from all its shackles, in all parts of the world, could every country be employed in producing that which nature has best fitted it to produce, and each be free to exchange with others mutual surplusses for mutual wants, the greatest mass possible would then be produced of those things which contribute to human life and human happiness; the numbers of mankind would be increased, and their condition bettered.

“Would even a single nation begin with the United States this system of free commerce, it would be advisable to begin it with that nation; since it is one, by one only, that it can be extended to all. Where the circumstances of either party render it expedient to lay a revenue, by way of impost on commerce, its freedom might be modified in that particular, by mutual and equivalent measures, preserving it entire in all others.

“Some nations, not yet ripe for free commerce in all its extent, might still be willing to modify its restrictions and regulations for us, in proportion to the advantages which an intercourse with us might offer. Particularly

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they may concur with us in reciprocating the duties to be levied on each side, or in compensating any excess of duty by equivalent advantage of another nature. Our commerce is certainly of a character to entitle it to favor in most countries. The commodities we offer are either necessities of life, or materials for manufacture, or convenient subjects of revenue, and we take in exchange either manufactures, when they receive the last finish of art and industry, or more luxuries. Such customers may reasonably expect welcome and friendly treatment at every market. Customers, too, whose demands, increasing with their wealth and population, must very shortly give full employment to the whole industry of any nation whatever, in any line of supply they may get into the habit of calling for it."

Is the Senator from Maine willing to pursue such a protective system as is here proposed, not only the people of his State and mine, but the people of the South, will accord with him in sentiment: the manufacturers themselves in his State, who, he says, have been forced into the business much against their wishes, must also accord with him, since, according to his reasoning, the constant tendency of high duties has been to lower prices! If this be protection, well may they exclaim—we will have none of it! I ask the Senator, what are the sentiments of his State on this subject, and whether I am correct if I should say that six of the seven Representatives in the other branch, fresh from the people, are at odds with the whole elaborate argument on the "protecting system?" I shall leave to other and abler hands the speech of that gentleman; and content myself with expressing the hope that when, in the great jubilee of 1833, he shall make his triumphal entry in this capital of the republic as the head of a department, the chagrin of those he may displace will not prompt them in this body to institute an inquiry by what "practices disreputable to the national character" he arrived there.

Sir, on Monday the veteran Senator from Maryland, whose eye is not yet dim, nor his vigor unabated, made such a moving appeal as might have induced all on this occasion to cast sectional jealousy and sectional hostility beneath our feet—to measure out to others who believe they are unjustly suffering, that equal justice which we would claim for ourselves on an exchange of circumstances. If we will not regard the man whose head is silvered with the frosts of many winters, who more than half a century since fought our battles and helped to gain the liberty we now enjoy; if we will not make some sacrifices to avert the calamity of disunion which he deprecates; if we will not hearken to his warning voice, who stands in this body as a beacon light, directing where lie the dangerous rocks on which our bark may be stranded; neither might we be moved should one of his companions break the ceremonies of the grave, come forth and appear among us.

Mr. H. having concluded,

Mr. HOLMES rose, and said, I regret, sir, that the Senator should have interlined, in his written speech of today, any thing that I produced yesterday in debate, without first ascertaining whether it was correct. If the letter from my friend, which I read to the Senate, on the subject of the moral and religious deportment of the manufacturers of Great Falls, New Hampshire, imported in the least that religion there was made a "machinery" for temporal purposes, or individual profit, I never could forgive myself in exposing this disclosure of my friend to the Senate of the United States. In New England, every where, a perversion of the precepts of our holy religion to objects of profit would be pointedly condemned by the moral sense of the community. And could I have supposed that the letter which I produced disclosed such a practice or purpose, for the sake of the writer, and the community where he resides, I could never have exposed it. I will read the part which relates to this subject.

"In this village we can say, without exaggeration, that less crime or misbehavior of any kind can scarcely, if ever, be met with in any community, however pure. Much and increasing attention is bestowed by our ministers of each persuasion upon the moral and religious instruction of those composing our village; and the number who constantly attend the different churches and places of worship, is very great in proportion to the population. The company give such encouragement to the subject as they with propriety can, and do not for a moment countenance any improper or irreligious conduct. Persons of this latter description always meet with a prompt and invariable discharge from the premises."

[Mr. HILL—Read the whole.]

This is all, sir, said Mr. H., to which his remarks applied, but here is the letter, and the Senator may have it until to-morrow morning to examine, if he chooses. And, sir, is the encouragement to religious worship, and the discharge from employment for immoral and irreligious conduct, "machinery"—persecution? Is there a man in New England, who regards his character at all for religion or morals, who would dare to condemn such an example? Is there, indeed, any one who would continue to withhold his approbation? Sir, I trust and hope that it will be long, very long, before "immoral and irreligious conduct" will cease in New England to be a disqualification for employment or office.

The Senator, sir, in his closing remarks, in the speech which he read, very gratuitously alludes to a resolution of mine, on a late nomination, the fate of which must have excited his sympathy, and seems to think that should I be hereafter translated to some future cabinet, I should not be disposed to inquire by what "disgraceful practices" I obtained my place. Sir, I assure the Senator that I have not the remotest expectation of such a promotion; and should I ever be so fortunate as to succeed to the place which he once held, and be presented to this Senate for their advice and consent, I hope and trust I should not be rejected for the "practices" imputed to the Senator from New Hampshire. The Senator, sir, quite as gratuitously travelled out of his way to charge me with inconsistency. It is true, sir, that I have hitherto objected to the progress of the protection of domestic manufactures. But I have yet to learn that objection on the ground of prematurity was an objection to the principle. What would have been premature, and consequently inexpedient, in 1816, may be very proper and expedient now. Suppose that a person should be nominated to this Senate for an office, having no other than party pretensions, and, upon inquiry, I should doubt whether he had yet done enough for "the party" whose cause he had recently espoused, or whether he had not, in his indiscreet zeal, injured it, I might very properly reject him upon the prematurity of his claims, without deciding upon his ultimate merits.

I find, sir, that, by obtaining this letter from Great Falls, in New Hampshire, I have invaded the Senator's province, and overreached upon his jurisdiction. I regret, exceedingly, that the Senator's jealousy should exclude me from obtaining information from his constituents. I assure him I did not intend an invasion of his dominions. I thought it only an act of civility reciprocated for his kind interferences, not only to seek information from my constituents, but to give them wholesome counsel, especially on the eve of an election.

As to consistency, sir, man is a changeable being—he is in perpetual mutation; so much so, that philosophers have doubted whether there are or not more *stamina vite*, some principles of existence which remain unchanged through all the various revolutions to which he is subject; and equally changeable is his mind. This mutable propensity is discoverable in all New England, and is very common, I believe, in the Senator's own State; indeed, it may be found in the Senator himself. I have had, among my

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papers, something that indicates this mutability. Yes, here it is. I have it now—a few extracts from the New Hampshire Patriot, edited then, and probably now, by that same Senator.

"When the illustrious Monroe shall retire, we believe no individual will stand more conspicuous for the Presidency than Mr. Adams. The only objection urged against him, so far from being an objection, is a strong reason why the people should delight to honor him. It is that he has not the manners of a courtier, that his address is plain, that he does not make all the parade which is peculiar to the great ones of the earth." Good!

"Who will be the republican candidate, is not so certain. It will undoubtedly be, as in all former cases, some man who 'noble ends by noble means pursues,' some person who is the antipode of Clinton. If we were to look for such a character, we feel a perfect confidence in saying that no man unites more of the qualities of the honest, upright, and able statesman, than John Q. Adams." Very well!

"If the choice of President was to depend on the republican voters of New Hampshire, we do not doubt that, with the present impressions, Mr. Adams would be the man. They love and honor him, not only because he is a son of New England, but because he possesses talents of the first order, and because those talents, in times of peril, were devoted to the cause of his country." Better still!

Of another gentleman, whose name, from delicacy, I will suppress, this writer says: "Although emphatically a republican, in the party sense of the term, no man who has presided in the Hall of Congress, ever commanded the same respect of all parties, as did this gentleman—no man ever discharged the duties of Speaker with equal ability, and equal impartiality. Younger than Mr. Adams or Mr. Crawford, he is, perhaps, not inferior to either in either respect. As a popular orator, there is probably not his equal in the country; and for ardor of attachment to republican principles, he is behind none of his countrymen." Excellent!

Since these adulations and eulogies, the Senator himself must have undergone considerable mutation, or, from prudential motives, he stifles the opinions which he entertains.

"We love our civil rights and privileges too well to place Jackson in the presidential chair. We do not like to be hanged without rhyme or reason. Let Jackson command our armies, but let some other man rule the nation."

Mr. HILL, in reply, said, he had no intention to sneer at morality or religion; he respected all moral and religious institutions when confined to their appropriate spheres. These had been abused for sinister purposes; and if the tenor of the letter could not be understood here, he believed it would be well understood near the place where it was written. Having been furnished with the letter, he read from it:

"The company give such encouragement to this subject [moral and religious instruction] as they with propriety can, and do not for a moment countenance any improper or irreligious conduct; persons of this latter description always meet with a prompt and invariable discharge from the premises. . . . A large majority of our girls have seriously attached themselves to one or other of the religious denominations, (of which we have four or five,) and will not, consistently with their feelings, work or associate in any manner with those of even doubtful character. This at once brings the matter to our ears, and we rarely hesitate." [That is, the females who unite themselves in membership to some church, (and in some establishments there is one, and only one church,) act as informers against those who do not choose to join; these last are of "doubtful character;" and when such are once informed against, they are dismissed without hesitation, and turned on the cold charity of the world. Such "irreligion" as this is

attended by a "prompt and invariable discharge." Instances have been known of discharges simply to males and females, attending constantly public worship chose not to attend at the place and denomination preferred by a factory agent; this may be denominated "psecution for opinion's sake."]

"Excepting at the bar of the hotel, the company, not permit any liquor to be sold upon their premises; as there is not within the corporation any spirituous liquors retailed, except at the hotel."

Mr. HILL said he had not mistaken the spirit of the letter, although he had only heard it read hastily. Taken in connexion with other cases of coercion within his knowledge, in other establishments, his first impressions of the letter were unchanged.

As to the quotation from the New Hampshire Patriot published ten or fifteen years ago, having relation to certain men who have been conspicuous before the people Mr. H. said, the answer he would make was—"We sometimes change; but principles never change." In reference to the publications quoted by the Senator from Maine from the New Hampshire Patriot, it may be proper to explain further, that, up to that time, from the embargo, and through the war, both Messrs. Adams and Clay had acted with, and been supported by, the patriot party of the country, and been constantly opposed by the men of the Hartford Convention; under this state of things, the New Hampshire Patriot supported them. But under a change of circumstances, when these gentlemen threw themselves upon the federal party for support, and when Mr. Clay himself had proscribed the New Hampshire Patriot, for refusing to go over with him to the federal party, must not the Patriot have changed too, if it had continued that support? Mr. Clay is now in full communion with Mr. Webster, and the whole federal party of the East; nay, more, in the Senate of the United States, he has made a violent attack on Albert Gallatin, whom the late administration appointed minister to England, and without whose aid Mr. Clay could never have negotiated the treaty of Ghent, and accused him of being a heartless foreigner, who never had one American feeling. Is this no evidence that Mr. Clay has changed?

Mr. CLAY then rose, and expressed a wish to address the Senate again on the subject under debate, but, as the hour was late, moved an adjournment; and

The Senate adjourned.

THURSDAY, FEBRUARY 2.

The resolution offered yesterday by Mr. FRELINGHUYSEN, respecting the observance of Indian treaties, being taken up in course,

Mr. FRELINGHUYSEN observed that he was not disposed to interrupt the progress of the debate on the tariff assigned for to-day, and he would, therefore, move to the resolution on the table, and make it the order of the day for Tuesday next; which motion was adopted.

THE TARIFF.

On motion of Mr. HAYNE, the remaining business of the morning was postponed, and the resolution of Mr. CLAY, on the subject of the tariff, taken up.

Mr. CLAY being entitled to the floor, was about to proceed; when

Mr. HAYNE rose, and said, that before the Senator commenced his remarks, it was due to him that he [Mr. CLAY] should explain the course he intended to pursue. He proposed, before the question was taken, to call for a vision of it, so as to have it first taken on striking out the resolution of the Senator from Kentucky—thus calling upon the Senate to decide on the isolated question, whether any reduction whatever was to be made on the protected articles during the present session, or whether the reduction was to be confined to the unprotected articles,

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should extend only to six or seven millions of dollars after the extinction of the public debt. If the resolution of the Senator from Kentucky should prevail, there would of course be an end of the whole question. But if the Senate should agree to strike out, his amendment would then come up for consideration, and would be open to any modification the Senate might think proper to adopt. That amendment had been originally intended to embrace what he understood would be the proposition of the free trade convention. He had understood, however, since, that it varied somewhat from that proposition; and when he should be made acquainted with the precise character of the views presented in the memorial of that convention, he should probably modify his amendment so as to conform to them. It was certainly not his intention to increase the taxes; and he should put his amendment in such a shape as to preclude the inference that duties were to be imposed on articles now admitted duty free, unless, on a full examination by a committee, any of those articles should appear to be fit subjects for taxation. Mr. H. went on to say, that while he was up he would notice an error into which he had fallen in the course of his remarks on this subject on a former occasion, and which the Senator from Kentucky had since brought to his view. He had, on that occasion, quoted from an "Exposition of evidence in support of a memorial to Congress of the Free Trade Convention, prepared by Henry Lee, of Boston," a passage to be found in a note in which certain extracts from Niles's Register were referred to in support of the views of the writer. The Exposition having just been put into his hands, and his attention being called to this note, he had read to the Senate a sentence in which the opinions of Mr. Niles and those of Mr. Lee were so connected together, as to have made on his mind the impression, for the moment, that the whole sentence had proceeded from Mr. Niles. The error, however, was corrected in the printed speech, which assigns to Mr. Niles and Mr. Lee the sentiments entertained by those gentlemen, respectively, with regard to the character of the tariff of 1828.

[Mr. CLAY said he was glad the gentleman from South Carolina had made the explanation, which was alike justly due to his worthy friend Mr. N., and manly, frank, and honorable on the part of the gentleman from South Carolina himself.]

Mr. CLAY then proceeded to address the Senate in vindication of his resolution, and of the protecting system, as follows:

In one sentiment, Mr. President, expressed by the honorable gentleman from South Carolina, [Mr. HAYNE,] though, perhaps, not in the sense intended by him, I entirely concur. I agree with him, that the decision on the system of policy embraced in this debate involves the future destiny of this growing country. One way, I verily believe, it would lead to deep and general distress, general bankruptcy, and national ruin, without benefit to any part of the Union. The other, the existing prosperity will be preserved and augmented, and the nation will continue rapidly to advance in wealth, power, and greatness, without prejudice to any section of the confederacy.

Thus viewing the question, I stand here as the humble but zealous advocate, not of the interests of one State, or seven States only, but of the whole Union. And never before have I felt more intensely the overpowering weight of that share of responsibility which belongs to me in these deliberations. Never before have I had more occasion than I now have, to lament my want of those intellectual powers, the possession of which might enable me to unfold to this Senate, and to illustrate to this people, great truths intimately connected with the lasting welfare of my country. I should, indeed, sink, overwhelmed and subdued, beneath the appalling magnitude of the task which lies before me, if I did not feel myself sustained and fortified by a thorough consciousness of the justness of the cause which I have

espoused, and by a persuasion, I hope not presumptuous, that it has the approbation of that Providence who has so often smiled upon these United States.

Eight years ago, it was my painful duty to present to the other House of Congress an exaggerated picture of the general distress pervading the whole land. We must all yet remember some of its frightful features. We all know that the people were then oppressed and borne down by an enormous load of debt; that the value of property was at the lowest point of depression; that ruinous sales and sacrifices were every where made of real estate; that stop laws and relief laws and paper money were adopted to save the people from impending destruction; that a deficit in the public revenue existed, which compelled Government to seize upon, and divert from its legitimate object, the appropriation to the sinking fund, to redeem the national debt; and that our commerce and navigation were threatened with a complete paralysis. In short, sir, if I were to select any term of seven years since the adoption of the present constitution, which exhibited a scene of the most wide-spread dismay and desolation, it would be exactly that term of seven years which immediately preceded the establishment of the tariff of 1824.

I have now to perform the more pleasing task of exhibiting an imperfect sketch of the existing state of the unparalleled prosperity of the country. On a general survey, we behold cultivation extended, the arts flourishing, the face of the country improved, our people fully and profitably employed, and the public countenance exhibiting tranquillity, contentment, and happiness. And, if we descend into particulars, we have the agreeable contemplation of a people out of debt; land rising slowly in value, but in a secure and salutary degree; a ready, though not extravagant market for all the surplus productions of our industry; innumerable flocks and herds browsing and gambolling on ten thousand hills and plains, covered with rich and verdant grasses; our cities expanded, and whole villages springing up, as it were, by enchantment; our exports and imports increased and increasing; our tonnage, foreign and coastwise, swelling and fully occupied; the rivers of our interior animated by the perpetual thunder and lightning of countless steamboats; the currency sound and abundant; the public debt of two wars nearly redeemed; and, to crown all, the public treasury overflowing, embarrassing Congress, not to find subjects of taxation, but to select the objects which shall be liberated from the impost. If the term of seven years were to be selected of the greatest prosperity which this people have enjoyed since the establishment of their present constitution, it would be exactly that period of seven years which immediately followed the passage of the tariff of 1824.

This transformation of the condition of the country from gloom and distress to brightness and prosperity, has been mainly the work of American legislation, fostering American industry, instead of allowing it to be controlled by foreign legislation, cherishing foreign industry. The foes of the American system, in 1824, with great boldness and confidence, predicted, 1st. The ruin of the public revenue, and the creation of a necessity to resort to direct taxation. The gentleman from South Carolina, [Mr. HAYNE,] I believe, thought that the tariff of 1824 would operate a reduction of revenue to the large amount of eight millions of dollars. 2d. The destruction of our navigation. 3d. The desolation of commercial cities. And 4th. The augmentation of the price of objects of consumption, and further decline in that of the articles of our exports. Every prediction which they made has failed—utterly failed. Instead of the ruin of the public revenue, with which they then sought to deter us from the adoption of the American system, we are now threatened with its subversion, by the vast amount of the public revenue produced by that system. Every branch of our navigation has increased. As to the desolation of our cities, let us take, as an exam-

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ple, the condition of the largest and most commercial of all of them, the great Northern capital. I have in my hands the assessed value of real estate in the city of New York, from 1817 to 1831. This value is canvassed, contested, scrutinized, and adjudged, by the proper sworn authorities. It is, therefore, entitled to full credence. During the first term, commencing with 1817, and ending in the year of the passage of the tariff of 1824, the amount of the value of real estate was, the first year, \$57,799,435, and, after various fluctuations in the intermediate period, it settled down at \$52,019,730, exhibiting a decrease, in seven years, of \$5,779,705. During the first year of 1825, after the passage of the tariff, it rose, and, gradually ascending throughout the whole of the latter period of seven years, it finally, in 1831, reached the astonishing height of \$95,716,485! Now, if it be said that this rapid growth of the city of New York was the effect of *foreign commerce*, then it was not correctly predicted, in 1824, that the tariff would destroy foreign commerce, and desolate our commercial cities. If, on the contrary, it be the effect of internal trade, then internal trade cannot be justly chargeable with the evil consequences imputed to it. The truth is, it is the joint effect of both principles, the domestic industry nourishing the foreign trade, and the foreign commerce, in turn, nourishing the domestic industry. Nowhere, more than in New York, is the combination of both principles so completely developed. In the progress of my argument I will consider the effect upon the price of commodities, produced by the American system, and show that the very reverse of the prediction of its foes, in 1824, has actually happened.

Whilst we thus behold the entire failure of all that was foretold against the system, it is a subject of just felicitation to its friends, that all their anticipations of its benefits have been fulfilled, or are in progress of fulfilment. The honorable gentleman from South Carolina has made an allusion to a speech made by me, in 1824, in the other House, in support of the tariff, and to which, otherwise, I should not have particularly referred. But I would ask any one, who could now command the courage to peruse that long production, what principle there laid down is not true? what prediction then made has been falsified by practical experience?

It is now proposed to abolish the system to which we owe so much of the public prosperity, and it is urged that the arrival of the period of the redemption of the public debt has been confidently looked to as presenting a suitable occasion to rid the country of the evils with which the system is alleged to be fraught. Not an inattentive observer of passing events, I have been aware that, among those who were most eagerly pressing the payment of the public debt, and, upon that ground, were opposing appropriations to other great interests, there were some who cared less about the debt than the accomplishment of other objects. But the people of the United States have not coupled the payment of *their* public debt with the destruction of the protection of *their* industry, against foreign laws and foreign industry. They have been accustomed to regard the extinction of the public debt as relief from a burden, and not as the infliction of a curse. If it is to be attended or followed by the subversion of the American system, and an exposure of our establishments and our productions to the unguarded consequences of the selfish policy of foreign Powers, the payment of the public debt will be the bitterest of curses. Its fruit will be like the fruit

"Of that forbidden tree, whose mortal taste
Brought death into the world, and all our woe,
"With loss of Eden."

If the system of protection be founded on principles erroneous in theory, pernicious in practice—above all, if it be unconstitutional, as is alleged, it ought to be forthwith abolished, and not a vestige of it suffered to remain. But, before we sanction this sweeping denunciation, let us look a little

at this system, its magnitude, its ramifications, its duration, and the high authorities which have sustained it. We shall see that its foes will have accomplished comparatively nothing, after having achieved their present aim of breaking down our iron foundries, our woollen, cotton, and hemp manufactories, and our sugar plantations. The destruction of these would undoubtedly lead to the sacrifice of immense capital, the ruin of many thousands of our fellow-citizens, and incalculable loss to the whole community. But their prostration would not disfigure, nor produce greater effect upon the *whole* system of protection, in all its branches, than the destruction of the beautiful domes upon the Capitol would occasion to the magnificent edifice which they surmount. Why, sir, there is scarcely an interest, scarcely a vocation in society, which is not embraced by the beneficence of this system.

It comprehends our coasting tonnage and trade, from which all foreign tonnage is absolutely excluded.

It includes all our foreign tonnage, with the inconsiderable exception made by treaties of reciprocity with a few foreign Powers.

It embraces our fisheries, and all our hardy and enterprising fishermen.

It extends to almost every mechanic art: to tanners, cordwainers, tailors, cabinet-makers, hatters, tinnerns, brass-workers, clock-makers, coach-makers, tallow-chandlers, trace-makers, rope-makers, cork-cutters, tobacconists, whip-makers, paper-makers, umbrella-makers, glass-blowers, stocking-weavers, button-makers, saddle and harness-makers, cutlers, brush-makers, book-binders, dairy-men, milk-farmers, black-smiths, type-founders, musical instrument-makers, basket-makers, milliners, potters, chocolate-makers, floor-cloth-makers, bonnet-makers, hair-cloth-makers, copper-smiths, pencil-makers, bellows-makers, pocket book-makers, card-makers, glue-makers, mustard-makers, lumber-sawyers, saw-makers, scale-beam-makers, scythe-makers, wood-saw-makers, and many others. The mechanics enumerated enjoy a measure of protection adapted to their several conditions, varying from twenty to fifty per cent. The extent and importance of some of these artisans may be estimated by a few particulars. The tanners, curriers, boot and shoe-makers, and other workers in hides, skins, and leather, produce an ultimate value per annum of forty millions of dollars; the manufacturers of hats and caps produce an annual value of fifteen millions; the cabinet-makers, twelve millions; the manufacturers of bonnets and hats for the female sex, lace, artificial flowers, combs, &c., seven millions; and the manufacturers of glass, five millions.

It extends to all lower Louisiana, the Delta of which might as well be submerged again in the Gulf of Mexico, from which it has been a gradual conquest, as now to be deprived of the protecting duty upon its great staple.

It affects the cotton planter* himself, and the tobacco planter, both of whom enjoy protection.

The total amount of the capital vested in sheep, the land to sustain them, wool, woollen manufactures, and woollen fabrics, and the subsistence of the various persons directly or indirectly employed in the growth and manufacture of the article of wool, is estimated at one hundred and sixty-seven millions of dollars, and the number of persons at one hundred and fifty thousand.

The value of iron, considered as a raw material, and of its manufactures, is estimated at twenty-six millions of dollars per annum. Cotton goods, exclusive of the capital vested in the manufacture, and of the cost of the raw material, are believed to amount, annually, to about twenty millions of dollars.

* To say nothing of cotton produced in other foreign countries, the cultivation of this article, of a very superior quality, is constantly extending in the adjacent Mexican provinces; and, but for the duty, probably a large amount would be introduced into the United States, down Red river and along the coast of the Gulf of Mexico.

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These estimates have been carefully made by practical men, of undoubted character, who have brought together and embodied their information. Anxious to avoid the charge of exaggeration, they have sometimes placed their estimates below what was believed to be the actual amount of these interests. With regard to the quantity of bar and other iron annually produced, it is derived from the known works themselves; and I know some in Western States which they have omitted in their calculations.

Such are some of the items of this vast system of protection, which it is now proposed to abandon. We might well pause and contemplate, if human imagination could conceive the extent of mischief and ruin from its total overthrow, before we proceed to the work of destruction. Its duration is worthy, also, of serious consideration. Not to go behind the constitution, its date is coeval with that instrument. It began on the ever memorable 4th day of July—the 4th day of July, 1789. The second act which stands recorded in the statute book, bearing the illustrious signature of George Washington, laid the corner stone of the whole system. That there might be no mistake about the matter, it was then solemnly proclaimed to the American people and to the world, that it was *necessary* for “the encouragement and *protection* of manufactures,” that duties should be laid. It is in vain to urge the small amount of the measure of protection then extended. The great principle was then established by the fathers of the constitution, with the father of his country at their head. And it cannot now be questioned, that, if the Government had not then been new and the subject untried, a greater measure of protection would have been applied, if it had been supposed necessary. Shortly after, the master minds of Jefferson and Hamilton were brought to act on this interesting subject. Taking views of it appertaining to the departments of foreign affairs and of the treasury, which they respectively filled, they presented, severally, reports which yet remain monuments of their profound wisdom, and came to the same conclusion of protection to American industry. Mr. Jefferson argued that foreign restrictions, foreign prohibitions, and foreign high duties, ought to be met, at home, by American restrictions, American prohibitions, and American high duties. Mr. Hamilton, surveying the entire ground, and looking at the inherent nature of the subject, treated it with an ability which, if ever equalled, has not been surpassed, and earnestly recommended protection.

The wars of the French revolution commenced about this period, and streams of gold poured into the United States through a thousand channels, opened or enlarged by the successful commerce which our neutrality enabled us to prosecute. We forgot, or overlooked, in the general prosperity, the necessity of encouraging our domestic manufactures. Then came the edicts of Napoleon, and the British orders in council; and our embargo, non-intercourse, non-importation, and war, followed in rapid succession. These national measures, amounting to a total suspension, for the period of their duration, of our foreign commerce, afforded the most efficacious encouragement to American manufactures; and, accordingly, they every where sprung up. Whilst these measures of restriction and this state of war continued, the manufacturers were stimulated in their enterprises by every assurance of support, by public sentiment, and by legislative resolves. It was about that period (1808) that South Carolina bore her high testimony to the wisdom of the policy, in an act of her Legislature, the preamble of which, now before me, reads: “Whereas the establishment and *encouragement* of domestic manufactures is conducive to the interest of a State, by adding new *incentives to industry*, and as being the means of disposing, to advantage, the surplus productions of the *agriculturist*: And whereas, in the present unexampled state of the world, their establishment in our country is not only *expedient*, but *politic*, in rendering us

independent of foreign nations.” The Legislature, not being competent to afford the most efficacious aid, by imposing duties on foreign rival articles, proceeded to incorporate a company.

Peace, under the treaty of Ghent, returned in 1815, but there did not return with it the golden days which preceded the edicts levelled at our commerce by Great Britain and France. It found all Europe tranquilly resuming the arts and the business of civil life. It found Europe no longer the consumer of our surplus, and the employer of our navigation, but excluding, or heavily burdening, almost all the productions of our agriculture; and our rivals in manufactures, in navigation, and in commerce. It found our country, in short, in a situation totally different from all the past—new and untried. It became necessary to adapt our laws, and especially our laws of import, to the new circumstances in which we found ourselves. Accordingly, that eminent and lamented citizen, then at the head of the treasury, (Mr. Dallas,) was required, by a resolution of the House of Representatives, under date the 23d day of February, 1815, to prepare and report to the succeeding session of Congress a system of revenue conformable with the actual condition of the country. He had the circle of a whole year to perform the work, consulted merchants, manufacturers, and other practical men, and opened an extensive correspondence. The report which he made at the session of 1816, was the result of his inquiries and reflections, and embodies the principles which he thought applicable to the subject. It has been said that the tariff of 1816 was a measure of mere revenue; and that it only reduced the war duties to a peace standard. It is true that the question then was, how much, and in what way, should the double duties of the war be reduced? Now, also, the question is, on what articles shall the duties be reduced so as to subject the amount of the future revenue to the wants of the Government? Then it was deemed an inquiry of the first importance, as it should be now, how the reduction should be made, so as to secure proper encouragement to our domestic industry. That this was a leading object in the arrangement of the tariff of 1816, I well remember, and it is demonstrated by the language of Mr. Dallas. He says, in his report, “There are few, if any Governments, which do not regard the establishment of domestic manufactures as a chief object of public policy. The United States have *always* so regarded it. . . . The demands of the country, while the acquisition of supplies from foreign nations was either prohibited or impracticable, may have afforded a sufficient inducement for this investment of capital, and this application of labor; but the inducement, in its necessary extent, must fail, when the day of *competition* returns. Upon that change in the condition of the country, the preservation of the manufactures, which private citizens, under favorable auspices, have constituted the property of the nation, becomes a consideration of general policy, to be resolved by a recollection of past embarrassments; by the certainty of an increased difficulty of reinstating, upon any emergency, the manufactures which shall be allowed to perish and pass away.” &c. The measure of protection which he proposed was not adopted, in regard to some leading articles, and there was great difficulty in ascertaining what it ought to have been. But the *principle* was then distinctly asserted, and fully sanctioned.

The subject of the American system was again brought up in 1820, by the bill reported by the chairman of the Committee on Manufactures, now a member of the bench of the Supreme Court of the United States, and the principle was successfully maintained by the representatives of the people; but the bill which they passed was defeated in the Senate. It was revived in 1824, the whole ground carefully and deliberately explored, and the bill then introduced, receiving all the sanctions of the constitution,

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became the law of the land. An amendment of the system was proposed in 1828, to the history of which I refer with no agreeable recollections. The bill of that year, in some of its provisions, was framed on principles directly adverse to the declared wishes of the friends of the policy of protection. I have heard (without vouching for the fact) that it was so framed, upon the advice of a prominent citizen, now abroad, with the view of ultimately defeating the bill, and with assurances that, being altogether unacceptable to the friends of the American system, the bill would be lost. Be that as it may, the most exceptionable features of the bill were stamped upon it, against the earnest remonstrances of the friends of the system, by the votes of Southern members, upon a principle, I think, as unsound in legislation as it is reprehensible in ethics. The bill was passed, notwithstanding, it having been deemed better to take the bad along with the good which it contained, than reject it altogether. Subsequent legislation has corrected very much the error then perpetrated, but still that measure is vehemently denounced by gentlemen who contributed to make it what it was.

Thus, sir, has this great system of protection been gradually built, stone upon stone, and step by step, from the 4th July, 1789, down to the present period. In every stage of its progress it has received the deliberate sanction of Congress. A vast majority of the people of the United States has approved, and continues to approve it. Every Chief Magistrate of the United States, from Washington to the present, in some form or other, has given to it the authority of his name; and, however the opinions of the existing President are interpreted south of Mason and Dixon's line, on the north they are, at least, understood to favor the establishment of a *judicious* tariff.

The question, therefore, which we are now called upon to determine, is not whether we shall establish a new and doubtful system of policy, just proposed, and for the first time presented to our consideration; but whether we shall break down and destroy a long established system, patiently and carefully built up, and sanctioned, during a series of years, again and again, by the nation and its highest and most revered authorities. And are we not bound deliberately to consider whether we can proceed to this work of destruction without a violation of the public faith? The people of the United States have justly supposed that the policy of protecting *their* industry, against *foreign* legislation and *foreign* industry, was fully settled, not by a single act, but by repeated and deliberate acts of Government, performed at distant and frequent intervals. In full confidence that the policy was firmly and unchangeably fixed, thousands upon thousands have invested their capital, purchased a vast amount of real and other estate, made permanent establishments, and accommodated their industry. Can we expose to utter and irretrievable ruin this countless multitude, without justly incurring the reproach of violating the national faith?

I shall not discuss the constitutional question. Without meaning any disrespect to those who raise it, if it be debatable, it has been sufficiently debated. The gentleman from South Carolina suffered it to fall unnoticed from his budget; and it was not until after he had closed his speech and resumed his seat, that it occurred to him that he had forgotten it, when he again addressed the Senate, and, by a sort of protestation against any conclusion from his silence, put forward the objection. The recent Free Trade Convention at Philadelphia, it is well known, were divided on the question; and although the topic is noticed in their address to the public, they do not *avow* their own *belief* that the American system is unconstitutional, but *represent* that *such* is the opinion of respectable portions of the American people. Another address to the people of the United States, from a high source, during the past year, treating this subject, does not *assert* the opinion of the distinguished author, but *states* that of others to be that

it is unconstitutional. From which I infer that he did not, himself, believe it unconstitutional.

[Here the VICE PRESIDENT interposed, and remarked that if the Senator from Kentucky alluded to him, he must say that his opinion was, that the measure was unconstitutional.]

When, sir, said Mr. CLAY, I contended with you, side by side, and with perhaps less zeal than you exhibited, in 1816, I did not understand you then to consider the policy forbidden by the constitution.

[The VICE PRESIDENT again interposed, and said that the constitutional question was not debated at that time, and that he had never expressed an opinion contrary to that now intimated.]

I give way with pleasure, said Mr. CLAY, to these explanations, which I hope will always be made when I say any thing bearing on the individual opinions of the chair. I know the delicacy of the position, and sympathize with the incumbent, whoever he may be. It is true, the question was not debated in 1816; and why not? Because it was not debatable; it was then believed not fairly to arise. It never has been made, as a distinct, substantial, and leading point of objection. It never was made until the discussion of the tariff of 1824,* when it was rather hinted at, as against the *spirit* of the constitution, than formally announced, as being contrary to the provisions of that instrument. What was not dreamt of before, or in, 1816, and scarcely thought of in 1824, is now made, by excited imaginations, to assume the imposing form of a serious constitutional barrier.

Such are the origin, duration, extent, and sanctions of the policy which we are now called upon to subvert. Its beneficial effects, although they may vary in degree, have been felt in all parts of the Union. To none, I verily believe, has it been prejudicial. To the North, every where testimonies are borne to the high prosperity which it has diffused. There, all branches of industry are animated and flourishing. Commerce, foreign and domestic, active; cities and towns springing up, enlarging and beautifying; navigation fully and profitably employed, and the whole face of the country smiling with improvement, cheerfulness, and abundance. The gentleman from South Carolina has supposed that we, in the West, derive no advantages from this system. He is mistaken. Let him visit us, and he will find, from the head of La Belle Rivière, at Pittsburg, to America, at its mouth, the most rapid and gratifying advances. He will behold Pittsburg itself, Wheeling, Portsmouth, Maysville, Cincinnati, Louisville, and numerous other towns, lining and ornamenting the banks of that noble river, daily extending their limits, and prosecuting, with the greatest spirit and profit, numerous branches of the manufacturing and mechanic arts. If he will go into the interior, in the State of Ohio, he will there perceive the most astonishing progress in agriculture, in the useful arts, and in all the improvements to which they both directly conduce. Then let him cross over into my own, my favorite State, and contemplate the spectacle which is there exhibited. He will perceive numerous villages, not large, but neat, thriving, and some of them highly ornamented; many manufactories of hemp, cotton, wool, and other articles. In various parts of the country, and especially in the Elkhorn region, an endless succession of natural parks; the forests thinned; fallen trees and undergrowth cleared away; large herds and flocks feeding on luxuriant grasses; and interspersed with comfortable, sometimes elegant mansions, surrounded by extensive lawns. The honorable gentleman from South Carolina says that a profitable trade was carried on from the West, through the Saluda gap, in mules, horses, and other live stock, which has been checked by the opera-

* Mr. Clay has been since reminded that the objection, in the same way, was first urged in the debate of 1820.

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tion of the tariff. It is true that such a trade was carried on between Kentucky and South Carolina, mutually beneficial to both parties; but, several years ago, resolutions, at popular meetings, in Carolina, were adopted, not to purchase the produce of Kentucky, by way of punishment for her attachment to the tariff. They must have supposed us as stupid as the asses of one of the descriptions of the stock of which that trade consisted, if they imagined that their resolutions would affect our principles. Our drovers cracked their whips, blew their horns, and passed the Saluda gap, to other markets, where better humors existed, and equal or greater profits were made. I have heard of your successor in the House of Representatives, Mr. President, this anecdote: That he joined in the adoption of those resolutions, but when, about Christmas, he applied to one of his South Carolina neighbors to purchase the regular supply of pork for the ensuing year, he found that he had to give two prices for it; and he declared if that were the patriotism on which the resolutions were based, he would not conform to them, and, in point of fact, laid in his annual stock of pork by purchase from the first passing Kentucky drover. That trade, now partially resumed, was maintained by the sale of Western productions on the one side, and Carolina money on the other. From that condition of it, the gentleman from South Carolina might have drawn this conclusion, that an advantageous trade may exist, although one of the parties to it pays in specie for the productions which he purchases from the other; and, consequently, that it does not follow, if we did not purchase British fabrics, that it might not be the interest of England to purchase our raw material of cotton. The Kentucky drover received the South Carolina specie, or, taking bills, or the evidences of deposit in the banks, carried these home, and disposing of them to the merchant, he brought out goods, of foreign or domestic manufacture, in return. Such is the circuitous nature of trade and remittance, which no nation understands better than Great Britain.

Nor has the system, which has been the parent source of so much benefit to other parts of the Union, proved injurious to the cotton growing country. I cannot speak of South Carolina itself, where I have never been, with so much certainty; but of other portions of the Union in which cotton is grown, especially those bordering on the Mississippi, I can confidently speak. If cotton planting is less profitable than it was, that is the result of increased production; but I believe it to be still the most profitable investment of capital of any branch of business in the United States. And if a committee were raised, with power to send for persons and papers, I take upon myself to say that such would be the result of the inquiry. In Kentucky, I know many individuals who have their cotton plantations below, and retain their residence in that State, where they remain during the sickly season; and they are all, I believe, without exception, doing well. Others, tempted by their success, are constantly engaging in the business, whilst scarcely any comes from the cotton region to engage in Western agriculture. A friend, now in my eye, a member of this body, upon a capital of less than seventy thousand dollars, invested in a plantation and slaves, made, the year before last, sixteen thousand dollars. A member of the other House, I understand, who, without removing himself, sent some of his slaves to Mississippi, made, last year, about twenty per cent. Two friends of mine in the latter State, whose annual income is from thirty to sixty thousand dollars, being desirous to curtail their business, have offered estates for sale, which they are willing to show, by regular vouchers of receipt and disbursement, yield eighteen per cent. per annum. One of my most opulent acquaintances, in a county adjoining to that in which I reside, having married in Georgia, has derived a large portion of his wealth from a cotton estate there situated.

The loss of the tonnage of Charleston, which has been dwelt on, does not proceed from the tariff; it never had a very large amount, and it has not been able to retain what it had, in consequence of the operation of the principle of free trade on its navigation. Its tonnage has gone to the more enterprising and adventurous tars of the Northern States, with whom those of the city of Charleston could not maintain a successful competition in the freedom of the coasting trade existing between the different parts of the Union. That this must be the true cause, is demonstrated by the fact, that, however it may be with the port of Charleston, our coasting tonnage, generally, is constantly increasing. As to the foreign tonnage, about one-half of that which is engaged in the direct trade between Charleston and Great Britain is English; proving that the tonnage of South Carolina cannot maintain itself in a competition under the free and equal navigation secured by our treaty with that Power.

When gentlemen have succeeded in their design of an immediate or gradual destruction of the American system, what is their substitute? Free trade! Free trade! The call for free trade, is as unavailing as the cry of a spoiled child, in its nurse's arms, for the moon or the stars that glitter in the firmament of heaven. It never has existed; it never will exist. Trade implies at least two parties. To be free, it should be fair, equal, and reciprocal. But if we throw our ports wide open to the admission of foreign productions, free of all duty, what ports, of any other foreign nation, shall we find open to the free admission of our surplus produce? We may break down all barriers to free trade on our part, but the work will not be complete until foreign Powers shall have removed theirs. There would be freedom on one side, and restrictions, prohibitions, and exclusions, on the other. The bolts, and the bars, and the chains, of all other nations will remain undisturbed. It is, indeed, possible that our industry and commerce would accommodate themselves to this unequal and unjust state of things: for such is the flexibility of our nature, that it bends itself to all circumstances. The wretched prisoner, incarcerated in a jail, after a long time, becomes reconciled to his solitude, and regularly notches down the passing days of his confinement.

Gentlemen deceive themselves. It is not free trade that they are recommending to our acceptance. It is, in effect, the British colonial system that we are invited to adopt; and, if their policy prevail, it will lead substantially to the recolonization of these States, under the commercial dominion of Great Britain. And whom do we find some of the principal supporters, out of Congress, of this foreign system? Mr. President, there are some foreigners who always remain exotics, and never become naturalized in our country: whilst, happily, there are many others who readily attach themselves to our principles and our institutions. The honest, patient, and industrious German readily unites with our people, establishes himself upon some of our fat land, fills his capacious barn, and enjoys, in tranquillity, the abundant fruits which his diligence gathers around him, always ready to fly to the standard of his adopted country, or of its laws, when called by the duties of patriotism. The gay, the versatile, the philosophic Frenchman, accommodating himself cheerfully to all the vicissitudes of life, incorporates himself, without difficulty, in our society. But, of all foreigners, none amalgamate themselves so quickly with our people as the natives of the Emerald Isle. In some of the visions which have passed through my imagination, I have supposed that Ireland was, originally, part and parcel of this continent; and that, by some extraordinary convulsion of nature, it was torn from America, and, drifting across the ocean, was placed in the unfortunate vicinity of Great Britain. The same openheartedness; the same generous hospitality; the same careless and uncalculating indifference about

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human life, characterize the inhabitants of both countries. Kentucky has been sometimes called the Ireland of America. And I have no doubt that, if the current of emigration were reversed, and set from America upon the shores of Europe, instead of bearing from Europe to America, every American emigrant to Ireland would there find, as every Irish emigrant here finds, a hearty welcome and a happy home!

But, sir, the gentleman to whom I am about to allude, although long a resident of this country, has no feelings, no attachments, no sympathies, no principles, in common with our people. Near fifty years ago, Pennsylvania took him to her bosom, and warmed, and cherished, and honored him; and how does he manifest his gratitude? By aiming a vital blow at a system endeared to her by a thorough conviction that it is indispensable to her prosperity. He has filled, at home and abroad, some of the highest offices under this Government, during thirty years, and he is still at heart an alien. The authority of his name has been invoked, and the labors of his pen, in the form of a memorial to Congress, have been engaged, to overthrow the American system, and to substitute the foreign. Go home to your native Europe, and there inculcate upon her sovereigns your Utopian doctrines of free trade, and when you have prevailed upon them to unseal their ports, and freely admit the produce of Pennsylvania, and other States, come back, and we shall be prepared to become converts, and to adopt your faith.

A Mr. Sarchet also makes no inconsiderable figure in the common attack upon our system. I do not know the man, but I understand he is an unnaturalized emigrant from the island of Guernsey, situated in the channel which divides France and England. The principal business of the inhabitants is that of driving a contraband trade with the opposite shores, and Mr. Sarchet, educated in that school, is, I have been told, chiefly engaged in employing his wits to elude the operation of our revenue laws, by introducing articles at less rates of duty than they are justly chargeable with, which he effects by varying their denominations, or slightly changing their forms. This man, at a former session of the Senate, caused to be presented a memorial signed by some one hundred and fifty pretended workers in iron. Of these, a gentleman made a careful inquiry and examination, and he ascertained that there were only about ten of the denomination represented; the rest were tavern keepers, porters, merchants' clerks, hackney coachmen, &c. I have the most respectable authority, in black and white, for this statement.

[Here Mr. HAYNE asked, who? and was he a manufacturer? Mr. CLAY replied, Colonel Murray, of New York, a gentleman of the highest standing for honor, probity, and veracity; that he did not know whether he was a manufacturer or not, but the gentleman might take him as one.*]

Whether Mr. Sarchet got up the late petition presented to the Senate from the journeymen tailors of Philadelphia, or not, I do not know. But I should not be surprised if it were a movement of his, and if we should find that he has *cabbaged* from other classes of society to swell out the number of signatures.

To the facts manufactured by Mr. Sarchet, and the theories by Mr. Gallatin, there was yet wanting one circumstance to recommend them to favorable consideration, and that was the authority of some high name. There was no difficulty in obtaining one from a British repository. The honorable gentleman has cited a speech of my Lord Goderich, addressed to the British Parliament, in favor of free trade, and full of deep regret that old England *could not* possibly conform her practice of rigorous restriction and exclusion to her liberal *doctrines* of unfettered commerce, so earnestly recommended to foreign Powers. Sir, said Mr.

C., I know my Lord Goderich very well, although my acquaintance with him was prior to his being summoned to the British House of Peers. We both signed the convention between the United States and Great Britain of 1815. He is an honorable man, frank, possessing business, but ordinary talents, about the stature and complexion of the honorable gentleman from South Carolina, a few years older than he, and every drop of blood running in his veins being pure and unadulterated Anglo-Saxon blood. If he were to live to the age of Methuselah, he could not make a speech of such ability and eloquence as that which the gentleman from South Carolina recently delivered to the Senate; and there would be much more fitness in my Lord Goderich making quotations from the speech of the honorable gentleman, than his quoting, as authority, the theoretical doctrines of my Lord Goderich. We are too much in the habit of looking abroad, not merely for manufactured articles, but for the sanction of high names, to support favorite theories. I have seen, and closely observed, the British Parliament, and, without derogating from its justly elevated character, I have no hesitation in saying, that in all the attributes of order, dignity, patriotism, and eloquence, the American Congress would not suffer, in the smallest degree, by a comparison with it.

I dislike this resort to authority, and especially foreign and interested authority, for the support of principles of public policy. I would greatly prefer to meet gentlemen upon the broad ground of fact, of experience, and of reason; but, since they will appeal to British names and authority, I feel myself compelled to imitate their bad example. Allow me to quote from the speech of a member of the British Parliament, bearing the same family name with my Lord Goderich, but whether or not a relation of his, I do not know. The member alluded to was arguing against the violation of the treaty of Methuen—that treaty, not less fatal to the interests of Portugal than would be the system of gentlemen to the best interests of America—and he went on to say:

"It was idle for us to endeavor to persuade other nations to join with us in adopting the principles of what was called 'free trade.' Other nations knew, as well as the noble lord opposite, and those who acted with him, what we meant by 'free trade,' was nothing more nor less than, by means of the great advantages we enjoyed, to get a monopoly of all their markets for our manufactures, and to prevent them, one and all, from ever becoming manufacturing nations. When the system of reciprocity and free trade had been proposed to a French ambassador, his remark was, that the plan was excellent in theory, but, to make it fair in practice, it would be necessary to defer the attempt to put it in execution for half a century, until France should be on the same footing with Great Britain, in marine, in manufactures, in capital, and the many other peculiar advantages which it now enjoyed. The policy that France acted on, was that of encouraging its native manufactures, and it was a wise policy; because, if it were freely to admit our manufactures, it would speedily be reduced to the rank of an agricultural nation; and therefore a poor nation, as all must be that depend exclusively upon agriculture. America acted, too, upon the same principle with France. America legislated for futurity—legislated for an increasing population. America, too, was prosperous under this system. In twenty years, America would be independent of England for manufactures altogether. But since the peace, France, Germany, America, and all the other countries of the world, had proceeded upon the principle of encouraging and protecting native manufactures."

But I have said that the system nominally called "free trade," so earnestly and eloquently recommended to our adoption, is a mere revival of the British colonial system,

* Mr. Clay subsequently understood that Colonel Murray was a merchant.

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forced upon us by Great Britain during the existence of our colonial vassalage. The whole system is fully explained and illustrated in a work published as far back as the year 1750, entitled "The trade and navigation of Great Britain considered, by Joshua Gee," with extracts from which I have been furnished by the diligent researches of a friend. It will be seen from these, that the South Carolina policy now, is identical with the long cherished policy of Great Britain, which remains the same as it was when the thirteen colonies were part of the British empire. In that work the author contends—

"1. That manufactures, in the American colonies, should be discouraged or prohibited.

"Great Britain, with its dependencies, is doubtless as well able to subsist within itself as any nation in Europe. We have an enterprising people, fit for all the arts of peace and war. We have provisions in abundance, and those of the best sort, and are able to raise sufficient for double the number of inhabitants. We have the very best materials for clothing, and want nothing, either for use or even for luxury, but what we have at home, or might have from our colonies: so that we might make such an intercourse of trade among ourselves, or between us and them, as would maintain a vast navigation. But we ought always to keep a watchful eye over our colonies, to restrain them from setting up any of the manufactures which are carried on in Britain; and any such attempts should be crushed in the beginning: for if they are suffered to grow up to maturity, it will be difficult to suppress them."—Pages 177, 8, 9.

"Our colonies are much in the same state Ireland was in, when they began the woollen manufactory, and, as their numbers increased, will fall upon manufactures for clothing themselves, if due care be not taken to find employment for them in raising such productions as may enable them to furnish themselves with all their necessities from us."

Then it was the object of this British economist to adapt the means or wealth of the colonists to the supply required by their necessities, and to make the mother country the only source of that supply. Now it seems the policy is only so far to be reversed, that we must continue to import necessities from Great Britain, in order to enable her to purchase raw cotton from us.

"I should, therefore, think it worthy the care of the Government to endeavor, by all possible means, to encourage them in raising of silk, hemp, flax, iron, [only pig, to be hammered in England,] pot ash, &c. by giving them competent bounties in the beginning, and sending over judicious and skilful persons, at the public charge, to assist and instruct them in the most proper methods of management, which, in my apprehension, would lay a foundation for establishing the most profitable trade of any we have. And considering the commanding situation of our colonies along the seacoast; the great convenience of navigable rivers in all of them; the cheapness of land, and the easiness of raising provisions; great numbers of people would transport themselves thither to settle upon such improvements. Now, as people have been filled with fears that the colonies, if encouraged to raise rough materials, would set up for themselves, a little regulation would remove all those jealousies out of the way. They have never thrown or wove any silk as yet that we have heard of: therefore, if a law was made to prohibit the use of every throwster's mill, or doubling or horsing silk with any machine whatever, they would then send it us raw: and, as they will have the providing rough materials to themselves, so shall we have the manufacturing of them. If encouragement be given for raising hemp, flax, &c. doubtless they will soon begin to manufacture, if not prevented: therefore, to stop the progress of any such manufacture, it is proposed that no weaver there shall have liberty

to set up any looms without first registering, at an office kept for that purpose, the name and place of abode of any journeyman that shall work with him. But if any particular inhabitant shall be inclined to have any linen or woollen made of their own spinning, they should not be abridged of the same liberty that they now make use of, viz. to carry to a weaver (who shall be licensed by the Governor) and have it wrought up for the use of the family, but not to be sold to any person in a private manner, nor exposed to any market or fair, upon pain of forfeiture.

"And, inasmuch as they have been supplied with all their iron manufactures from hence, except what is used in the building of ships and other country work, one-half of our exports being supposed to be in NAILS—a manufacture which they allow has never hitherto been carried on among them—it is proposed they shall, for time to come, never erect the manufacture of any under the size of a two shilling nail, horse nails excepted; that all slitting mills, and engines for drawing wire, or weaving stockings, be put down; and that every smith who keeps a common forge or shop, shall register his name and place of abode, and the name of every servant which he shall employ, which license shall be renewed once every year, and pay for the liberty of working at such trade. That all negroes shall be prohibited from weaving either linen or woollen, or spinning or combing of wool, or working at any manufacture of iron, further than making it into pig or bar iron. That they also be prohibited from manufacturing hats, stockings, or leather, of any kind. This limitation will not abridge the planters of any privilege they now enjoy. On the contrary, it will turn their industry to promoting and raising those rough materials."

The author then proposes that the Board of Trade and Plantations should be furnished with statistical accounts of the various permitted manufactures, to enable them to encourage or repress the industry of the colonists, and prevent the danger of interference with British industry.

"It is hoped that this method would allay the heat that some people have shown for destroying the iron works on the plantations, and pulling down all their forges; taking away, in a violent manner, their estates and properties; preventing the husbandmen from getting their ploughshares, carts, and other utensils, mended; destroying the manufacture of ship-building, by depriving them of the liberty of making bolts, spikes, and other things proper for carrying on that work; by which article, returns are made for purchasing our woollen manufactures."—Pages 87, 88, 89.

Such is the picture of colonists dependent upon the mother country for their necessary supplies, drawn by a writer who was not among the number of those who desired to debar them the means of building a vessel, erecting a forge, or mending a ploughshare, but who was willing to promote their growth and property, as far as was consistent with the paramount interests of the manufacturing or parent State.

"2. The advantages to Great Britain from keeping the colonists dependent on her for their essential supplies.

"If we examine into the circumstances of the inhabitants of our plantations and our own, it will appear that not one-fourth part of their product redounds to their own profit: for, out of all that comes here, they only carry back clothing and other accommodations for their families; all of which is of the merchandise and manufacture of this kingdom."

After showing how this system tends to concentrate all the surplus of acquisition over absolute expenditure, in England, he says:

"All these advantages we receive by the plantations, besides the mortgages on the planters' estates, and the high interest they pay us, which is very considerable;

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and therefore very great care ought to be taken, in regulating all affairs of the colonists, that the planters be not put under *too many difficulties*, but encouraged to go on cheerfully.

"New England, and the northern colonies, have not commodities and products enough to send us in return for purchasing their necessary clothing, but are under very great difficulties; and, therefore, any ordinary sort sell with them. And when they have grown out of *fashion* with us, they are new fashioned *enough* there."

Sir, I cannot go on with this disgusting detail. Their refuse goods, their old shopkeepers, their cast off clothes, good enough for us! Was there ever a scheme more artfully devised, by which the energies and faculties of one people should be kept down and rendered subservient to the pride, and the pomp, and the power of another! The system then proposed differs only from that which is now recommended, in one particular—that was intended to be enforced by power, this would not be less effectually executed by the force of circumstances. A gentleman in Boston, (Mr. Lee,) the agent of the Free Trade Convention, from whose exhaustless mint there is a constant issue of reports, seems to envy the blessed condition of dependent Canada, when compared to the oppressed state of this Union; and it is a fair inference from the view which he presents, that he would have us to hasten back to the golden days of that colonial bondage, which is so well depicted in the work from which I have been quoting. Mr. Lee exhibits two tabular statements, in one of which he presents the high duties which he represents to be paid in the ports of the United States, and, in the other, those which are paid in Canada, generally about two per cent. *ad valorem*. But did it not occur to him that the duties levied in Canada are paid chiefly on British manufactures, or on articles passing from one to another part of a common empire; and that, to present a parallel case, in the United States, he ought to have shown that importations made into one State from another, which are now free, are subject to the same or higher duties than are paid in Canada?

I will now, Mr. President, proceed to a more particular consideration of the arguments urged against the protective system, and an inquiry into its practical operation, especially on the cotton-growing country. And, as I wish to state and meet the argument fairly, I invite correction of my statement of it, if necessary. It is alleged that the system operates prejudicially to the cotton planter, by diminishing the foreign demand for his staple; that we cannot sell to Great Britain, unless we buy from her; that the import duty is equivalent to an export duty, and falls upon the cotton grower; that South Carolina pays a disproportionate quota of the public revenue; that an abandonment of the protective policy would lead to an augmentation of our exports of an amount not less than one hundred and fifty millions of dollars; and, finally, that the South cannot partake of the advantages of manufacturing, if there be any. Let us examine these various propositions, in detail. 1. That the foreign demand for cotton is diminished; and that we cannot sell to Great Britain unless we buy from her. The demand of both our great foreign customers is constantly and annually increasing. It is true that the ratio of the increase may not be equal to that of production; but this is owing to the fact that the power of producing the raw material is much greater, and is therefore constantly in the advance of the power of consumption. A single fact will illustrate. The average produce of laborers engaged in the cultivation of cotton may be estimated at five bales, or fifteen hundred weight to the hand. Supposing the annual average consumption of each individual who uses cotton cloth to be five pounds, one hand can produce enough of the raw material to clothe three hundred.

The argument comprehends two errors, one of fact and

the other of principle. It assumes that we do not in fact purchase of Great Britain. What is the true state of the case? There are certain, but very few articles which it is thought sound policy requires that we should manufacture at home, and on these the tariff operates. But, with respect to all the rest, and much the larger number of articles of taste, fashion, or utility, they are subject to no other than revenue duties, and are freely introduced. I have before me, from the treasury, a statement of our imports from England, Scotland, and Ireland, including ten years preceding the last, and three quarters of the last year, from which it will appear that, although there are some fluctuations in the amount of the different years, the largest amount imported in any one year has been since the tariff of 1824, and that the last year's importation, when the returns of the fourth quarter shall be received, will probably be the greatest in the whole term of eleven years.

Now, if it be admitted that there is a less amount of the protected articles imported from Great Britain, she may be, and probably is, compensated for the deficiency, by the increased consumption in America of the articles of her industry not falling within the scope of the policy of our protection. The establishment of manufactures among us excites the creation of wealth, and this gives new powers of consumption, which are gratified by the purchase of foreign objects. A poor nation can never be a great consuming nation. Its poverty will limit its consumption to bare subsistence.

The erroneous principle which the argument includes, is, that it devolves on us the duty of taking care that Great Britain shall be enabled to purchase from us, without exacting from Great Britain the corresponding duty. If it be true, on one side, that nations are bound to shape their policy in reference to the ability of foreign Powers, it must be true on both sides of the Atlantic. And this reciprocal obligation ought to be emphatically regarded towards the nation supplying the raw material, by the manufacturing nation, because the industry of the latter gives four or five values to what had been produced by the industry of the former.

But, does Great Britain practise towards us upon the principles which we are now required to observe in regard to her? The exports to the United Kingdom, as appears from the same treasury statement just adverted to, during eleven years, from 1821 to 1831, and exclusive of the fourth quarter of the last year, fall short of the amount of imports by upwards of forty-six millions of dollars, and the total amount, when the returns of that quarter are received, will exceed fifty millions of dollars! It is surprising how we have been able to sustain, for so long a time, a trade so very unequal. We must have been absolutely ruined by it, if the unfavorable balance had not been neutralized by more profitable commerce with other parts of the world. Of all nations Great Britain has the least cause to complain of the trade between the two countries. Our imports from that single Power are nearly one-third of the entire amount of our importations from all foreign countries together. Great Britain constantly acts on the maxim of buying only what she wants and cannot produce, and selling to foreign nations the utmost amount she can. In conformity with this maxim, she excludes articles of prime necessity produced by us—equally if not more necessary than any of her industry which we tax, although the admission of those articles would increase our ability to purchase from her, according to the argument of gentlemen.

If we purchased still less from Great Britain than we do, and our conditions were reversed, so that the value of her imports from this country exceeded that of her exports to it, she would only then be compelled to do what we have so long done, and what South Carolina does, in her trade with Kentucky—make up for the unfavorable balance by

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trade with other places and countries. How does she now dispose of the one hundred and sixty millions of dollars worth of cotton fabrics, which she annually sells? Of that amount the United States do not purchase five per cent. What becomes of the other ninety-five per cent.? Is it not sold to other Powers, and would not their markets remain if ours were totally shut? Would she not continue, as she now finds it her interest, to purchase the raw material from us, to supply those markets? Would she be guilty of the folly of depriving herself of markets to the amount of upwards of \$150,000,000, because we refused her a market for some eight or ten millions?

But if there were a diminution of the British demand for cotton, equal to the loss of a market for the few British fabrics which are within the scope of our protective policy, the question would still remain, whether the cotton planter is not amply indemnified by the creation of additional demand elsewhere. With respect to the cotton grower, it is the *totality* of the demand, and not its *distribution*, which affects his interests. If any system of policy will augment the aggregate of the demand, that system is favorable to his interests, although its tendency may be to vary the theatre of the demand. It could not, for example, be injurious to him, if, instead of Great Britain continuing to receive the entire quantity of cotton which she now does, two or three hundred thousand bales of it were taken to the other side of the channel, and increased, to that extent, the French demand. It would be better for him, because it is always better to have several markets than one. Now, if, instead of a transfer to the opposite side of the channel of those two or three hundred thousand bales, they are transported to the Northern States, can that be injurious to the cotton grower? Is it not better for him? Is it not better to have a market at home, unaffected by war or other foreign causes, for that amount of his staple?

If the establishment of American manufactures, therefore, had the sole effect of creating a new, and an American, demand for cotton, *exactly* to the same extent in which it lessened the British demand, there would be no just cause of complaint against the tariff. The gain in one place would precisely equal the loss in the other. But the true state of the matter is much more favorable to the cotton grower. It is calculated that the cotton manufactures of the United States absorb at least two hundred thousand bales of cotton annually. I believe it to be more. The two ports of Boston and Providence alone received, during the last year, near one hundred and ten thousand bales. The amount is annually increasing. The raw material of that two hundred thousand bales is worth six millions, and there is an additional value conferred by the manufacturer, of eighteen millions; it being generally calculated that, in such cotton fabrics as we are in the habit of making, the manufacture constitutes three-fourths of the value of the article. If, therefore, these twenty-four millions worth of cotton fabrics were not made in the United States, but were manufactured in Great Britain, in order to obtain them, we should have to add to the already enormous disproportion between the amount of our imports and exports, in the trade with Great Britain, the further sum of twenty-four millions, or, deducting the price of the raw material, eighteen millions! And will gentlemen tell me how it would be possible for this country to sustain such a ruinous trade? From all that portion of the United States lying north and east of James river, and west of the mountains, Great Britain receives comparatively nothing. How would it be possible for the inhabitants of that largest portion of our territory to supply themselves with cotton fabrics, if they were brought from England exclusively? They could not do it. But for the existence of the American manufacture, they would be compelled greatly to curtail their supplies, if not absolutely to suffer in their comforts. By its existence at home, the circle of those exchanges is created, which reciprocally diffuses among all

who are embraced within it the productions of their respective industry. The cotton grower sells the raw material to the manufacturer; he buys the iron, the bread, the meal, the coal, and the countless number of objects of his consumption, from his fellow-citizens, and they, in turn, purchase his fabrics. Putting it upon the ground merely of supplying those with necessary articles, who could not otherwise obtain them, ought there to be, from any quarter, an objection to the only system by which that object can be accomplished? But can there be any doubt, with those who will reflect, that the actual amount of cotton consumed is increased by the home manufacture? The main argument of gentlemen is founded upon the idea of mutual ability resulting from mutual exchanges. They would furnish an ability to foreign nations by purchasing from them, and *I*, to our own people, by exchanges at home. If the American manufacture were discontinued, and that of England were to take its place, how would she sell the additional quantity of twenty-four millions of cotton goods which we now make? To us? That has been shown to be impracticable. To other foreign nations? She has already pushed her supplies to them to the utmost extent. The ultimate consequence would, then, be to diminish the total consumption of cotton, to say nothing now of the reduction of price that would take place by throwing into the ports of Great Britain the two hundred thousand bales which, no longer being manufactured in the United States, would go thither.

2. That the import duty is equivalent to an export duty, and falls on the producer of cotton.

[Here Mr. HAYNE explained, and said that he never contended that an import duty was equivalent to an export duty, under all circumstances; he had explained in his speech his ideas of the precise operation of the existing system. To which Mr. CLAY replied that he had seen the argument so stated in some of the ingenious essays from the South Carolina press, and would therefore answer it.]

The framers of our constitution, by granting the power to Congress to lay import, and prohibiting that of laying an export duty, manifested that they did not regard them as equivalent. Nor does the common sense of mankind. An export fastens upon, and incorporates itself with, the article on which it is laid. The article cannot escape from it—it pursues and follows it wherever the article goes; and if, in the foreign market, the supply is above or just equal to the demand, the amount of the export duty will be a clear deduction to the exporter from the price of the article. But an import duty on a foreign article leaves the exporter of the domestic article free, 1st, to import specie; 2dly, goods which are free from the protecting duty; or, 3dly, such goods as, being chargeable with the protecting duty, he can sell at home, and throw the duty on the consumer.

But it is confidently argued that the import duty falls upon the grower of cotton; and the case has been put in debate, and again and again, in conversation, of the South Carolina planter, who exports one hundred bales of cotton to Liverpool, exchanges them for one hundred bales of merchandise, and, when he brings them home, being compelled to leave at the custom-house forty bales in the form of duties. The argument is founded on the assumption that a duty of forty per cent. amounts to a subtraction of forty from the hundred bales of merchandise. The first objection to it is, that it supposes a case of barter which never occurs. If it be replied that it, nevertheless, occurs in the operations of commerce, the answer would be, that, since the export of Carolina cotton is chiefly made by New York or foreign merchants, the loss stated, if it really accrued, would fall upon them, and not upon the planter. But, to test the correctness of the hypothetical case, let us suppose that the duty, instead of forty per cent., should be one hundred and fifty, which is asserted to be the duty in some cases. Then, the planter would not only lose the

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whole hundred bales of merchandise which he had gotten for his hundred bales of cotton, but he would have to purchase, with other means, an additional fifty bales, in order to enable him to pay the duties accruing on the proceeds of the cotton. Another answer is, that if the *producer* of cotton in America, exchanged against English fabrics, pays the duty, the *producer* of those fabrics also pays it, and then it is twice paid. Such must be the consequence, unless the principle is true on one side of the Atlantic, and false on the other. The true answer is, that the exporter of an article, if he invests its proceeds in a foreign market, takes care to make the investment in such merchandise as, when brought home, he can sell with a fair profit; and, consequently, the consumer would pay the original cost and charges and profit.

3. The next objection to the American system is, that it subjects South Carolina to the payment of an undue proportion of the public revenue. The basis of this objection is the assumption, shown to have been erroneous, that the producer of the exports from this country pays the duty on its imports, instead of the consumer of those imports. The amount which South Carolina really contributes to the public revenue, no more than that of any other State, can be precisely ascertained. It depends upon her consumption of articles paying duties, and we may make an approximation sufficient for all practical purposes. The cotton planters of the valley of the Mississippi, with which I am acquainted, generally expend about one-third of their income in the support of their families and plantations. On this subject, I hold in my hands a statement from a friend of mine, of great accuracy, and a member of the Senate. According to this statement, in a crop of ten thousand dollars, the expenses may fluctuate between two thousand eight hundred dollars and three thousand two hundred dollars. Of this sum, about one-fourth, from seven to eight hundred dollars, may be laid out in articles paying the protecting duty; the residue is disbursed for provisions, mules, horses, oxen, wages of overseer, &c. Estimating the exports of South Carolina at eight millions, one-third is two million six hundred and sixty-six thousand six hundred and sixty-six dollars; of which, one-fourth will be six hundred and sixty-six thousand six hundred and sixty-six and two-thirds dollars. Now, supposing the protecting duty to be fifty per cent., and that it all enters into the price of the article, the amount paid by South Carolina would only be three hundred and thirty-three thousand three hundred and thirty-three and one-third dollars. But the total revenue of the United States may be stated at twenty-five millions, of which, the proportion of South Carolina, whatever standard, whether of wealth or population, be adopted, would be about one million. Of course, on this view of the subject, she actually pays only about one-third of her fair and legitimate share. I repeat, that I have no personal knowledge of the habits of actual expenditure in South Carolina; they may be greater than I have stated, in respect to other parts of the cotton country, but, if they are, that fact does not arise from any defect in the system of public policy.

4. An abandonment of the American system, it is urged, would lead to an addition to our exports of one hundred and fifty millions of dollars. The amount of one hundred and fifty millions of cotton, in the raw state, would produce four hundred and fifty millions in the manufactured state, supposing no greater measure of value to be communicated, in the manufactured form, than that which our industry imparts. Now, sir, where would markets be found for this vast addition to the supply? Not in the United States, certainly, nor in any other quarter of the globe, England having already every where pressed her cotton manufactures to the utmost point of repletion. We must look out for new worlds, seek for new and unknown races of mortals, to consume this immense increase of cotton fabrics.

[Mr. HAYNE said that he did not mean that the increase of one hundred and fifty millions to the amount of our exports, would be of cotton alone, but of other articles.]

What *other articles*? Agricultural produce—bread stuffs—beef and pork? &c. *Where* shall we find markets for them? *Whither* shall we go? To *what* country, whose ports are not hermetically sealed against their admission? Break down the home market, and you are without resource. Destroy all other interests in the country, for the imaginary purpose of advancing the cotton-planting interest, and you inflict a positive injury, without the smallest practical benefit to the cotton planter. Could Charleston, or the whole South, when all other markets are prostrated, or shut against the reception of the surplus of our farmers, receive that surplus? Would they buy more than they might want for their own consumption? Could they find markets which other parts of the Union could not? Would gentlemen *force* the freemen of all, north of James river, east and west, like the miserable slave, on the Sabbath day, to repair to Charleston, with a turkey under his arm, or a pack upon his back, and beg the clerk of some English or Scotch merchant, living in his gorgeous palace, or rolling in his splendid coach in the streets, to exchange his "*truck*" for a bit of flannel to cover his naked wife and children! No! I am sure that I do no more than justice to their hearts, when I believe that they would reject what I believe to be the inevitable effects of their policy.

5. But it is contended, in the last place, that the South cannot, from physical and other causes, engage in the manufacturing arts. I deny the premises, and I deny the conclusion. I deny the fact of inability, and, if it existed, I deny the conclusion that we must, therefore, break down our manufactures, and nourish those of foreign countries. The South possesses, in an extraordinary degree, two of the most important elements of manufacturing industry—water power and labor. The former gives to our whole country a most decided advantage over Great Britain. But a single experiment, stated by the gentleman from South Carolina, in which a faithless slave put the torch to a manufacturing establishment, has discouraged similar enterprises. We have, in Kentucky, the same description of population, and we employ them, and almost exclusively employ them, in many of our hemp manufactories. A neighbor of mine, one of our most opulent and respectable citizens, has had one, two, if not three, manufactories burnt by incendiaries; but he persevered, and his perseverance has been rewarded with wealth. We found that it was less expensive to keep night watches, than to pay premiums for insurance, and we employed them.

Let it be supposed, however, that the South cannot manufacture; must those parts of the Union which *can*, be therefore prevented? Must we support those of foreign countries? I am sure that injustice would be done to the generous and patriotic nature of South Carolina, if it were believed that she envied or repined at the success of other portions of the Union in branches of industry to which she might happen not to be adapted. Throughout her whole career she has been liberal, national, high-minded.

The friends of the American system have been reminded, by the honorable gentleman from Maryland, [Mr. SMITH,] that they are the majority, and he has admonished them to exercise their power in moderation. The *majority* ought never to trample upon the feelings, or violate the just rights of the minority. They ought never to triumph over the fallen, nor to make any but a temperate and equitable use of their power. But these counsels come with an ill grace from the gentleman from Maryland. He, too, is a member of a *majority*—a political majority. And how has the administration of that majority exercised their power in this country? Recall to your recollection the 4th of March, 1829, when the lank, lean, famished forms, from fen and forest, and the four quarters of the Union,

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gathered together in the halls of patronage, or stealing, by evening's twilight, into the apartments of the President's mansion, cried out, with ghastly faces, and in sepulchral tones, Give us bread! Give us treasury paper! Give us our reward! England's bard was mistaken; ghosts will sometimes come, called or uncalled. Go to the families who were driven from the employments on which they were dependent for subsistence, in consequence of their exercise of the dearest right of freemen. Go to mothers, whilst hugging to their bosoms their starving children. Go to fathers, who, after being disqualified, by long public service, for any other business, were stripped of their humble places, and then sought, by the minions of authority, to be stripped of all that was left them—their good names—and ask, what mercy was shown to them! As for myself, born in the midst of the revolution, the first air that I ever breathed on my native soil of Virginia having been that of liberty and independence, I never expected justice nor desired mercy at their hands; and scorn the wrath, and defy the oppression of power!

I regret, Mr. President, that one topic has, I think unnecessarily, been introduced into this debate. I allude to the charge brought against the manufacturing system, as favoring the growth of aristocracy. If it were true, would gentlemen prefer supporting foreign accumulations of wealth, by that description of industry, rather than their own country? But is it correct? The joint stock companies of the North, as I understand them, are nothing more than associations, sometimes of hundreds, by means of which the small earnings of many are brought into a common stock; and the associates, obtaining corporate privileges, are enabled to prosecute, under one superintending head, their business to better advantage. Nothing can be more essentially democratic, or better devised to counterpoise the influence of individual wealth. In Kentucky, almost every manufactory known to me is in the hands of enterprising self-made men, who have acquired whatever wealth they possess by patient and diligent labor. Comparisons are odious, and, but in defence, would not be made by me. But is there more tendency to aristocracy in a manufactory, supporting hundreds of freemen, or in a cotton plantation, with its not less numerous slaves, sustaining, perhaps, only two white families—that of the master and the overseer?

I pass, with pleasure, from this disagreeable topic to two general propositions which cover the entire ground of debate. The first is, that, under the operation of the American system, the objects which it protects and fosters are brought to the consumer at cheaper prices than they commanded prior to its introduction, or than they would command if it did not exist. If that be true, ought not the country to be contented and satisfied with the system, unless the second proposition, which I mean presently also to consider, is unfounded? And that is, that the tendency of the system is to sustain, and that it has upheld, the prices of all our agricultural and other produce, including cotton.

And is the fact not indisputable, that all essential objects of consumption, affected by the tariff, are cheaper and better, since the act of 1824, than they were for several years prior to that law? I appeal, for its truth, to common observation and to all practical men. I appeal to the farmer of the country, whether he does not purchase, on better terms, his iron, salt, brown sugar, cotton goods, and woollens, for his laboring people. And I ask the cotton planter if he has not been better and more cheaply supplied with his cotton bagging. In regard to this latter article, the gentleman from South Carolina was mistaken in supposing that I complained that, under the existing duty, the Kentucky manufacturer could not compete with the Scotch. The Kentuckian furnishes a more substantial and a cheaper article, and at a more uniform and regular price. But it was the frauds, the violations of law,

of which I did complain; not smuggling, in the common sense of that practice, which has something bold, daring, and enterprising in it, but mean, barefaced cheating by fraudulent invoices and false denomination.

I plant myself upon this FACT of cheapness and superiority, as upon impregnable ground. Gentlemen may tax their ingenuity, and produce a thousand speculative solutions of the fact, but the fact itself will remain undisturbed. Let us look into some particulars. The total consumption of bar iron in the United States is supposed to be about one hundred and forty-six thousand tons, of which one hundred and twelve thousand eight hundred and sixty-six tons are made within the country, and the residue imported. The number of men employed in the manufacture is estimated at twenty-nine thousand two hundred and fifty-four, and the total number of persons subsisted by it at one hundred and forty-six thousand two hundred and seventy-three. The measure of protection extended to this necessary article was never fully adequate until the passage of the act of 1828; and what has been the consequence? The annual increase of quantity, since that period, has been in a ratio of near twenty-five per cent., and the wholesale price of bar iron in the Northern cities was, in 1828, one hundred and five dollars per ton; in 1829, one hundred dollars; in 1830, ninety dollars; and in 1831, from eighty-five to seventy-five dollars—constantly diminishing. We import very little English iron, and that which we do is very inferior, and only adapted to a few purposes. In instituting a comparison between that inferior article and our superior iron, subjects, entirely different, are compared. They are made by different processes. The English cannot make iron of equal quality to ours, at a less price than we do. They have three classes, best, best, and best, and ordinary. It is the latter which is imported. Of the whole amount imported, there is only about four thousand tons of foreign iron that pays the high duty; the residue paying only a duty of about thirty per cent., estimated on the prices of the importation of 1829. Our iron ore is superior to that of Great Britain, yielding often from sixty to eighty per cent., whilst theirs produces only about twenty-five. This fact is so well known, that I have heard of recent exportations of iron ore to England.

It has been alleged that bar iron, being a raw material, ought to be admitted free, or with low duties, for the sake of the manufacturers themselves. But I take this to be the true principle, that, if our country is producing a raw material of prime necessity, and, with reasonable protection, can produce it in sufficient quantity to supply our wants, that raw material ought to be protected, although it may be proper to protect the article also out of which it is manufactured. The tailor will ask protection for himself, but wishes it denied to the grower of wool and the manufacturer of broadcloth. The cotton planter enjoys protection for the raw material, but does not desire it to be extended to the cotton manufacturer. The ship-builder will ask protection for navigation, but does not wish it extended to the essential articles which enter into the construction of his ship. Each, in his proper vocation, solicits protection, but would have it denied to all other interests which are supposed to come into collision with his. Now, the duty of the statesman is, to elevate himself above these petty conflicts; calmly to survey all the various interests, and deliberately to proportion the measure of protection to each, according to its nature and to the general wants of society. It is quite possible that, in the degree of protection which has been afforded to the various workers in iron, there may be some error committed, although I have lately read an argument of much ability, proving that no injustice has really been done to them. If there be, it ought to be remedied.

The next article to which I would call the attention of the Senate, is that of cotton fabrics. The success of our

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manufacture of coarse cottons is generally admitted. It is demonstrated by the fact that they meet the cotton fabrics of other countries in foreign markets, and maintain a successful competition with them. There has been a gradual increase of the export of this article, which is sent to Mexico and the South American republics, to the Mediterranean, and even to Asia. The remarkable fact was lately communicated to me, that the *same* individual who, twenty-five years ago, was engaged in the importation of cotton cloth from Asia, for American consumption, is now engaged in the exportation of coarse American cottons to Asia, for Asiatic consumption! And my honorable friend from Massachusetts, now in my eye, [MR. SILSBEE,] informed me that, on his departure from home, among the last orders which he gave, one was for the exportation of coarse cottons to Sumatra, in the vicinity of Calcutta! I hold in my hand a statement, derived from the most authentic source, showing that the *identical* description of cotton cloth, which sold, in 1817, at twenty-nine cents per yard, was sold, in 1819, at twenty-one cents; in 1821, at nineteen and a half cents; in 1823, at seventeen cents; and in 1825, at fourteen and a half cents; in 1827, at thirteen cents; in 1829, at nine cents; in 1830, at nine and a half cents; and in 1831, at from ten and a half to eleven. Such is the wonderful effect of protection, competition, and improvement in skill, combined! The year 1829 was one of some suffering to this branch of industry, probably owing to the principle of competition being pushed too far; and hence we observe a small rise in the article the next two years. The introduction of calico printing into the United States constitutes an important era in our manufacturing industry. It commenced about the year 1825, and has since made such astonishing advances, that the whole quantity now annually printed is but little short of forty millions of yards—about two-thirds of our whole consumption. It is a beautiful manufacture, combining great mechanical skill with scientific discoveries in chemistry. The engraved cylinders for making the impression require much taste, and put in requisition the genius of the fine arts of design and engraving. Are the fine graceful forms of our fair countrywomen less lovely when enveloped in the chintzes and calicoes produced by native industry, than when clothed in the tinsel of foreign drapery?

Gentlemen are, no doubt, surprised at these facts. They should not underrate the energies, the enterprise, and the skill of our fellow-citizens. I have no doubt they are every way competent to accomplish whatever can be effected by any other people, if encouraged and protected by the fostering care of our own Government. Will gentlemen believe the fact, which I am authorized now to state, that the United States, at this time, manufacture one half the quantity of cotton which Great Britain did in 1816! We possess three great advantages: First. The raw material. Second. Water power instead of that of steam, generally used in England. And third. The cheaper labor of females. In England, males spin with the mule, and weave; in this country, women and girls spin with the throstle, and superintend the power loom. And can there be any employment more appropriate? Who has not been delighted with contemplating the clock-work regularity of a large cotton manufactory? I have often visited them, at Cincinnati and other places, and always with increased admiration. The women, separated from the other sex, work in apartments, large, airy, well warmed, and spacious. Neatly dressed, with ruddy complexions, and happy countenances, they watch the work before them, mend the broken threads, and replace the exhausted balls or bobbins. At stated hours they are called to their meals, and go and return with light and cheerful step. At night they separate, and repair to their respective houses, under the care of a mother, guardian, or friend. "Six days shalt thou labor and do all that thou hast to do, but the seventh day is the Sabbath

of the Lord thy God." Accordingly, we behold them, on that sacred day, assembled together in His temples, and, in devotional attitudes and with pious countenances, offering their prayers to Heaven for all its blessings, of which it is not the least that a system of policy has been adopted by their country, which admits of their obtaining comfortable subsistence. Manufactures have brought into profitable employment a vast amount of female labor, which, without them, would be lost to the country.

In respect to woollens, every gentleman's own observation and experience will enable him to judge of the great reduction of price which has taken place in most of these articles since the tariff of 1824. It would have been still greater, but for the high duty on the raw material imposed for the particular benefit of the farming interest. But, without going into particular details, I shall limit myself to inviting the attention of the Senate to a single article of general and necessary use. The protection given to flannels in 1828 was fully adequate. It has enabled the American manufacturer to obtain complete possession of the American market; and now let us look at the effect. I have before me a statement from a highly respectable mercantile house, showing the price of four descriptions of flannel, during six years. The average price of them, in 1826, was thirty-eight and three-quarter cents; in 1827, thirty-eight; in 1828, (the year of the tariff,) forty-six; in 1829, thirty-six; in 1830, (notwithstanding the advance in the price of wool,) thirty-two; and in 1831, thirty-two and one-quarter. These facts require no comments. I have before me another statement, of a practical and respectable man, well versed in the flannel manufacture in America and England, demonstrating that the cost of manufacture is precisely the same in both countries; and that, although a yard of flannel, which would sell in England at fifteen cents, would command here twenty-two, the difference of seven cents is the exact difference between the cost in the two countries of the six ounces of wool contained in a yard of flannel.

Brown sugar, during ten years, from 1792 to 1802, with a duty of one and a half cents per pound, averaged fourteen cents per pound. The same article, during ten years, from 1820 to 1830, with a duty of three cents, has averaged only eight cents per pound. Nails, with a duty of five cents per pound, are selling at six cents. Window glass, eight by ten, prior to the tariff of 1824, sold at twelve or thirteen dollars per hundred feet; it now sells for three dollars and seventy-five cents.

The gentleman from South Carolina, sensible of the incontestable fact of the very great reduction in the prices of the necessities of life, protected by the American system, has felt the full force of it, and has presented various explanations of the causes to which he ascribes it. The first is the diminished production of the precious metals, in consequence of the distressed state of the countries in which they are extracted, and the consequent increase of their value relative to that of the commodities for which they are exchanged. But if this be the true cause of the reduction of price, its operation ought to have been general on all objects, and of course upon cotton among the rest. And, in point of fact, the diminished price of that staple is not greater than the diminution of the value of other staples of our agriculture. Flour, which commanded, some years ago, ten or twelve dollars per barrel, is now sold for five. The fall of tobacco has been still more. The Kitefoot of Maryland, which sold at from sixteen to twenty dollars per hundred, now produces only four or five. That of Virginia has sustained an equal decline. Beef, pork, every article, almost, produced by the farmer, has decreased in value. Ought not South Carolina then to submit quietly to a state of things which is general, and proceeds from an uncontrollable cause? Ought she to ascribe to the "accursed" tariff what results from the calamities of civil and foreign war, raging in many countries?

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But, sir, I do not subscribe to this doctrine implicitly. I do not believe that the diminished production of the precious metals, if that be the fact, satisfactorily accounts for the fall in prices. For I think that the augmentation of the currency of the world, by means of banks, public stocks, and other facilities arising out of exchange and credit, has more than supplied any deficiency in the amount of the precious metals.

It is further urged that the restoration of peace in Europe, after the battle of Waterloo, and the consequent return to peaceful pursuits of large masses of its population, by greatly increasing the aggregate amount of effective labor, had a tendency to lower prices; and undoubtedly such ought to have been its natural tendency. The same cause, however, must also have operated to reduce the price of our agricultural produce, for which there was no longer the same demand in peace as in war—and it did so operate. But its influence on the price of the manufactured articles, between the general peace of Europe in 1815, and the adoption of our tariff in 1824, was less sensibly felt, because perhaps a much larger portion of the labor, liberated by the disbandment of armies, was absorbed by manufactures than by agriculture. It is also contended that the invention and improvement of labor-saving machinery have tended to lessen the prices of manufactured objects of consumption; and undoubtedly this cause has had some effect. Ought not America to contribute her quota of this cause, and has she not, by her skill and extraordinary adaptation to the arts, in truth, largely contributed to it?

This brings me to consider what I apprehend to have been the most efficient of all the causes in the reduction of the prices of manufactured articles; and that is, COMPETITION. By competition, the total amount of the supply is increased, and by increase of the supply a competition in the sale ensues, and this enables the consumer to buy at lower rates. Of all human powers operating on the affairs of mankind, none is greater than that of competition. It is action and reaction. It operates between individuals in the same nation, and between different nations. It resembles the meeting of the mountain torrent, grooving, by its precipitous motion, its own channel, and ocean's tide. Unopposed, it sweeps every thing before it; but, counterpoised, the waters become calm, safe, and regular. It is like the segments of a circle or an arch; taken separately, each is nothing; but, in their combination, they produce efficiency, symmetry, and perfection. By the American system this vast power has been excited in America, and brought into being to act in co-operation or collision with European industry. Europe acts within itself, and with America; and America acts within itself, and with Europe. The consequence is the reduction of prices in both hemispheres. Nor is it fair to argue, from the reduction of prices in Europe, to her own presumed skill and labor, exclusively. We affect her prices, and she affects ours. This must always be the case, at least in reference to any articles as to which there is not a total non-intercourse; and if our industry, by diminishing the demand for her supplies, should produce a diminution in the price of those supplies, it would be very unfair to ascribe that reduction to her ingenuity, instead of placing it to the credit of our own skill and excited industry.

Practical men understand very well this state of the case, whether they do or do not comprehend the causes which produce it. I have in my possession a letter from a respectable merchant, well known to me, in which he says, after complaining of the operation of the tariff of 1828 on the articles to which it applies, some of which he had imported, and that his purchases having been made in England before the passage of that tariff was known, it produced such an effect upon the English market, that the articles could not be re-sold without loss; he adds: "for really it appears that, when additional duties are laid

upon an article, it then becomes *lower* instead of *higher*." This could not probably happen where the supply of the foreign article did not exceed the home demand, unless upon the supposition of the increased duty having *excited* or *stimulated* the measure of the home production.

The great law of *price* is determined by supply and demand. Whatever affects either, affects the price. If the supply is increased, the demand remaining the same, the price declines; if the demand is increased, the supply remaining the same, the price advances; if both supply and demand are undiminished, the price is stationary, and the price is influenced exactly in proportion to the degree of disturbance to the demand or supply. It is therefore a great error to suppose that an existing or new duty *necessarily* becomes a component element, to its exact amount, of price. If the proportions of demand and supply are varied by the duty, either in augmenting the supply, or diminishing the demand, or vice versa, price is affected, to the extent of that variation. But the duty never becomes an integral part of the price, except in the instances where the demand and the supply remain, after the duty is imposed, precisely what they were before, or the demand is increased, and the supply remains stationary.

Competition, therefore, wherever existing, whether at home or abroad, is the parent cause of cheapness. If a high duty excites production at home, and the quantity of the domestic article exceeds the amount which had been previously imported, the price will fall. This accounts for an extraordinary fact stated by a Senator from Missouri. Three cents were laid as a duty upon a pound of lead, by the act of 1828. The price at Galena and the other lead mines afterwards fell to one and a half cents per pound. Now it is obvious that the duty did not, in this case, enter into the price: for it was twice the amount of the price. What produced the fall? It was *stimulated* production at home, exerted by the temptation of the exclusive possession of the home market. This state of things could not last. Men would not continue an unprofitable pursuit; some abandoned the business, or the total quantity produced was diminished, and living prices have been the consequence. But, break down the domestic supply; place us again in a state of dependence on the foreign source; and can it be doubted that we should, ultimately, have to supply ourselves at dearer rates? It is not fair to credit the foreign market with the depression of prices, produced there by the influence of our competition. Let the competition be withdrawn, and their prices would instantly rise. On this subject, great mistakes are committed. I have seen some most erroneous reasoning, in a late report of Mr. Lee, of the Free Trade Convention, in regard to the article of sugar. He calculates the total amount of brown sugar produced in the world, and then states that what is made in Louisiana is not more than two and a half per cent. of that total. Although his data may be questioned, let us assume their truth, and what might be the result? Price being determined by the proportions of supply and demand, it is evident that, when the supply *exceeds* the demand, the price will fall. And the fall is not always regulated by the amount of that excess. If the market, at a given price, required five or fifty millions of hogsheads of sugar, a surplus of only a few hundred might materially influence the price, and diffuse itself throughout the whole mass. Add, therefore, the eighty or one hundred thousand hogsheads of Louisiana sugar to the entire mass produced in other parts of the world, and it cannot be doubted that a material reduction of the price of the article, throughout Europe and America, would take place. The Louisiana sugar substituting foreign sugar, in the home market, to the amount of its annual produce, would force an equal amount of foreign sugar into other markets, which being glutted, the price would necessarily decline, and this decline of price would press portions of the fo-

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reign sugar into competition, in the United States, with Louisiana sugar, the price of which would also be brought down. The fact has been in exact conformity with this theory. But now let us suppose the Louisiana sugar to be entirely withdrawn from the general consumption, what then would happen? A new demand would be created in America for foreign sugar, to the extent of the eighty or one hundred thousand hogsheads made in Louisiana; a less amount, by that quantity, would be sent to the European markets; and the price would, consequently, every where rise. It is not, therefore, those who, by keeping on duties, keep down prices, that tax the people; but those who, by repealing duties, would raise prices, that really impose burdens upon the people.

But it is argued that if, by the skill, experience, and perfection which we have acquired in certain branches of manufacture, they can be made as cheap as similar articles abroad, and enter fairly into competition with them, why not repeal the duties as to those articles? And why should we? Assuming the truth of the supposition, the foreign article would not be introduced in a *regular* course of trade, but would remain excluded by the possession of the home market which the domestic article had obtained. The repeal, therefore, would have no legitimate effect. But, might not the foreign article be imported in vast quantities, to glut our markets, break down our establishments, and, ultimately, to enable the foreigner to monopolize the supply of our consumption? America is the greatest foreign market for European manufactures. It is that to which European attention is constantly directed. If a great house becomes bankrupt there, its storehouses are emptied, and the goods are shipped to America, where, in consequence of our auctions, and our custom-house credits, the greatest facilities are afforded in the sale of them. Combinations among manufacturers might take place, or even the operations of foreign Governments might be directed to the destruction of our establishments. A repeal, therefore, of one protecting duty, from some one or all of these causes, would be followed by flooding the country with the foreign fabric, surcharging the market, reducing the price, and a complete prostration of our manufactories; after which, the foreigner would leisurely look about to indemnify himself in the increased prices which he would be enabled to command by his monopoly of the supply of our consumption. What American citizen, after the Government had displayed this vacillating policy, would be again tempted to place the smallest confidence in the public faith, and adventure, once more, in this branch of industry?

Gentlemen have allowed to the manufacturing portions of the community no peace; they have been constantly threatened with the overthrow of the American system. From the year 1820, if not from 1816, down to this time, they have been held in a condition of constant alarm and insecurity. Nothing is more prejudicial to the great interests of a nation than unsettled and varying policy. Although every appeal to the National Legislature has been responded to, in conformity with the wishes and sentiments of the great majority of the people, measures of protection have only been carried by such small majorities, as to excite hopes on the one hand, and fears on the other. Let the country breathe; let its vast resources be developed; let its energies be fully put forth; let it have tranquillity; and, my word for it, the degree of perfection in the arts which it will exhibit will be greater than that which has been presented, astonishing as our progress has been. Although some branches of our manufactures might, and, in foreign markets, now do, fearlessly contend with similar foreign fabrics, there are many others, yet in their infancy, struggling with the difficulties which encompass them. We should look at the *whole* system, and recollect that time, when we contemplate the great movements of a nation, is very different

from the short period which is allotted for the duration of individual life. The honorable gentleman from South Carolina well and eloquently said, in 1824, "No great interest of any country ever yet grew up in a day; no new branch of industry can become firmly and profitably established, but in a long course of years; every thing, indeed, great or good, is matured by slow degrees; that which attains a speedy maturity is of small value, and is destined to a brief existence. It is the order of Providence that powers gradually developed shall alone attain permanency and perfection. Thus must it be with our national institutions, and national character itself."

I feel, most sensibly, Mr. President, how much I have trespassed upon the Senate. My apology is, a deep and deliberate conviction that the great cause under debate involves the prosperity and the destiny of the Union. But the best requital I can make for the friendly indulgence which has been extended to me by the Senate, and for which I shall ever retain sentiments of lasting gratitude, is, to proceed, with as little delay as practicable, to the conclusion of a discourse which has not been more tedious to the Senate than exhausting to me. I have now to consider the remaining of the two propositions which I have already announced. That is,

2dly. That, under the operation of the American system, the products of our agriculture command a higher price than they would do without it, by the creation of a home market; and, by the augmentation of wealth produced by manufacturing industry, which enlarges our powers of consumption, both of domestic and foreign articles. The importance of the home market is among the established maxims which are universally recognised by all writers and all men. However some may differ as to the relative advantages of the foreign and the home market, none deny to the latter great value and high consideration. It is nearer to us, beyond the control of foreign legislation, and undisturbed by those vicissitudes to which all international intercourse is more or less exposed. The most stupid are sensible of the benefit of a residence in the vicinity of a large manufactory, or a market town, of a good road, or of a navigable stream, which connects their farms with some great capital. If the pursuits of all men were perfectly the same, although they would be in possession of the greatest abundance of the particular produce of their industry, they might, at the same time, be in extreme want of other necessary articles of human subsistence. The uniformity of the general occupation would preclude all exchanges—all commerce. It is only in the diversity of the vocations of the members of a community that the means can be found for those salutary exchanges which conduce to the general prosperity; and the greater that diversity, the more extensive and the more animating is the circle of exchange. Even if foreign markets were freely and widely open to the reception of our agricultural produce, from its bulky nature, and the distance of the interior, and the dangers of the ocean, large portions of it could never profitably reach the foreign market. But let us quit this field of theory, clear as it is, and look at the practical operation of the system of protection, beginning with the most valuable staple of our agriculture.

In considering this staple, the first circumstance that excites our surprise is the rapidity with which the amount of it has annually increased. Does not this fact, however, demonstrate that the cultivation of it could not have been so very unprofitable? If the business were ruinous, would more and more have annually engaged in it? The quantity in 1816 was eighty-one millions of pounds; in 1826, two hundred and four millions; and, in 1830, near three hundred millions! The ground of greatest surprise is, that it has been able to sustain even its present price with such an enormous augmentation of quantity. It could not have done it but for the combined operation of three

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causes, by which the consumption of cotton fabrics has been greatly extended, in consequence of their reduced prices: 1st, competition; 2d, the improvement of labor-saving machinery; and 3dly, the low price of the raw material. The crop of 1819, amounting to eighty-eight millions of pounds, produced twenty-one millions of dollars; the crop of 1823, when the amount was swelled to one hundred and seventy-four millions, (almost double that of 1819,) produced a less sum, by more than half a million of dollars; and the crop of 1824, amounting to thirty millions of pounds less than that of the preceding year, produced a million and a half of dollars more.

If there be any foundation for the established law of price, supply, and demand, ought not the fact of this great increase of the supply to account, satisfactorily, for the alleged low price of cotton? Is it necessary to look beyond that single fact to the tariff—to the diminished produce of the mines furnishing the precious metals, or to any other cause, for the solution? This subject is well understood in the South; and, although I cannot approve the practice which has been introduced, of quoting authority, and still less the authority of newspapers, for favorite theories, I must ask permission of the Senate to read an article from a Southern newspaper. [Here Mr. HAYNE requested Mr. CLAY to give the name of the authority, that it might appear whether it was not some other than a Southern paper expressing Southern sentiments. Mr. CLAY stated that it was from the Charleston City Gazette, one, he believed, of the oldest and most respectable prints in that city, although he was not sure what might be its sentiments on the question which at present divides the people of South Carolina.] The article comprises a full explanation of the low price of cotton, and assigns to it its true cause—increased production.

Mr. C. read the article as follows:

From the Charleston City Gazette, copied into the New Orleans Emporium, January 4.

"1st. The greatest fluctuation in the price of cotton was before the tariff of 1824.

"2d. Cotton, like every other article of merchandise, has its fixed price, not in America, but in the market of the world, and depends upon the proportion between demand and supply, just as corn, which, when it is scarce, sells high, and when plenty sells low.

"To illustrate how perfectly the price depends on the demand, it is stated that the crop of 1819, amounting to eighty-eight millions of pounds, sold for twenty-one millions of dollars; while the crop of 1823, amounting to one hundred and seventy millions of pounds, was sold for only twenty millions of dollars! And this before the light tariff of 1824. The cause of this difference in the price of cotton is found in the state of the markets, which were hungry in 1819, and had not a great supply, but were overfed in 1823, and could hardly digest the crop of that year.

"The price of cotton fluctuated before the present tariff: and, if the same causes of fluctuation exist, they will produce the same effects, independent of the tariff. It is true cotton has come to be sold at ten cents per pound, that used to bring twenty cents. In this reduction of his profits, the cotton planter only shares the same with the wheat grower. Flour is sold at five dollars per barrel, which formerly brought eight and ten dollars; and the products of the earth generally are low, because they are very abundant.

"With respect to cotton, this is to be said further. No mode of investing money in agricultural pursuits, this side of the sugar plantations, has afforded so great an income as the culture of cotton. So that has happened to the cotton planter, which happens to all, viz. a diminution of his income, from the multitudes of those who adopted his lucrative business.

"To seek relief from this depressed price of cotton, by repealing the tariff law, is a most inconsiderate step: for the tariff not only creates a new market for raw cotton, but it also converts some of the finest country for growing cotton into sugar plantations. The tariff, by protecting domestic sugars, enables the Louisianian to raise sugar. Remove the tariff from sugars, and the Louisianian cannot compete with the West Indian. Cotton he can raise to better advantage than the Carolinian. So the relief of the cotton planter, sought by the repeal of the protecting tariff, would multiply cotton growers, and cut off the Northeastern market at one and the same blow. What a stroke of nullifying policy that would be!

"The price of any thing in market is governed by the stock in market; if that is great, the price is low; if small, the price is high. Whatever has a tendency to consume the stock, increases the price; and whatever has a tendency to increase the stock, diminishes the price of that article in the market.

"The terrible manufactures at the North do not add to the stock of cotton; they diminish the stock, and raise the price in the market of the world. They consume vast quantities of cotton, and clear the market of what might otherwise become a drug. A repeal of the tariff law would wind up the Northern factories. When these cease to be consumers, the price of cotton must fall lower than it now is."

Let us suppose that the home demand for cotton, which has been created by the American system, were to cease, and that the 200,000* bales, that the home market now absorbs, were thrown into the glutted markets of foreign countries, would not the effect inevitably be to produce a further and great reduction in the price of the article? If there be any truth in the facts and principles which I have before stated, and endeavored to illustrate, it cannot be doubted that the existence of American manufactures has tended to increase the demand, and extend the consumption of the raw material; and that, but for this increased demand, the price of the article would have fallen, possibly one-half, lower than it now is. The error of the opposite argument is, in assuming one thing, which, being denied, the whole fails; that is, it assumes that the whole labor of the United States would be profitably employed, without manufactures. Now, the truth is, that the system excites and creates labor, and this labor creates wealth, and this new wealth communicates additional ability to consume, which acts on all the objects contributing to human comfort and enjoyment. The amount of cotton imported into the two ports of Boston and Providence alone, (during the last year, and it was imported exclusively for the home manufacture,) was 109,517 bales.

On passing from that article to others of our agricultural productions, we shall find not less gratifying facts. The total quantity of flour imported into Boston during the same year was 284,504 barrels, and 3,955 half barrels; of which, there were from Virginia, Georgetown, and Alexandria, 114,222 barrels; of Indian corn, 581,131 bushels; of oats, 239,809 bushels; of rye, about 50,000 bushels; and of shorts, 33,489 bushels. Into the port of Providence, 71,369 barrels of flour, 216,662 bushels of Indian corn, and 7,772 bushels of rye. And there were discharged at the port of Philadelphia 420,353 bushels of Indian corn, 201,878 bushels of wheat, and 110,557 bushels of rye and barley. There were slaughtered in Boston

*Mr. CLAY stated that he assumed the quantity which was generally computed, but he believed it much greater, and subsequent information justifies his belief. It appears, from the report of the Cotton Committee, appointed by the New York Convention, that partial returns show a consumption of upwards of 250,000 bales; that the cotton manufacture employs near 40,000 females, and about 5,000 children; that the total dependents on it are 131,489; that the annual wages paid are 12,155,733; the annual value of its products, 32,036,760 dollars; the capital, 44,914,984 dollars; the number of mills, 795; of spindles, 1,246,503; and of cloth made, 260,461,900 yards. This statement does not comprehend the Western manufactures.

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during the same year, 1831, (the only Northern city from which I have obtained returns,) 33,922 beef cattle, 15,400 stores, 84,453 sheep, and 26,871 swine. It is confidently believed that there is not a less quantity of Southern flour consumed at the North than 800,000 barrels—a greater amount, probably, than is shipped to all the foreign markets in the world together.

What would be the condition of the farming country of the United States—of all that portion which lies north, east, and west of James river, including a large part of North Carolina, if a home market did not exist for this immense amount of agricultural produce? Without that market, where could it be sold? In foreign markets? If their restrictive laws did not exist, their *capacity* would not enable them to purchase and consume this vast addition to their present supplies, which must be thrown in, or thrown away, but for the home market. But their laws exclude us from their markets. I shall content myself by calling the attention of the Senate to Great Britain only. The duties, in the ports of the United Kingdom, on bread stuffs, are prohibitory, except in times of dearth. On rice, the duty is fifteen shillings sterling per hundred weight, being more than one hundred per cent. On manufactured tobacco, it is nine shillings sterling per pound, or about two thousand per cent. On leaf tobacco, three shillings per pound, or one thousand two hundred per cent. On lumber and some other articles, they are from four hundred to one thousand five hundred per cent. more than on similar articles imported from British colonies. In the British West Indies, the duty on beef, pork, hams, and bacon, is twelve shillings sterling per hundred, more than one hundred per cent. on the first cost of beef and pork in the Western States. And yet Great Britain is the Power in whose behalf we are called upon to legislate, so that we may enable *her* to purchase our cotton! Great Britain, that thinks only of herself in her own legislation! When have we experienced justice, much less favor, at her hands? When did she shape her legislation in reference to the interests of any foreign Power? She is a great, opulent, and powerful nation; but haughty, arrogant, and supercilious. Not more separated from the rest of the world by the sea that girts her island, than she is separated in feeling, sympathy, or friendly consideration of their welfare. Gentlemen, in supposing it impracticable that we should successfully compete with her in manufactures, do injustice to the skill and enterprise of their own country. Gallant as Great Britain undoubtedly is, we have gloriously contended with her, man to man, gun to gun, ship to ship, fleet to fleet, and army to army. And I have no doubt we are destined to achieve equal success in the more useful, if not nobler contest, for superiority in the arts of civil life.

I could extend and dwell on the long list of articles—the hemp, iron, lead, coal, and other items, for which a demand is created in the home market, by the operation of the American system; but I should exhaust the patience of the Senate. *Where, where*, should we find a market for all these articles, if it did not exist at home? What would be the condition of the largest portion of our people and of the territory, if this home market were annihilated? How could they be supplied with objects of prime necessity? What would not be the certain and inevitable decline in the price of all these articles, but for the home market? And allow me, Mr. President, to say, that, of all the agricultural parts of the United States which are benefited by the operation of this system, none are equally so with those which border the Chesapeake bay, the lower parts of North Carolina, Virginia, and the two shores of Maryland. Their facilities of transportation and proximity to the North give them decided advantages.

But if all this reasoning were totally fallacious—if the price of manufactured articles were really higher under the American system, than without it, I should still argue

that high or low prices were themselves relative—relative to the ability to pay them. It is in vain to tempt, to tantalize us with the lower prices of European fabrics than our own, if we have nothing wherewith to purchase them. If, by the home exchanges, we can be supplied with necessary, even if they are dearer and worse, articles of American production than the foreign, it is better than not to be supplied at all. And how would the large portion of our country which I have described, be supplied, but for the home exchanges? A poor people, destitute of wealth or of exchangeable commodities, has nothing to purchase foreign fabrics. To them they are equally beyond their reach, whether their cost be a dollar or a guinea. It is in this view of the matter that Great Britain, by her vast wealth—her *exerted* and *protected* industry—is enabled to bear a burden of taxation which, when compared to that of other nations, appears enormous; but which, when her immense riches are compared to theirs, is light and trivial. The gentleman from South Carolina has drawn a lively and flattering picture of our coasts, bays, rivers, and harbors; and he argues that these proclaimed the design of Providence that we should be a commercial people. I agree with him. We differ only as to the means. He would cherish the foreign, and neglect the internal trade. I would foster both. What is navigation without ships, or ships without cargoes? By penetrating the bosoms of our mountains, and extracting from them their precious treasures; by cultivating the earth, and *securing* a home market for its rich and abundant products; by employing the water power with which we are blessed; by stimulating and protecting our native industry, in all its forms; we shall but nourish and promote the prosperity of commerce, foreign and domestic.

I have hitherto considered the question in reference only to a state of peace; but a season of war ought not to be entirely overlooked. We have enjoyed near twenty years of peace; but who can tell when the storm of war shall again break forth? Have we forgotten, so soon, the privations to which not merely our brave soldiers and our gallant tars were subjected, but the whole community, during the last war, for the want of absolute necessities? To what an enormous price they rose? And how inadequate the supply was, at any price? The statesman, who justly elevates his views, will look behind as well as forward, and at the existing state of things; and he will graduate the policy which he recommends, to all the probable exigencies which may arise in the republic. Taking this comprehensive range, it would be easy to show that the higher prices of peace, if prices were higher in peace, were more than compensated by the lower prices of war, during which supplies of all essential articles are indispensable to its vigorous, effectual, and glorious prosecution. I conclude this part of the argument with the hope that my humble exertions have not been altogether unsuccessful in showing—

1. That the policy which we have been considering ought to continue to be regarded as the genuine American system.
2. That the free trade system, which is proposed as its substitute, ought really to be considered as the British colonial system.
3. That the American system is beneficial to all parts of the Union, and absolutely necessary to much the larger portion.
4. That the price of the great staple of cotton, and of all our chief productions of agriculture, has been sustained and upheld, and a decline averted by the protective system.
5. That, if the foreign demand for cotton has been at all diminished by the operation of that system, the diminution has been more than compensated in the additional demand created at home.
6. That the constant tendency of the system, by creat-

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ing competition among ourselves, and between American and European industry, reciprocally acting upon each other, is to reduce prices of manufactured objects.

7. That, in point of fact, objects within the scope of the policy of protection have greatly fallen in price.

8. That if, in a season of peace, these benefits are experienced in a season of war, when the foreign supply might be cut off, they would be much more extensively felt.

9. And, finally, that the substitution of the British colonial system for the American system, without benefiting any section of the Union, by subjecting us to a foreign legislation, regulated by foreign interests, would lead to the prostration of our manufactures, general impoverishment, and ultimate ruin.

And now, Mr. President, I have to make a few observations on a delicate subject, which I approach with all the respect that is due to its serious and grave nature. They have not, indeed, been rendered necessary by the speech of the gentleman from South Carolina, whose forbearance to notice the topic was commendable, as his argument throughout was characterized by an ability and dignity worthy of him and of the Senate. The gentleman made one declaration, which might possibly be misinterpreted, and I submit to him whether an explanation of it be not proper. The declaration, as reported in his printed speech, is, "the instinct of self interest might have taught 'us an easier way of relieving ourselves from this oppression.' It wanted but the will to have supplied ourselves 'with every article embraced in the protective system, 'free of duty, without any other participation on our part 'than a simple consent to receive them.'" [Here Mr. HAYNE rose, and remarked, that the passages, which immediately preceded and followed the paragraph cited, he thought, plainly indicated his meaning, which related to evasions of the system, by illicit introduction of goods, which they were not disposed to countenance in South Carolina.] I am happy to hear this explanation. But, sir, it is impossible to conceal from our view the facts that there is great excitement in South Carolina; that the protective system is openly and violently denounced in popular meetings; and that the Legislature itself has declared its purpose of resorting to counteracting measures—a suspension of which has only been submitted to, for the purpose of allowing Congress time to *retrace* its steps. With respect to this Union, Mr. President, the truth cannot be too generally proclaimed, nor too strongly inculcated, that it is necessary to the *whole* and to all the *parts*—necessary to those parts, indeed, in different degrees, but vitally necessary to *each*; and that threats to disturb or dissolve it, coming from any of the parts, would be quite as indiscreet and improper, as would be threats from the residue to exclude those parts from the pale of its benefits. The great principle, which lies at the foundation of all free Government, is, that the majority must govern; from which there is or can be no appeal but to the sword. That majority ought to govern wisely, equitably, moderately, and constitutionally, but govern *if must*, subject only to that terrible appeal. If ever one, or several States, being a minority, can, by menacing a dissolution of the Union, succeed in forming an abandonment of great measures deemed essential to the interests and prosperity of the whole, the Union, from that moment, is practically gone. It may linger on, in form and name, but its vital spirit has fled forever! Entertaining these deliberate opinions, I would entreat the patriotic people of South Carolina—the land of Marion, Sumpter, and Pickens—of Rutledge, Laurens, the Pinckneys, and Lowndes—of living and present names, which I would mention if they were not living or present—to pause, solemnly pause! and contemplate the frightful precipice which lies directly before them. To retreat may be painful and mortifying to their gallantry and pride, but it is to retreat to the Union, to safety, and to those brethren, with whom, or with

whose ancestors, they, or their ancestors, have won, on fields of glory, imperishable renown. To advance, is to rush on certain and inevitable disgrace and destruction.

We have been told of deserted castles, of uninhabited halls, and of mansions, once the seats of opulence and hospitality, now abandoned and mouldering in ruins. I never had the honor of being in South Carolina; but I have heard and read of the stories of its chivalry, and of its generous and openhearted liberality. I have heard, too, of the struggles for power between the lower and upper country. The same causes which existed in Virginia, with which I have been acquainted, I presume, have had their influence in Carolina. In whose hands now are the once proud seats of Westover, Curles, Maycock, Shirley,* and others, on James river, and in lower Virginia? Under the operation of laws abolishing the principle of primogeniture, and providing the equitable rule of an equal distribution of estates among those in equal degree of consanguinity, they have passed into other and stranger hands. Some of the descendants of illustrious families have gone to the far West, whilst others, lingering behind, have contrasted their present condition with that of their venerated ancestors. They behold themselves excluded from their fathers' houses, now in the hands of those who were once their fathers' overseers, or sinking into decay; their imaginations paint ancient renown, the fading honors of their name, glories gone by; too poor to live, too proud to work, too high-minded and honorable to resort to ignoble means of acquisition, brave, daring, chivalrous, *what* can be the cause of their present unhappy state? The "accursed tariff presents itself to their excited imaginations, and they blindly rush into the ranks of those who, unfurling the banner of nullification, would place a State upon its sovereignty!

The danger to our Union does not lie on the side of persistence in the American system, but on that of its abandonment. If, as I have supposed and believe, the inhabitants of all north and east of James river, and all west of the mountains, including Louisiana, are deeply interested in the preservation of that system, would they be reconciled to its overthrow? Can it be expected that two-thirds, if not three-fourths, of the people of the United States would consent to the destruction of a policy believed to be indispensably necessary to their prosperity? When, too, this sacrifice is made at the instance of a single interest, which they verily believe will not be promoted by it? In estimating the degree of peril which may be incident to two opposite courses of human policy, the statesman would be short-sighted who should content himself with viewing only the evils, real or imaginary, which belong to that course which is in practical operation. He should lift himself up to the contemplation of those greater and more certain dangers which might inevitably attend the adoption of the alternative course. What would be the condition of this Union, if Pennsylvania and New York, those mammoth members of our confederacy, were firmly persuaded that their industry was paralyzed, and their prosperity blighted, by the enforcement of the British colonial system, under the delusive name of free trade? They are now tranquil, and happy, and contented, conscious of their welfare, and feeling a salutary and rapid circulation of the products of home manufactures and home industry throughout all their great arteries. But let that be checked, let them feel that a foreign system is to predominate, and the sources of their subsistence and comfort dried up; let New England and the West, and the Middle States, all feel that they too are the victims of a mistaken policy, and let these vast portions of our country despair of any favorable change, and then, indeed, might we tremble for the continuance and safety of this Union!

* As to Shirley, Mr. Clay acknowledges his mistake, made in the warmth of debate. It is yet the abode of the respectable and hospitable descendants of its former opulent proprietor.

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And need I remind you, sir, that this dereliction of the duty of protecting our domestic industry, and abandonment of it to the fate of foreign legislation, would be directly at war with leading considerations which prompted the adoption of the present constitution? The States, respectively, surrendered to the General Government the whole power of laying imposts on foreign goods. They stripped themselves of all power to protect their own manufactures, by the most efficacious means of encouragement—the imposition of duties on rival foreign fabrics. Did they create that great trust? Did they voluntarily subject themselves to this self-restriction, that the power should remain in the Federal Government, inactive, unexecuted, and lifeless? Mr. Madison, at the commencement of the Government, told you otherwise. In discussing, at that early period, this very subject, he declared that a failure to exercise this power would be a “*fraud*” upon the Northern States, to which may now be added the Middle and Western States.

[Mr. MILLER asked to what expression of Mr. Madison's opinion Mr. CLAY referred; and Mr. C. replied, his opinion, expressed in the House of Representatives, in 1789, as reported in Lloyd's Congressional Debates.]

Gentlemen are greatly deceived as to the hold which this system has in the affections of the people of the United States. They represent that it is the policy of New England, and that she is most benefited by it. If there be any part of this Union which has been most steady, most unanimous, and most determined in its support, it is Pennsylvania. Why is not that powerful State attacked? Why pass her over, and aim the blow at New England? New England came, reluctantly, into the policy. In 1824, a majority of her delegation was opposed to it. From the largest State of New England there was but a solitary vote in favor of the bill. That enterprising people can readily accommodate their industry to any policy, provided it be *settled*. They supposed this was fixed, and they submitted to the decrees of Government. And the progress of public opinion has kept pace with the development of the benefits of the system. Now, all New England, at least in this House, (with the exception of *one small, still voice*,) [Mr. HILL, of New Hampshire,] is in favor of the system. In 1824, all Maryland was against it; now, the majority is for it. Then, Louisiana, with one exception, was opposed to it; now, without any exception, she is in favor of it. The march of public sentiment is to the South. Virginia will be the next convert; and, in less than seven years, if there be no obstacles from political causes, or prejudices industriously instilled, the majority of Eastern Virginia will be, as the majority of Western Virginia now is, in favor of the American system. North Carolina will follow later, but not less certainly. Eastern Tennessee is now in favor of the system. And, finally, its doctrines will pervade the whole Union, and the wonder will be that they ever should have been opposed.

I have now to proceed to notice some objections which have been urged against the resolution under consideration. With respect to the amendment which the gentleman from South Carolina had offered, as he has intimated his purpose to modify it, I shall forbear, for the present, to comment upon it. It is contended that the resolution proposes the repeal of duties on luxuries, leaving those on necessities to remain, and that it will, therefore, relieve the rich, without lessening the burdens of the poor. And the gentleman from South Carolina has carefully selected, for ludicrous effect, a number of the unprotected articles; cosmetics, perfumes, oranges, &c. I must say that this exhibition of the gentleman is not in keeping with the candor which he has generally displayed; that he knows very well that the duties upon these articles are trifling, and that it is of little consequence whether they are repealed or retained. Both systems, the American and the foreign, comprehend some articles which may be deemed

luxuries. The Senate knows that the unprotected articles which yield the principal part of the revenue, with which this measure would dispense, are coffee, tea, spices, wines, and silks. Of all these articles, wines and silks alone can be pronounced to be luxuries; and as to wines, we have already ratified a treaty, not yet promulgated, by which the duties on them are to be considerably reduced. If the universality of the use of objects of consumption determines their classification, coffee, tea, and spices, in the present condition of civilized society, may be considered necessities. Even if they were luxuries, why should not the poor, by cheapening their prices, if that can be effected, be allowed to use them? Why should not a poor man be allowed to tie a silk handkerchief on his neck, occasionally regale himself with a glass of cheap French wine, or present his wife or daughter with a silk gown, to be worn on Sabbath or gala days? I am quite sure that I do not misconstrue the feelings of the gentleman's heart, in supposing that he would be happy to see the poor, as well as the rich, moderately indulging themselves in these innocent gratifications. For one, I am delighted to see the condition of the poor attracting the consideration of the opponents of the tariff. It is for the great body of the people, and especially for the poor, that I have ever supported the American system. It affords them profitable employment, and supplies the means of comfortable subsistence. It secures to them, certainly, necessities of life, manufactured at home, and places within their reach, and enables them to acquire, a reasonable share of foreign luxuries; whilst the system of gentlemen *promises* them necessities made in foreign countries, and which are beyond their power, and *denies* to them luxuries which they would possess no means to purchase.

The constant complaint of South Carolina against the tariff, is, that it checks importations, and disables foreign Powers from purchasing the agricultural productions of the United States. The effect of the resolution will be to increase importations, not so much, it is true, from Great Britain, as from other Powers, but not the less acceptable on that account. It is a misfortune that so large a portion of our foreign commerce concentrates in one nation; it subjects us too much to the legislation and the policy of that nation, and exposes us to the influence of her numerous agents, factors, and merchants. And it is not among the smallest recommendations of the measure before the Senate, that its tendency will be to expand our commerce with France—our great revolutionary ally—the land of our Lafayette. There is much greater probability, also, of an enlargement of the present demand for cotton, in France, than in Great Britain. France engaged later in the manufacture of cotton, and has made, therefore, less progress. She has, moreover, no colonies producing the article in abundance, whose industry she might be tempted to encourage.

The honorable gentleman from Maryland, [Mr. SMITH,] by his reply to a speech, which, on the opening of the subject of this resolution, I had occasion to make, has rendered it necessary that I should take some notice of his observations. The honorable gentleman stated that he had been accused of partiality to the manufacturing interest. Never was there a more groundless and malicious charge preferred against a calumniated man. Since this question has been agitated in the public councils, although I have often heard from him professions of attachment to this branch of industry, I have never known any member a more uniform, determined, and uncompromising opponent of them, than the honorable Senator has invariably been. And if, hereafter, the calumny should be repeated, of his friendship to the American system, I shall be ready to furnish to him, in the most solemn manner, my testimony to his innocence. The honorable gentleman supposed that I had advanced the idea that the *permanent* revenue of this country should be fixed at eighteen millions of dollars. Certainly I had

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no intention to announce such an opinion, nor do my expressions, fairly interpreted, imply it. I stated, on the occasion referred to, that, estimating the ordinary revenue of the country at twenty-five millions, and the amount of the duties on the unprotected articles proposed to be repealed by the resolution, at seven millions, the latter sum taken from the former would leave eighteen. But I did not intimate any belief that the revenue of the country ought, for the future, to be permanently fixed at that or any other precise sum. I stated that, after having effected so great a reduction, we might pause, cautiously survey the whole ground, and deliberately determine upon other measures of reduction, some of which I indicated. And I now say, preserve the protective system in full vigor, give us the proceeds of the public domain for internal improvements, or, if you please, partly for that object, and partly for the removal of the free blacks, with their own consent, from the United States; and, for one, I have no objection to the reduction of the public revenue to fifteen, to thirteen, or even to nine millions of dollars.

In regard to the scheme of the Secretary of the Treasury for paying off the whole of the remaining public debt by the 4th day of March, 1833, including the three per cent., and, for that purpose, selling the bank stock, I had remarked that, with the exception of the three per cent., there was not more than about four millions of dollars of the debt due and payable within this year; that, to meet this, the Secretary had stated, in his annual report, that the treasury would have, from the receipts of this year, fourteen millions of dollars, applicable to the principal of the debt; that I did not perceive any urgency for paying off the three per cent. by the precise day suggested; and that there was no necessity, according to the plans of the treasury, assuming them to be expedient and proper, to postpone the repeal of the duties on unprotected articles. The gentleman from Maryland imputed to me *ignorance* of the act of the 24th April, 1830, according to which, in his opinion, the Secretary was *obliged* to purchase the three per cent. On what ground the Senator supposed I was *ignorant* of that act, he has not stated. Although, when it passed, I was at Ashland, I assure him that I was not there altogether uninformed of what was passing in the world. I regularly received the Register of my excellent friend Mr. Niles, published in Baltimore, the National Intelligencer, and other papers. There are two errors to which gentlemen are sometimes liable: one is to magnify the amount of knowledge which they possess themselves, and the second is to depreciate that which others have acquired. And will the gentleman from Maryland excuse me for thinking that no man is more prone to commit both errors than himself? I will not say that he is *ignorant* of the true meaning of the act of 1830, but I certainly place a different construction upon it from what he does. It does not *oblige* the Secretary of the Treasury, or rather the Commissioners of the Sinking Fund, to apply the surplus of any year to the purchase of the three per cent. stock particularly, but leaves them at liberty "to apply such surplus to the purchase of any portion of the public debt, at such rates as, in their opinion, may be advantageous to the United States." This vests a *discretionary* authority, to be exercised under official responsibility. And if any Secretary of the Treasury, when he had the option of purchasing a portion of the debt, bearing a higher rate of interest, at par or about par, were to execute the act by purchasing the three per cent. at its present price, he would merit impeachment. Undoubtedly a state of facts may exist, such as there being no public debt remaining to be paid but the three per cent. stock, with a surplus in the treasury, idle and unproductive, in which it might be expedient to apply that surplus to the reimbursement of the three per cents. But, whilst the interest of money is at a greater rate than three per cent., it would not, I think, be wise to produce an accumulation

of public treasure for such a purpose. The postponement of any reduction of the amount of the revenue, at this session, must however give rise to that very accumulation; and it is, therefore, that I cannot perceive the utility of the postponement.

We are told by the gentleman from Maryland, that offers have been made to the Secretary of the Treasury to exchange three per cents. at their market price of ninety-six per cent. for the bank stock of the Government at its market price, which is about one hundred and twenty-six; and he thinks it would be wise to accept them. If the charter of the bank is renewed, that stock will be probably worth much more than its present price; if not renewed, much less. Would it be fair in Government, whilst the question is pending and undecided, to make such an exchange? The difference in value between a stock bearing three per cent. and one bearing seven per cent., must be really much greater than the difference between ninety-six and one hundred and twenty-six per cent. Supposing them to be perpetual annuities, the one would be worth more than twice the value of the other. But my objection to the treasury plan is, that it is not necessary to execute it—to continue these duties, as the Secretary proposes. The Secretary has a debt of twenty-four millions to pay; he has, from the accruing receipts of this year, fourteen millions; and we are now told by the Senator from Maryland that this sum of fourteen millions is exclusive of any of the *duties* accruing this year. He proposes to raise eight millions by a sale of the bank stock, and to anticipate, from the revenues receivable next year, two millions more. These three items, then, of fourteen millions, eight millions, and two millions, make up the sum required of twenty-four millions, without the aid of the duties to which the resolution relates.

The gentleman from Maryland insists that the General Government has been liberal towards the West in its appropriations of public lands for internal improvements; and, as to fortifications, he contends that the expenditures near the mouth of the Mississippi are for its especial benefit. The appropriations of land to the States of Ohio, Indiana, Illinois, and Alabama, have been liberal; but it is not to be overlooked, that the General Government is itself the greatest proprietor of land, and that a tendency of the improvements, which these appropriations were to effect, is to increase the value of the unsold public domain. The erection of the fortifications for the defence of Louisiana was highly proper; but the gentleman might as well place to the account of the West, the disbursements for the fortifications intended to defend Baltimore, Philadelphia, and New York, to all which capitals Western produce is sent, and in security of all of which the Western people feel a lively interest. They do not object to expenditures for the army, for the navy, for fortifications, or for any other defensive or commercial object on the Atlantic, but they do think that their condition ought also to receive friendly attention from the General Government. With respect to the State of Kentucky, not one cent of money, or one acre of land, has been applied to any object of internal improvement within her limits. The subscription to the stock of the canal at Louisville was for an object in which many States were interested. The Senator from Maryland complains that he has been unable to obtain any aid for the railroad which the enterprise of Baltimore has projected, and, in part, executed. That was a great work, the conception of which was bold and highly honorable, and it deserves national encouragement. But how has the Committee of Roads and Canals, at this session, been constituted? The Senator from Maryland possessed a brief authority to organize it, and, if I am not misinformed, a majority of the members composing it, appointed by him, are opposed both to the constitutionality of the power and the expediency of exercising it.

And now, sir, I would address a few words to the friends

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of the American system in the Senate. The revenue *must, ought* to be reduced. The country will not, after, by the payment of the public debt, ten or twelve millions of dollars become unnecessary, bear such an annual surplus. Its distribution would form a subject of perpetual contention. Some of the opponents of the system understand the stratagem by which to attack it, and are shaping their course accordingly. It is to crush the system by the accumulation of revenue, and by the effort to persuade the people that they are unnecessarily *taxed*, whilst those would really *tax* them who would break up the *native* sources of supply, and render them dependent upon the *foreign*. But the revenue *ought* to be reduced, so as to accommodate it to the fact of the payment of the public debt. And the alternative is, or may be, to *preserve* the protecting system, and repeal the duties on the *unprotected* articles, or to *preserve* the duties on *unprotected* articles, and endanger, if not *destroy*, the system. Let us then adopt the measure before us, which will benefit all classes: the farmer, the professional man, the merchant, the manufacturer, the mechanic, and the cotton planter more than all. A few months ago, there was no diversity of opinion as to the expediency of this measure. All, then, seemed to unite in the selection of these objects, for a repeal of duties which were not produced within the country. Such a repeal did not touch our domestic industry, violated no principle, offended no prejudice.

Can we not all, whatever may be our favorite theories, cordially unite on this *neutral* ground? When that is occupied, let us look beyond it, and see if any thing can be done, in the field of protection, to modify, to improve it, or to satisfy those who are opposed to the system. Our Southern brethren believe that it is injurious to them, and ask its repeal. We believe that its abandonment will be prejudicial to them, and *ruinous* to every other section of the Union. However strong their convictions may be, they are not stronger than ours. Between the points of the preservation of the system and its absolute repeal, there is no principle of union. If it can be *shown* to operate immoderately on any quarter; if the measure of protection to any article can be demonstrated to be undue and inordinate, it would be the duty of Congress to interpose and apply a remedy. And none will co-operate more heartily than I shall, in the performance of that duty. It is quite probable that beneficial modifications of the system may be made, without impairing its efficacy. But, to make it fulfil the purposes of its institution, the measure of protection ought to be adequate. If it be not, all interests will be injuriously affected. The manufacturer, crippled in his exertions, will produce less perfect and dearer fabrics, and the consumer will feel the consequence. This is the spirit, and these are the principles only, on which it seems to me that a settlement of this great question can be made satisfactorily to all parts of our Union.

[The delivery of the above speech of Mr. CLAY occupied portions of three several days; but the whole is embodied here, unbroken.]

FRIDAY, FEBRUARY 3.

THE TARIFF.

After the disposal of some morning business, The Senate resumed the consideration of Mr. CLAY's resolution on the subject of the tariff.

Mr. CLAY resumed his argument, (as given above,) and spoke till three o'clock; when, being much exhausted, he asked, very reluctantly, he said, the further indulgence of the Senate; and

The Senate adjourned to Monday.

MONDAY, FEBRUARY 6.

On motion of Mr. CHAMBERS, the joint resolution from the House for the appointment of a committee to

make arrangements for the celebration of the centennial birthday of Washington, was taken up, and agreed to.

On motion of Mr. CHAMBERS, the Chair was directed to appoint the committee.

Mr. CHAMBERS moved thirteen as the number of the committee, Mr. RUGGLES, twenty-four, and Mr. WEBSTER, five. The last number was adopted.

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The Senate then resumed the consideration of the resolution offered by Mr. CLAY, for the modification of the tariff.

Mr. CLAY rose, and, in a speech of about three hours, concluded his argument (as given above) in support of the resolution.

Mr. SMITH then rose, and said he was sorry to find that he had unintentionally offended the honorable gentleman from Kentucky. In referring to the vigorous age he himself enjoyed, he had not supposed he should give offence to others who complained of the infirmities of age. The gentleman from Kentucky was the last who should take the remark as disparaging to his vigor and personal appearance; for, when that gentleman spoke to us of his age, he heard a young lady near him exclaim—"Old, why I think he is mighty pretty." The honorable gentleman, on Friday last, made a similitude where none existed. I, said Mr. S., had suggested the necessity of mutual forbearance in settling the tariff, and, thereupon, the gentleman vociferated loudly and angrily about removals from office. He said I was a leader in the system. I deny the fact. I never exercised the least influence in effecting a removal, and, on the contrary, I interfered, successfully, to prevent the removal of two gentlemen in office. I am charged with making a committee on roads and canals, adverse to internal improvement. If this be so, it is by mistake. I certainly supposed every gentleman named on that committee but one to be friendly to internal improvement. To the Committee on Manufactures I assigned four out of five who were known to be friendly to the protective system. The rights of the minority, he had endeavored, also, in arranging the committees, to secure. The appointment of the committees he had found one of the most difficult and onerous tasks he had ever undertaken. One-third of the House were lawyers, all of whom wanted to be put upon some important committee. The oath which the Senator had tendered, he hoped he would not take. In the year 1795, Mr. S. said, he had sustained a protective duty against the opposition of a member from Pittsburg. Previous to the year 1822, he had always given incidental support to manufactures, in fixing the tariff. He was a warm friend to the tariff of 1816, which he still regarded as a wise and beneficial law. He hoped, then, the gentleman would not take his oath.

Mr. CLAY placed, he said, a high value on the compliment of which the honorable Senator was the channel of communication; and he the more valued it, inasmuch as he did not recollect more than once before, in his life, to have received a similar compliment. He was happy to find that the honorable gentleman disclaimed the system of proscription; and he should, with his approbation, hereafter cite his authority in opposition to it. The Committee on Roads and Canals, whatever were the gentleman's intentions in constructing it, had a majority of members, whose votes and speeches against internal improvements were matter of notoriety. The gentleman's appeal to his acts in '95, is perfectly safe; for, old as I am, my knowledge of his course does not extend back that far. He would take the period which the gentleman named, since 1822. It comes, then, to this: The honorable gentleman was in favor of protecting manufactures; but he had turned—I need not use the word—he has abandoned manufactures. Thus

"Old politicians chew on wisdom past,
"And totter on in business to the last."

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Mr. SMITH. The last allusion is unworthy of the gentleman. Totter, sir, I totter. Though some twenty years older than the gentleman, I can yet stand firm, and am yet able to correct his errors. I could take a view of the gentleman's course, which would show how inconsistent he has been. [Mr. CLAY exclaimed: "Take it, sir, take it—I dare you." Cries of "order."] No, sir, said Mr. S., I will not take it. I will not so far disregard what is due to the dignity of the Senate.

The Senate then adjourned.

TUESDAY, FEBRUARY 7.

[The following members were announced as having been appointed by the Chair on the joint committee for making arrangements for celebrating the centennial birthday of Washington, pursuant to the order of yesterday, viz Mr. TAZEWELL, Mr. SMITH, Mr. CLAY, Mr. WEBSTER, and Mr. TROUP.

The journal having been read,

Mr. TAZEWELL rose, and said that he perceived in the journal of yesterday's proceedings his name on the committee appointed in conjunction with the committee of the other House, for the purpose of making arrangements for the celebration of the centennial birthday of the first President of the United States. It would be recollected that the condition of the Senate was such, at the time of the passage of the joint resolution, under which the committee was appointed, that it was impossible for its presiding officer to distinguish the dissenting vote given by himself and two other Senators in opposition to the measure. Although opposed to serving on the committee, he would not have troubled the Senate with the application he was about to make, did he not feel it his duty to announce decidedly his sentiments in relation to the purpose for which the committee was instituted. Were it one of the ordinary committees that he was then called upon to serve in, he should not, however irksome the service, have asked to be excused; but when a deputation of that body was appointed to meet a committee of the other House, that deputation should express a unanimous opinion in relation to the business on which they were to act; and he, therefore, entertaining different views from those intended by the resolution, was compelled to ask the Senate to excuse him from serving. Though, on ordinary occasions, he was disposed to make a sacrifice of his own feelings, his own wishes, and his own convenience, yet, on this, he felt it his duty to oppose, in the most decisive manner, the consummation of a purpose, to the inception and concoction of which he had been equally opposed. Man-worship, how great soever the man, Mr. T. said he would ever oppose. For these reasons, he hoped the Senate would appoint, in his place, some other gentleman, whose sentiments and feelings better qualified him to serve on the committee.

Mr. T. was then excused.

Mr. TROUP also asked to be excused from serving on the committee. Mr. T. spoke in so low a tone of voice as to be scarcely audible in the reporter's seat; but he was understood to give the same reasons for wishing to be excused as were given by Mr. TAZEWELL.

Mr. WHITE, at a subsequent part of the day, also asked to be excused. He said that precisely the same reasons assigned by the gentleman from Virginia, disqualified him from serving. He, too, was opposed to the resolution, and had voted against it.

Mr. W. was likewise excused.

Mr. SMITH also requested to be excused, in consequence of ill health. He had been indisposed in consequence of joining in celebrating the 8th of January, and was compelled to confine himself within doors when not engaged in duty at the Senate, especially in the evening.

Mr. S. was accordingly excused.

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The Senate resumed the consideration of the resolution proposed by Mr. CLAY for the modification of the tariff.

Mr. HILL, of New Hampshire, again rose. He said, that I may be distinctly understood as not being opposed to any manufacturing interest worthy of protection, I will give notice of my intention to propose a substitute for the resolution which the Senator from South Carolina has moved to strike out. This substitute is an outline for such a "judicious tariff" as will amply protect our manufactures, and at the same time not do violent injustice to the other great interests of the country. It offers a protection much greater than any law passed, or recommended to be passed, by Washington, Adams, or Jefferson. It meets restriction from abroad with ample restriction at home; at the same time, it invites foreign nations to be more liberal to us. With the consent of the Senator from South Carolina, I will offer this, should the resolution under consideration be rejected; and will be willing so to modify it as may suit the views of any Senator who would yield something for conciliation on this momentous subject.

My propositions are as follow:

1. That any amount of imposts above twenty-five per cent. (that being tantamount to a protection of thirty-seven and a half per cent. to the manufacturer) on the first cost of foreign importations, is not necessary for the permanent protection of American industry and the full and profitable employment of American capital.

2. That, for the better protection of American manufactures, all imposts on foreign raw materials (iron and wool for the present excepted) ought to be abolished.

3. That, for the more ample security of the trading and mercantile, as well as the agricultural and manufacturing interests, the present tariff of duties ought not to be materially reduced by law to take effect sooner than the 1st of January, 1833.

4. That the duty on raw wool (with the exception of the coarser kinds not produced in this country, which should be entirely free of duty) shall be reduced gradually, say five per cent. at the end of each year, until it falls to fifteen per cent.

5. That the duties on unmanufactured iron and steel be at first reduced to a rate that shall protect American manufactures of iron, taking into view the duties on foreign manufactures of iron and steel now existing; and afterwards be gradually further reduced to a rate not exceeding fifteen per cent. ad valorem.

6. That the minimums of duties on woollens and cottons be abolished from and after the 1st of January, 1833; that an ad valorem duty not exceeding forty per cent. be then laid, to be annually reduced five per cent. until it shall not exceed twenty-five per cent.

7. That the duties on all other manufactured articles in common use, exceeding by the present tariff twenty-five per cent. ad valorem, be reduced, from and after said 1st day of January, 1833, five per cent. per annum, until they shall not exceed twenty-five per cent.

8. That the duty on salt be further reduced five cents on a bushel; on teas, one-half of the present amount of duties; on coffee, to one cent per pound; on brown sugar, at the rate of half a cent per pound per annum, until the duty falls to one cent per pound.

9. That the duties on foreign articles of luxury ought in no instance to be reduced in a ratio greater than the duties on any article of necessity which is in general use.

Educated, Mr. President, as a plain, practical man, with no pretensions at all to play the orator, my constituents did not send me here with any expectation that I should participate in

"The popular harangue, the tart reply,
The logic and the wisdom and the wit,"

of men whose lives have been almost spent in the forum

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of debate, and who have abundance of ability to make the "worse appear the better cause." I cannot speak before I know what I have to say; and when I have said that, I am done.

Sir, I am pleased that the "still, small voice from the East" was loud enough to be felt. That "still, small voice" tenders its acknowledgments to the Senator from Kentucky, whose aptness at "all trades" is equally apparent, whether it be in applying terms honorable to his own, and dishonorable to the "hungry brood" who differ from him, or in grasping for his own all that is good, and turning over to the "ghosts" that seem to haunt his imagination all that is unwelcome.

Of the "lean kine" and "starvelings," the "ill favored" and "pale faced," so vividly described by the Senator—and it may be added, of the sturdier gentlemen, too, "with fat round capon lined," who, since the 4th of March, 1829, have hung on their sleeves, and besieged and begged the President and heads of departments for office and for treasury pay—it may be well to remember that at least the one-half of them either were, in the election of 1828, or are now, in the ranks of the "American system" men, and opposed to the present administration and its head.

If the "still, small voice" be only as one of twelve in this honorable body from the six New England States, the Senator need not be informed, such is the progress of opposition to "his system," that any election since 1828 would here present them as good as four to eight.

The Senator claims the tariff law of 1816 as part and parcel of his own great "system;" and yet he tells you that this country never saw seven years of such intense pecuniary suffering and distress as between 1816 and 1824! The Senator must have forgotten 1827, '28, and '29, when there were more failures, more ruin among the manufacturers of New England [and this distress was not confined to them—it was general] than all that had taken place in all other years since the adoption of the constitution. Why, sir, in the course of a few weeks, nearly the whole of the little State of Rhode Island was supposed to be involved in irretrievable ruin. Her excellent working man, Samuel Slater, one of the foreigners that are so obnoxious to the Senator's displeasure, the father of the manufacturers in New England, was paralyzed, and could not meet his payments, although worth more than twelve hundred thousand dollars in manufacturing establishments, which then could avail him nothing. Had he not been relieved by the generosity and capital of other wealthy men at the moment, the whole manufacturing industry of Rhode Island, embracing many millions of dollars, must have been prostrated. This, however, was a business on a "small" scale, and probably never attracted the attention of the honorable Senator.

Sir, to prove to you that my motives are not selfish, I may be permitted to state that I am myself interested in a cotton manufactory to the amount of some fifteen thousand dollars; this is a small sum, but it is more to me than a hundred thousand are to other owners. Now, I do not believe—and the establishment has been well managed—that the tariff law of 1828 has benefited my interest one cent. So far from it, during the whole of 1829, if I had wanted the money, I could not raise a dollar on the security which this stock afforded, and even in 1830 I could not have sold it for fifty cents on the dollar. If you will repeal unnecessary taxes on necessary articles of consumption—reduce them on foreign iron, several tons of which were used for this establishment last year—on woollens, flannels, baizes, many yards of which are used and worn by persons employed; on salt, on brown sugar, and on various other articles necessary to be used; and even reduce them on calicoes, ginghams, and other cotton cloths; I will consider it as doing me a favor even in relation to my interest in the cotton establishment.

Sir, honorable Senators know, if all the people cannot realize it, that in our highest councils the "still, small voice" of truth sometimes prevails against all the efforts of hatred, envy, revenge, and madness. The "still, small voice" of reason, operating on a thinking, virtuous people, brings about such results as have often astonished, if not disappointed, the honorable Senator-himself. The "still, small voice" of conscience is often whispering to unhal-lowed ambition to pause in its career; but some there are so reckless, that neither the warnings of conscience nor the premonitions of religion can arrest their course. The "still, small voice" of conscious rectitude, whether sneered at, pointed at, or threatened, stands as the unmoved rock.

The "still, small voice" of patriotism turns with disgust from such reproaches as have, in this debate, been cast on that American citizen who has been called, a "heartless foreigner," that "never possessed one American feeling!" I say American citizen, for he is an older American citizen than your present constitution, and carried arms to fight for our liberties in the war of the revolution. That man who, in the halls of your legislature, and elsewhere, successfully grappled with and prostrated the politicians that, for a season, had fixed on the people the odious alien and sedition laws; that man who, with Thomas Jefferson and James Madison, and other patriots, assisted, in 1801, to bring back the Government to first principles; that man who, for twelve years, administered the financial department of your Government with unrivalled ability, and brought order out of chaos; that man who was the first to bring the system of revenue to a scale that prevented a continued resort to loans and direct taxes, and also the first to commence a rapid discharge of the great public debt, contracted by the war of the revolution; that man who labored assiduously in negotiating the treaty of Ghent, while, if report speak true, at least one of his colleagues was enjoying pleasures to which his untiring industry was a stranger; that man who was thought fit, even by the last administration, to conduct the most important negotiations with Great Britain;—this statesman and patriot will not be cast off—will not be branded by the American people as unworthy the American name.

Sir, since the sitting of yesterday, I have read the memorial of the Free Trade Convention, addressed to this Senate and the House of Representatives, written and signed by Albert Gallatin; nor can I much wonder, when, considering his attachment for that darling child, the "American system," that the Senator's wrath was enkindled. "The pitcher has been broken at the fountain, and the mourners go about the streets;" the dear, the only child has been buried at the bottom of the garden, and there is "no hope of a tree that is cut down." The "American system" has been murdered—has breathed its last, while yet struggling for life under the unmerciful blows inflicted by the man who has been set down as a "heartless foreigner." The Senator will not soon forget or forgive either Albert Gallatin, or the venerable Senator from Maryland, farthest at my left. The one has demonstrated that the "American system" is all a cheat and a delusion, attempted to be practised on the American people; and the other has left the American nation to infer that their Department of State was, a great part of the time, without any competent head at home, to attend to its foreign relations, during the last administration!

Sir, more than thirty years ago there lived, in Virginia, a man who was imbued with a genius and with principles worthy of Patrick Henry; that man was John Thompson, of Petersburg. Although he did not live to complete his twenty-third year, (says his biographer,) "his virtues, his talents, his unrivalled eloquence, his enthusiastic devotion to the cause of republicanism, gave to his character, throughout Virginia, a celebrity which no man, at his

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age, had ever before attained. His application to study was unremitted, and the progress which he had made was rapid and great. He seemed to acquire knowledge almost by intuition; and what he once learned, he never forgot." This gentleman, in the latter part of 1798, wrote and published the letters of Curtius, in the Petersburg Gazette, which are republished in the volume which I hold in my hand. In these letters, is truly and faithfully delineated the character of Albert Gallatin: if the author had been endowed with the gift of prescience, he could not have furnished matter more apposite to the present occasion than what I shall, with the permission of the Senate, read to you. He says:

"Nicholas, [Wilson Cary Nicholas, of Virginia,] Livingston, [the same Edward Livingston, whose nomination, lately suspended in this body for weeks, under imputations now no longer disgraceful to him, was passed by unanimous consent,] and Gallatin, were the most conspicuous opponents of the alien and sedition bills. These enlightened patriots have long been objects of abhorrence and terror to all the enemies of our constitution and liberty. The splendid ability with which they have defended the interests and vindicated the rights of the people, has endeared them to every admirer of genius, eloquence, and virtue, whilst it has rendered them eminently obnoxious to all the partisans of usurpation and monarchy. The noble exertions of these illustrious men will never be forgotten whilst patriotism and talents are admired in the world. Their names will descend with renown to posterity, when their enemies and slanderers will be consigned to oblivion's deepest grave.

"When I select the names of Gallatin, Livingston, and Nicholas, I am not unmindful of the merits and talents of many other gentlemen. I have selected them because they have been exposed to the most cruel obloquies of your party. Mr. Gallatin has been persecuted with all the detestable rancor of envy and malice. The accuracy of his information, the extent of his knowledge, the perspicuity of his style, the moderation of his temper, and the irresistible energy of his reasoning powers, render him the ablest advocate that ever appeared in the cause of truth and liberty. Patient and persevering, temperate and firm, no error escapes his vigilance, no calumny provokes his passions. To expose the blunders and absurdities of his adversaries, is the only revenge which he will condescend to take for their insolent invectives. Serene in the midst of clamors, he exhibits the arguments of his opponents in their genuine colors; he divests them of the tinsel of declamation and the cobwebs of sophistry; he detects the most plausible errors; he exposes the most latent absurdities; he holds the 'mirror up' to folly, and reasons upon every subject with the readiness of intuition, and the certainty of demonstration. Elevated above the intrigues of parties, and the weaknesses of the passions, he is never transported into any excess by the zeal of his friends, or the virulence of his enemies. His object is, the happiness of the people—his means, economy, liberty, and peace—his guide, the constitution. The sympathies which fascinate the heart, and mislead the understanding, have never allured him from the arduous pursuit of truth, through her most intricate mazes. Never animated by the turbulent and impetuous feelings which agitate popular assemblies, he preserves, in the midst of contending factions, that coolness of temper and that accuracy of thought which philosophy has hitherto claimed as the peculiar attribute of her closet meditations. He unites to the energy of eloquence and the confidence of integrity, the precision of mathematics, the method of logic, and the treasures of experience. His opponents slander him and admire him; they assail him with ignorant impertinence and pitiless malice, and yet they feel that he is the darling of philosophy, the apostle of truth, and the

'favorite votary of liberty. Their hatred, like the rebellion of Satan, proceeds from the impatience of any superiority. There is a daily beauty in his life, which makes them ugly. Instead of imitating his excellence, they attempt to conceal it by a mass of obloquy; instead of reverencing his unparalleled wisdom and virtue, they sharpen the dagger of falsehood, and prepare the poisoned arrows of envy.

"The conduct of Mr. Gallatin is his best vindication. This foreigner has defended the constitution against the attacks of native Americans, and has displayed a noble ardor in the defence of his adopted country, whilst many of her sons repose in inglorious apathy, and whilst others assail her with detestable treachery and unnatural hatred."

Mr. President, such has been, so continues to be, Albert Gallatin. The late censure, the wholesale denunciation of his good name, is totally unmerited, and will be as scornfully repudiated by the American people, as were other similar denunciations of the same individual by the amiable and inflexible Virginian who indicted those letters. When I heard the reproaches, methought, for the moment, that the dynasty of 1798 had indeed returned, and that this Senate was about to become the theatre for the ostracism of the nation's best defenders and benefactors.

Mr. MANGUM, of North Carolina, next rose, and said, it was with unfeigned reluctance that he had determined to participate in this debate—a reluctance which derived strength from the conviction that scarcely any useful, practical result could be attained by the discussion of a mere abstract proposition. For legislation to be wise, it was not sufficient that it be right in the abstract merely, but it was also necessary that it should be adapted to the condition of those upon whom it was to operate. Their interests, habits, feelings, sentiments, and even prejudices, demanded the most calm and respectful consideration.

The resolution upon the table, said Mr. M., contains matter of high and great import. It involves principles mingling in deep and dangerous connexion with the interests and passions of great masses of this confederacy. It involves a final decision upon this tariff policy, now presented in a naked, unmitigated—ay, aggravated form. I cannot but regard it as the most momentous question which has ever been submitted to any deliberative assembly in this country, since the adoption of the federal constitution—as, indeed, the most fearfully momentous that has ever occurred in the whole history of the American people, with the single exception of the declaration of American independence.

This policy, in its inception and in its progress, has been marked with struggles, keen, fierce, and resolved. In some portions of the Union all the elements of discontent are stirring and heaving in frightful agitation. The passions are thronging to the contest. It is no longer discussed as a question of political economy, but as a naked question of liberty. Shall this course of things endure longer? Is there any lover of his country who can contemplate it without deep and painful reflections? Shall this beautiful fabric of our liberties be perilled in a contest of mere selfish interests, uncalled for by the exigencies of the country, and unredeemed by any high, noble, and patriotic considerations?

Sir, said Mr. M., the State from which I come regards this struggle with deep solicitude, and the most patriotic anxiety. No State in this confederacy looks to this Union with more loyalty of affection than North Carolina. Moderate in her views, just in her purposes, and proud of the glory of our common country, she contemplates with pain any system of policy which tends to weaken the affections of this great brotherhood of the American people. She deprecates the present system of taxation as

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essentially sectional and selfish, and as gradually, but surely, undermining the fabric of our noble institutions. She has hitherto acquiesced in this policy with a dignified moderation, looking to the extinguishment of the public debt as a period favorable to the alleviation of her burdens, and a rectification of the system.

We are now upon the eve of that era—so glorious in modern annals—the public faith redeemed, and the public engagements all fulfilled. In this new state of things it becomes us to survey our position, and accommodate our policy to our actual condition and the exigencies of the Government.

That position is both difficult and delicate. The occasion imperiously demands a great reduction of the revenue—a reduction to the actual necessities of the Government. Wisdom, prudence, and justice require that it shall be effected with as little injury as possible to the manufacturing establishments, built up in a different state of things.

This question has been argued by the gentleman from Kentucky, [Mr. CLAY,] upon the assumption that a large portion of this country are laboring for an entire demolition of those establishments; and appeals have been made to excite every motive of interest, and arouse every selfish principle, to rally around this tariff system, and protect it from the assaults of its ruthless assailants.

Sir, these appeals have been made with admirable sagacity—with a deep conviction that the system can be maintained only by arousing the passions, and excluding the lights of calm and sober reason. But, sir, has this assumption any foundation in fact? Is there any party in this country that seeks to demolish the manufacturing establishments? Is there any which is not deeply impressed with the difficult and delicate responsibility of reorganizing our system of imposts, and adjusting the duties, with a due regard to all the great interests of the country? If there be any such party, it is unknown to me. Sir, the great object of those whom I represent, and with whom I associate, is to adjust this system so as to approximate, as near as may be, an equal participation in the burdens and benefits of the Government.

Equality under the present system of taxation is wholly unattainable. The agricultural and planting States will of necessity pay more than their equal proportion of the revenue. This proposition is obvious and incontrovertible. The Southern States have never complained of that inequality, while the revenue power was fairly exercised, and with reference to the necessities of the Government. In war, as well as in peace, they have borne the necessary burdens without a murmur. But now, in a time of profound peace—the public debt being paid—they are unwilling to be taxed, not for the benefit of the Government, but for the benefit of large, wealthy, and flourishing capitalists. A system so unequal and so unjust cannot be endured. As a permanent system, it will not, as it ought not to be endured.

What is the effect of the resolution upon the table? It is to aggravate the evil. It is to tax the necessities of the poor man, while the rich may revel in luxuries as free from taxation as the air he breathes. It is to increase the extravagant bounties already enjoyed by the rich capitalist, by diminishing the cost of many of the articles which enter into the consumption of his establishment. The duties in the shape of protection remain the same nominally, while in fact they are enhanced to the whole amount of deduction from the prices of articles consumed by the manufacturer and his laborers.

The only feature of mitigation is to be found in the reduction of the amount of revenue. This, however, is more than counterbalanced by the increased inequality in the action of the system. But if a system of imposts shall be adopted in pursuance of the policy of the resolution, what will be the extent of the reduction of the revenue? The Senator from Kentucky estimates it at seven millions

of dollars; others are of opinion that it would be between five and six; suppose it to be seven millions, we should then have an annual revenue varying between eighteen and twenty-three millions of dollars, when the actual necessities of the Government would not, and ought not to require more than ten millions to be raised by revenue. The people are then to be taxed from eight to twelve and even fifteen millions of dollars annually, more than the actual wants of the Government, if the policy indicated by this resolution shall ultimately prevail. Sir, can this policy soothe the discontents of the public mind, and restore harmony to the distracted councils of this country? Can it heal those divisions that have so extensively and fearfully impaired the confidence and sundered the affections of distant and important parts of this confederacy? Sir, it cannot. The whole South will regard it with fixed aversion. They will view it as a proof that our distant brethren have but little respect for our feelings; that they turn a deaf ear to our friendly remonstrances, and heed not the narrative of our violated rights and multiplied wrongs. Sir, it does violence to every conception of a free Government. It is subversive of every maxim of an enlightened political economy, and it is utterly regardless of that confidence and affection cemented by mutual interest, which constitute the broad basis—and the only basis—upon which rests the noble structure of our free institutions. Is it the part of wisdom, taking broad and statesman-like views, and looking afar off, to persevere in a policy which, by six or seven contiguous States in the Union, is believed to bring to them nothing but pure, unmixed evil, and which a large majority of the people of that region believe to be in violation of the spirit and principles of the constitution?

Sir, it formed no part of my purpose, when I first determined to offer my views on this resolution, to touch the constitutional question. Repeated expositions of the opinions of the South had gone forth, some of which had slept their moment on your table, and thence been consigned to the lumber rooms of this capitol, where they still sleep unrespected, unregarded, and forgotten. I had long since learned the utter utility of discussing constitutional points. I had seen the little favor with which such discussions are entertained by Congress. Many in this enlightened age seem to have grown wiser than the constitution. And as it is now well nigh ridiculous to discuss gravely a constitutional point, so, in the progress of our high destinies, it may be made a point of order to touch a topic so stale and hackneyed.

But as several Senators, and especially the Senator from Maine, [Mr. HOLMES,] favored the Senate with long, labored, and subtle arguments in favor of the constitutionality of the protective system, I trust I shall be pardoned for stating, as succinctly as I may, the views which I entertain on this subject. It is not pretended by the advocates of this policy, that any direct and express power is to be found in the constitution, to protect manufactures. But they insist that the power is fairly derived from that part of the 8th section of the 1st article of the constitution, which confers on Congress the power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." The whole argument rests upon the construction to be placed on the words "to regulate commerce with foreign nations;" and it is conceded on all hands that if the power to protect manufactures cannot be derived from these words, it cannot be found elsewhere, and consequently does not exist. What is a protecting duty? It is a duty laid to restrain the importation of a foreign article similar to a domestic article; and the duty is effectual or not, precisely in the proportion as it affects the importation of the foreign article. If the duty partially restrains importation, it is only partial or incomplete protection. To give the protective principle complete effect, it is necessary to increase the duty so as to

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restrain entirely the importation. Hence, from the words "to regulate commerce with foreign nations," you derive the power to destroy, to annihilate, commerce with foreign nations. A regulation truly! An obvious perversion of the plain meaning of words!

The argument necessarily comes to this conclusion. For if you have the power to "regulate commerce," for the purpose of protecting domestic manufactures, you have the whole unrestrained power for that purpose; and to effectuate that purpose completely, you must push the power of regulation to—extinction.

Could this have been the meaning of the framers of the constitution? By looking into the history of those times, I think it will be apparent that it was not. Under the old confederation, Congress had the power, with the consent of nine States, to exercise some of the highest attributes of sovereignty—the power of making peace and war; to coin money; regulate its value; to grant letters of marque and reprisal in time of peace; to enter into treaties and alliances; besides many other important powers; but Congress had no power to lay taxes. The sword was placed in the hands of Congress; but the arm was nerveless, so long as the States retained the purse. At the close of the revolutionary war, the confederacy was not unlike a young giant—victorious, but exhausted and powerless. The public debt accumulated, the public credit annihilated, the precious metals vanished, the circulating medium—the paper money—depreciated and worthless, public confidence and private faith mere terms of mockery—so that the universal distress, confusion, and calamity of peace, were more sorely felt and more appalling than all the horrors of the war.

Every intelligent man referred much of the general suffering to the true cause—the want of power in the old Congress to "regulate," to improve, to give unity and stability to our foreign commerce, and to raise a revenue to redeem our pledged faith, and fulfil our public engagements. Repeated applications were made to the States to confer upon Congress the power to lay duties and collect a revenue. Every eye was turned on commerce, as being the most convenient, and the only fit and ample source of raising a revenue adequate to the necessities of the Government. The respective States had the entire control over the whole subject of foreign commerce; and it was only by surrendering that control to Congress, that an efficient system of revenue could be organized. This view was urged upon the States with zeal and ability. The States regarded these overtures with a cold, scrupulous, and jealous caution. The able men of that day took the deepest interest in this subject. Every topic was pressed which could convince the understanding, kindle the patriotism, or conciliate the confidence of the States.

They were told of violated faith, unredeemed pledges, national dishonor, paralyzed commerce, approaching anarchy—the entire absence of power to combine and control our resources, and to countervail the injurious commercial regulations of foreign countries. But in no document of that day, notwithstanding the numerous and powerful inducements held out to the States to confer upon Congress the power to "regulate commerce," do I find a single word said in favor of conferring that power, as the means or as an instrument to protect domestic manufactures. Revenue, and revenue alone, was the great leading legitimate object. All these efforts failed—the crisis became more obvious, and the public necessities more urgent. Mr. Madison took up this subject in the Virginia Legislature in 1785; and resolutions passed the House of Delegates, instructing the delegates then representing that commonwealth in Congress, to propose to the other States to authorize that assembly to regulate the foreign commerce. This movement failed in the Senate. It was revived during the same session in a different form; and finally, in January, 1786, a resolution was adopted,

appointing commissioners to meet such commissioners as might be appointed by the other States, to take into consideration the trade of the United States, and to devise some uniform system of commercial regulations. In pursuance of this resolution, a meeting was held in Annapolis, in September, 1786. Five States only being represented, the commissioners declined doing more than making a report to the Legislatures of their States, and transmitting copies to the United States in Congress.

Congress took up this report in February, 1787, which led to the convention of May, of the same year, in Philadelphia, that formed the present constitution. Did the protection of domestic manufactures enter into the contemplation of Mr. Madison, when he moved his resolutions in the Virginia Legislature? Did it enter into the conception of any public man of that day? Where is the memorial of such a motive? In what speech is it to be found? In what document is it indicated? What manufacturing establishment existed in Virginia at that day, requiring the fostering hand of protection? Where were then the conventions of manufacturers to excite into active and vigorous co-operation the best ability of the Ancient Dominion? Sir, the idea is preposterous—no such establishments existed—no such motive was conceived. But suppose such establishments did exist, and protection was the object, had not each State the ample power, and the exclusive power, to encourage and protect? Was any new power necessary? Sir, in the whole annals of legislation, I do not believe there can be found a more gross perversion of the plain import of language, than that which seeks to convert "the power to regulate commerce" into a power to protect domestic manufactures; by which protection, when complete, "the power to regulate commerce" is resolved into an annihilation of commerce. Sir, I repeat, the great object was commerce; the great evils were the want of punctuality on the part of the States, in complying with the requisitions of Congress; the want of uniformity in commercial regulations among the different States; and the want of power, lodged somewhere, to make commercial treaties with foreign Powers.

But, sir, in the annual message of the President, in December, 1830, the argument in favor of the constitutionality of the protective principle is placed in a new, and, in my opinion, the strongest light in which it can be presented. It is stated as follows:

"The power to impose duties on imports originally belonged to the several States. The right to adjust those duties with a view to the encouragement of domestic branches of industry, is so completely incidental to that power, that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the General Government, without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the States, the right to exercise it, for the purpose of protection, does not exist in them; and, consequently, if it be not possessed by the General Government, it must be extinct."

With due respect, I think this whole argument is vitiated by a sophism. The fallacy consists in supposing a power in the States over a subject which might have been exercised without limitation or restriction, when granted to the General Government for a particular purpose, may, by that Government, be exercised without limitation or restriction, without regard to that particular purpose, and to the extent of an entire perversion or destruction of that purpose.

The particular purpose for granting the power to the General Government was to raise revenue, by giving unity, vigor, and stability to our foreign commerce. It was conservative, and cannot be rightfully exercised but as a conservative power.

Permit me to test the logic of the message, and exhibit

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the conclusions to which it leads. The States, respectively, before the adoption of the constitution, had the power to interdict all foreign commerce indefinitely, to annihilate it forever, at their sovereign will and pleasure; but the States have granted all power over it to the General Government; therefore the General Government has power to interdict it indefinitely; to lay a perpetual embargo; to annihilate it forever, at its sovereign will and pleasure. This conclusion, absurd as it may seem, inevitably results from the argument of the message. Yet no intelligent man can be found who will advocate the proposition that Congress, by a sweeping enactment, can cut off forever all foreign commerce. The act laying the embargo, in 1807, not indicating upon its face the period of its limitation, was gravely questioned, in a certain quarter, in respect to its constitutionality, by many of the most eminent lawyers and statesmen. And yet an embargo is a mere temporary suspension of commerce, designed to correct some evil, pernicious to its prosperity; or as a precautionary measure, preliminary to some ulterior movement that might expose it to hazard or injury. In both cases it has for its object the benefit of commerce; to place it on a better and more permanent footing, or to shelter it from impending evil. It is a temporary evil, resorted to for the attainment of a durable good. It is a conservative power, and in that aspect only is it rightfully exercisable; and in that aspect it is strongly contradistinguished from the protective principle, which tends to the annihilation and not the conservation of foreign commerce.

Again: The argument is inaccurate, in supposing the terms "to regulate foreign commerce" and to "protect domestic manufactures," strictly correlative: whereas, to regulate commerce is one thing, and to protect domestic manufactures is another. The error consists in supposing an indissoluble connexion—a fixed dependence, to exist between them: whereas, connexion and dependence are incidental to one mode of existence only, and in fact the Government may exert a high and efficacious action upon one, without affecting the other. For example, if, in the regulation of commerce, you burden it with duties upon imports, a connexion instantly springs up, through the incidental advantage conferred upon the domestic article in a competition with the foreign coming into the same market burdened with those duties. But if, in the regulation of commerce, it is designed to infuse into it the utmost vigor, that is attainable only by conferring upon it perfect freedom. In this mode of existence, then, the most natural and most perfect, all connexion is dissolved, and all dependence is annihilated.

Again: The argument is inaccurate, in assuming that the power of protection has entirely passed from the States, and that it exists in the General Government, or must be extinct. To elucidate this part of the case, it is necessary to look into the constitution; and also into the proceedings of the convention which formed it. You will bear in mind, sir, that the great object of that convention was to give to Congress the control of those general interests which were necessary to all, and common to all. Mere local interests were designed to be left to the care of the local Governments. This view accords with the exposition given in the *Federalist*: "The powers delegated to the General Government are few and defined. Those which remain to the State Governments are numerous and undefined. The former will be exercised on external objects, as war, peace, negotiation, and foreign commerce, with which last the power of taxation will, for the most part, be connected. The powers reserved to the States extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State."

You will also bear in mind that the two great local interests of that day were the agricultural and planting in-

terest of the Middle and South, and the navigating interest of the North and East: for the manufacturing interest had not then risen into scarcely any consequence. Yet, it was foreseen that it would become a distinct and important interest. The States had then the power of fostering and protecting manufactures. It could be done by giving premiums, pecuniary bounties, or by laying prohibitory duties. But of all the modes of encouragement, that by restraining or prohibitory duties was most convenient and most effectual. But as the whole power over foreign commerce was about to be given to Congress with a view to raising the necessary revenue, it was foreseen that the States were about to be deprived of the most convenient and efficient instrument for the protection of domestic manufactures. Efforts were therefore made, either to confer upon Congress a direct power for the encouragement and promotion of manufactures, or to retain that power in the States, in some modified but efficient form. By looking through the journal of the federal convention, it will be found that the first mention made of manufactures is on the 18th of August. Among a series of propositions referred to the committee, appears the following: "To establish public institutions, rewards, and immunities for the promotion of agriculture, commerce, trades, and manufactures." On the 20th of August, another series of propositions was referred to the committee. Among them is one to this effect: "There shall be a Secretary of Domestic Affairs. It shall be his duty to attend to matters of general police, the state of agriculture and manufactures, &c."

The committee to whom was referred the above propositions, with divers others, made a report on the 22d August, proposing to add at the end of the sixteenth clause of the second section the power "to provide, as may become necessary from time to time, for the well managing and securing of the common property and general interests and welfare of the United States, in such manner as shall not interfere with the Governments of individual States, in matters which respect only their internal police, and for which their individual authorities may be competent." This report is exceedingly indefinite in its terms, and wholly incompatible with the idea of a Government of delegated and specific powers. It was, therefore, very properly, not acted on. The next trace we find of this subject, is on the 31st of August, when it was moved "to refer such parts of the constitution as have been postponed, and such parts of reports as have not been acted on, to a committee of a member of each State." Which passed in the affirmative. On the 1st of September, Mr. Brearly, from this grand committee, reported partially, but said nothing of manufactures. Again: on the 4th September, the same gentleman reported partially: still silent as to manufactures. On the 5th, he made a further and final report, proposing several alterations and additions, which were finally adopted with slight modifications. Among them is the following: "To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries." It is now apparent that, after repeated references of the subject of "arts, manufactures," &c., and after full deliberation, the committee refused to make any report conferring a substantive power on Congress to foster and protect particular avocations, and that they, in fact, whittled down all these sweeping propositions to the slender power of "securing to authors and inventors, for a limited time," the exclusive enjoyment of the fruits of their genius. I take this, sir, to be a decisive expression of the sense of the convention against conferring upon Congress the power to give to manufactures any other encouragement than that which they incidentally derive from a revenue system of duties.

It being perceived that no substantive power would be

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conferred on Congress to protect domestic manufactures, and that the States were about to be deprived of the power of doing it by duties, a struggle was commenced on the 28th August, which was continued at intervals to the 15th September, within two days of the adjournment of the convention. This struggle called forth some of the ablest men in that illustrious body, among whom Luther Martin was particularly distinguished in opposition to the principle prohibiting the States to lay imposts or export duties without the consent of Congress. The discussion turned mainly upon the interests of manufactures, and the object was to retain in the States a concurrent power with Congress. On the 15th of September, the clause was adopted, which now forms a part of the tenth section of the first article. By that clause the States may, without the consent of Congress previously obtained, lay such imposts or duties as may be absolutely necessary for executing the inspection laws; and, with the consent of Congress, may lay such imposts or duties upon imports or exports as may be necessary to protect their manufactures, upon the proviso of paying the duties into the public treasury. If this latter power is not retained in the States to protect manufactures, for what is it retained? It cannot be for revenue, for that is to go into the public treasury. If, then, it is not wholly nugatory, it can be for nothing else than to enable the States to encourage the interests of manufactures.

But, sir, we are not left to grope in the dark for the true meaning of this clause. Luther Martin, in his speech to the Maryland Legislature, presents the whole ground. He had borne a distinguished part in the convention at Philadelphia. With an eye that watched every movement, and a mind that comprehended every principle, no man better understood, or was more able to expound, the views of that body. In speaking of this clause, he says that—"Every State is also prohibited from laying any imposts or duties on imports or exports, without the permission of the General Government. It was urged that, as almost all sources of taxation were given to Congress, it would be but reasonable to leave the States the power of bringing revenue into their treasuries, by laying a duty upon exports, if they should think proper, which might be so light as not to injure or discourage industry, and yet might be productive of considerable revenue; also, that there might be cases in which it would be proper, for the purpose of encouraging manufactures, to lay duties to prohibit the exportation of the raw materials; and even, in addition to the duties laid by Congress on imports, for the sake of revenue, to lay a duty to discourage the importation of particular articles into a State, or to enable a manufacturer here to supply us on as good terms as they could be obtained from a foreign market. However, the most we could obtain was, that this power might be exercised by the States, with, and only with, the consent of Congress."

From all of which the following conclusions, I think, inevitably result: First, that the power to protect domestic manufactures is not extinct; secondly, that it is not possessed exclusively either by the General Government or by the States, respectively; but, thirdly, that the power does in fact exist, and may be put into efficient action by any State, with the consent of the General Government.

But, sir, Senators turn to the act of July, 1789, and, with an air of exultation and anticipated triumph, proclaim the announcement of the principle of protection in the second act of the Government. That the preamble of that act—yes, sir, that preamble which has been tattered and mangled by every advocate of the system, from its ablest champion down to the humblest hammer that plies the hobnail—is the key to open into this magnificent and gorgeous temple of the American system. Yes, sir, it

has been emphatically said by the Senator from Kentucky, "that the great pillars of this splendid edifice were then raised from the dust." It is true, sir—and it is also true that the modest architects of that day aimed at nothing more than Doric simplicity and Doric strength—they were plain, practical men, and I think it may be gravely questioned whether any one of them, while he was proposing five per cent. ad valorem, ever thought or dreamed of "great pillars," gorgeous temples, magnificent edifices, or any of that splendid phantasmagoria which haunt the imaginations of the master workmen of our modern President-making American system.

Sir, what is the meaning of that preamble? Did it mean protection, in the sense now used? What manufactures were to be protected? The duties by that act ranged from five to fifteen per cent. ad valorem. And this is called protection to infant manufactures, scarce struggling into existence? When now, after forty years of sturdy growth, these same manufactures implore and demand a protection of from forty to two hundred and fifty per cent. ad valorem—to save them from destruction—from utter annihilation!

Sir, that revenue was the object, is palpable; the history of the times shows it, and manufactures were no otherwise thought of than as they might be incidentally benefited. The people were then to be first called on to bear taxation in that form; and, to a people jealous of their rights, and averse to public burdens, it was natural that every benefit, direct and incidental, that could flow from the act, should be enumerated in the preamble. This preamble has been repudiated in all subsequent enactments, and the law to which it is prefixed was repealed in little more than a year.

In the year 1790, another act was passed, reciting the aforementioned act, and with this preamble, to wit: "And whereas the support of Government and the discharge of said debts render it necessary to increase the said duties, *Be it enacted*," &c. Nor is there any trace to be found in the statute book, since that time, of a law passed—indicating the fact upon its face—for the encouragement and protection of manufactures. So far from that being the doctrine of the avowed friends of the system, it must be in the recollection of many Senators, that, upon the motion to amend the title of the tariff act of 1828, so as to read "for the protection of domestic manufactures," the whole body of its friends rallied to the rescue, and negatively the amendment. That vote indicated most unequivocally the want of confidence—I will not say in the constitutionality of the measure, for that would be to impeach integrity of motive—but I may say, the want of confidence in the judicial tribunals of the country.

Mr. President: It is said by the Senator from New Jersey, [Mr. Dickerson,] that the policy of protection was avowed and cherished in the early periods of the Government, not only with reference to manufactures, but was also extended to the interests of navigation.

As regards the discriminating duties fixed by the act of 1790, securing the coasting trade, they were wholly unnecessary. It is held and enjoyed by our ship owners, not by virtue of law, but by their vigor, enterprise, and economy. The most of them at home, at one end of the voyage, and having many facilities in effecting repairs and procuring supplies, beyond the reach of foreigners, and at a cheaper rate, might defy, as they would certainly exclude, all foreign competition, without the aid of Congress. But, in reference to the shipping engaged in foreign commerce, the argument is bottomed upon an erroneous assumption of fact; to wit, that the discriminating duties were laid for protection against foreign competition. Sir, nothing can be more erroneous. The whole history of our Government negatives the assumption.

The discriminating duties, on our part, were to counter-vail discriminations elsewhere. They were granted, not

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to protect our shipping, but to put it on an equal footing with the foreign—not to destroy foreign competition, but to restore freedom. They were resorted to as temporary expedients, and for purposes of policy, to be abolished on our part, as they have uniformly been abolished, when a corresponding disposition has been evinced by any foreign nation.

But, sir, suppose the argument is right, and that the Government gives protection to the shipping interest. That protection is defensible upon strict constitutional grounds, although a local interest, and it is the only local interest which can be constitutionally protected.

It appears by reference to the Journal of the Federal Convention, and Yates's Debates, that, in the reported draught of the constitution, it was deemed expedient to restrain the generality of the phrase "to regulate commerce," lest it might be abused in favor of the Eastern States, to the oppression of the staple or plantation States. To effect that, the following was reported, to wit: "No navigation acts shall be passed without the assent of two-thirds of the members present in each House." This clause produced a lively sensibility in the navigating States. A difficulty arose in relation to the longer continuance of the slave trade—the staple States favoring, and the Eastern States opposing it. Both were subjects of magnitude and difficulty. They were referred to a large committee, consisting of one member from each State. The difficulty was finally adjusted. The importation of such persons as any of the States might admit, was not to be prohibited before 1808, and the restrictive clause in regard to navigation acts was omitted. Hence it seems to be clearly the sense of the convention, that navigation might be encouraged and protected by Congress. And, sir, who can regret this preference—this proud distinction conferred upon our navigating interest? Is it a mere selfish, pecuniary, local interest? Is it not intimately connected with our national glory and national greatness? Is it not the nursery of that perseverance and enterprise which have whitened every sea with our commerce, given vigor to our right arm in the day of battle, and won for our gallant little navy imperishable renown? Sir, I regard it as a highly meritorious interest. It has won, as it deserved to win, the public confidence and the public respect. It has been heavily burdened and greatly depressed by the unjust exactions of this selfish and remorseless American system. And in my place here, sir, with unqualified good will and an open hand, I would extend to it a liberal and an ample encouragement. Then, sir, whether we look to the language of the constitution itself, to the motives to its adoption, as disclosed in the history of the times, or to the avowed practice of the Government under it, we shall be equally unsuccessful in finding any constitutional warrant for the exercise of the power claimed by the friends of the protective system.

But, sir, suppose that I am wrong in all my views on this subject, and that there exist no constitutional impediments—still the injustice, and the flagrant inequality of the action of the system, are denounced by all the principles of an enlightened political philosophy. The inequality of its operation upon the different avocations of the same community, is flagrantly unjust; but it is upon the great sections of the confederacy, considered with reference to the grand geographical divisions of the country, that the inequality, rapacity, and oppression of the system, are most manifest and most ruinous.

It is built up by selfish interests, associated together for selfish purposes, with no principle of cohesion but a mean, base passion for money, unredeemed by any great public and patriotic fruits, and unmitigated by the slightest forbearance in the plunder of all other pursuits of industry, for the benefit of the protected classes. Yes, sir, this structure, so huge and gigantic, is reared by the aggregation of the most dissimilar materials; here the polished Pa-

rian marble, there the rough misshapen rock, piled upon each other in perfect contempt of symmetry, beauty, and general utility. Sir, it is money—nothing but money—and money exacted from others, without equivalent, that holds together this system. These bandit interests have been rallied to its support by a thirst for rapine, and they battle in its defence, with a vigor proportioned to the magnitude and enormity of its exactions.

Sir, upon what principle of justice is it that the people of this country are taxed four millions of dollars upon the single article of sugar? Upon this necessary of life, universally in use among the poor as well as the rich? It is seen that this tax is not needed for revenue. How, then, can this Government justify itself before the people, in levying upon them three million nine hundred thousand dollars, for the protection of the sugar planters, of which two million two hundred and fifty thousand dollars go into their private pockets? That this is the fact, is incontestably proved by the statistics before me, and which are, or ought to be, on the table of every Senator. The case then is, that thirteen millions of American people are compelled, by this tariff system, to pay to seven or eight hundred rich sugar planters in Louisiana two and a quarter millions of dollars more for the sugar that they consume, than they would have to pay were this tariff repealed. Where is the justice of taxing millions of the poor, to swell the already overgrown wealth of a few hundred sugar planters of Louisiana? What right, in the eye of Heaven, or the sight of man, have these eight hundred proprietors, cultivating the most fertile lands on this continent, in the most fruitful climate, to exact from those who toil in a more reluctant, and often worn out soil, more than two millions of dollars, to go into their private pockets? Sir, it is a stupendous and monstrous system of injustice. Nothing can maintain it, short of keeping the people in ignorance. Is there a Senator present who believes that if this tax of the many for the benefit of the few, instead of being raised indirectly, so that the people do not perceive its operation, was levied by direct taxation, with the avowal that it was laid to give it away, in bounties, to eight hundred sugar planters, to maintain and support their business—I ask, is there any Senator present who believes that the people would bear it for a single year? Would they not, with honest indignation, hurl from their high places all the functionaries of this Government who had dared to participate in a scheme of such outrageous oppression? And yet, sir, this tariff, in effect, operates precisely in this way, and to this extent; and it is borne only because it is not understood. Are there any considerations of a national character that justify this immense tax for the protection of American sugar? It is wholly unconnected with the policy that looks to national defence, national safety, or national glory, either in peace or in war. The encouragement is not necessary to secure an ample supply. It is not pretended that the supply is ever likely to be stinted or insufficient. The largest domestic supply, in any one year, was about 88,000,000 pounds, or 87,900 hogheads. That supply is only about two per cent. of the whole production of the sugar regions in the world. The production abroad, and in much finer climates than Louisiana, can be almost indefinitely extended—and we are within a few days' sail of the finest sugar countries in the world. In time of peace, the supply from abroad will be both cheap and abundant. Our peculiar position on the globe, and the pacific character of our people and institutions, justify the expectation of many years of peace: most probably for a century to come we shall have none, or but few years of war. Our legislation, therefore, to be wise, should be adapted to that state which is not only the natural, but likely, by the blessing of God, to be the most durable. But, in time of war—putting out of view other means of supply—our commercial marine, to which an opposite policy would give rapid growth and development,

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under cover of our gallant navy, would supply all our wants. But, sir, is it wise, is it just, to inflict a certain evil upon the whole people for the benefit of a few, to the extent of a tax of near two and a half millions of dollars yearly, to guard against the contingency of a war which is not likely to happen, but which, if it come, can bring with it, in this respect, but very slight and temporary evils? Sir, look to the tariff upon this single article, and the effects which will be produced by twenty-five years' perseverance. In twenty-five years, at the present and necessarily increasing rates, the people of the United States will have paid to the sugar planters of Louisiana more than eighty millions of dollars—a sum nearly equal to the debt of the revolution—the price of our liberties; and for what benefit? Will they be able to purchase domestic sugar cheaper after having paid this tax for twenty-five years? No, sir, nor as cheap as the foreign. The cost of production will be necessarily greater in Louisiana than in the finer climates. Then, sir, how are the people to be indemnified for paying this eighty millions of dollars to the sugar planter? No one has told, and no one can tell. Then, sir, where is the benefit? The direct benefit goes exclusively to the sugar planters—the recipients of the tax; but an indirect benefit arises to the other bandit interests, by securing the vote of Louisiana, to enable them to make similar exactions from the great planting interest of the country. Sir, is there any intelligent man who believes that if the sugar planters were the only persons in the country seeking protection from Congress, ten votes, or a single vote, could be obtained beyond the limits of Louisiana, in favor of an imposition of an annual tax of four millions of dollars for their benefit? No man believes it.

If, then, this subject has nothing intrinsic to justify this tax, how does it acquire any additional merit by its connexion with other protected interests? Sir, this tax has no merit, and ought instantly to be reduced to a mere revenue tax. Even then it would be more encouraged than all the other planting interests. Sir, I shall not stop to refute the allegation, so often put forth, that the home competition has reduced the price of sugar. I will offer one illustration, however. It has been seen that the whole domestic proportion bears about the same proportion to the whole quantity of foreign sugar, as two or two and a half does to one hundred. How can such an immense mass of the foreign article be essentially affected in its price by an addition to the whole quantity of only two per cent.? Suppose a merchant has on hand ninety-eight hogheads of sugar, each worth one hundred dollars, but another merchant brings into the same market two hogheads, making the supply greater than the demand—in that case the price must fall; but how much? Certainly not to an extent exceeding the whole value of the two hogheads. Why not? Because, rather than let the price go lower, so as to affect the ninety-eight hogheads, the owner of them would find it his interest to buy up the two hogheads, or, what is equivalent, would withhold from the market two of his own. Now how stands the case? The ninety-eight hogheads are worth nine thousand eight hundred dollars; but two hogheads come into market, and are about to reduce the price: two hogheads of the ninety-eight are withheld, and the price remains firm, and the ninety-six brought into market are worth nine thousand six hundred dollars: and so it is demonstrated that if the two hogheads reserved are entirely lost, which, in practice, would not be the fact, yet the loss, by the increased supply of two per cent. is only one hundred and ninety-six dollars, equal to two per cent. upon the value of the whole.

Apply these principles to the price of the whole supply in all the markets of the world, and the results will be similar, in truth, identical—that is to say, as our whole domestic produce is only two or two and a half per cent. of the whole supply of the article, so the introduction of

ours into the markets of the world could lower the price at most only two or two and a half per cent. And yet we see, by reference to the prices, that brown sugar, which, in 1816, was worth from twelve to sixteen, is now worth only from six to eight cents; and, in Cuba, the qualities which, in 1816 and 1817, were worth from six to eight cents, are now selling at from two to three cents. The allegation, therefore, seems to me, as I think it must seem to all impartial persons, as utterly preposterous, in the sense, and to the extent, put forth. The causes of the reduction of prices, which have alike affected protected and unprotected articles, lie much deeper than the tariff laws of 1818, 1824, and 1828. I will not now stop to investigate them.

Sir, the views which I have presented in relation to the article of sugar, with others which might be suggested to enhance our detestation of the inequality, injustice, and profligacy of this system, apply with equal, or nearly equal force to all the other protected articles; to iron, hemp, wool, coarse woollens, &c. These favored classes of industry are bountied and thrive, while all other classes bear the burden and dwindle. Agriculture, the great paramount interest, is taxed to exhaustion; he who toils in the earth, and he who ploughs the main, are plundered, under color of law, of their legitimate profits, to sustain a band of monopolists, who, by contrivance and concert, have drawn into their views a majority of the country, and affect to give law to political parties, and have long since assumed a tone of dictation to Congress and the Executive. Is it possible, sir, that this state of things can endure? Is it possible that the people, an overwhelming majority of whom are laborers, and derive their support from the cultivation of the earth, can be much longer gulled into acquiescence, or dragged into submission—that they will sustain a policy, the effect of which is to make the rich richer, and the poor poorer?

The great difficulty, and the only difficulty, consists in opening the eyes of the people to their true condition. The most of them have been too much engaged in their necessary avocations to study and to comprehend this multifarious subject. It is the interest of monopolists, of capitalists—of all those who consume more of the fruits of the earth, than they produce by the sweat of their brow—to disseminate false opinions, to league together in appropriating to themselves the bounties conferred by the Government, or in speculating upon the distresses occasioned by this ruinous and accursed policy.

Sir, I regard the adoption of the present mode of taxation as the deepest and most unfortunate error of the sages who formed and adopted the constitution. It is so artfully disguised that it may insinuate itself into the community, reach every class and condition of society, diminish the profits of labor, and impair the springs of industry, unseen, and almost unsuspected. It enhances the price of almost every thing—of the salt that seasons the poor man's dish, the iron that points his plough, the woollen that covers his body, the glass that lights his dwelling, the beverage that slakes his thirst; it burdens almost all the comforts and enjoyments of his life, in eating, in drinking, in his raiment, in walking, in riding, and in sleeping; and, in *articulo mortis*, it clings to the coffin that receives his mortal remains, and the spade that prepares his last home, where he may sleep with his fathers, and mingle with mother earth. Sir, this indirect taxation has operated as a withering blight upon all the fruits of Southern industry—it is converting the finest region of the earth into hopeless sterility and comparative desolation.

Look, sir, at the relative condition of the grand divisions of this confederacy at the adoption of the constitution. The North and East were not only comparatively but positively poor: the South, with a genial climate and a kindly soil, was teeming with the rich fruits of the earth,

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and rejoicing in the midst of abundance. The export of the raw material of the plantation States gave employment to the principal part of our foreign tonnage; and streams of wealth were pouring in from every quarter of the globe, upon that delightful region. But, sir, the first great act under the new Government—the funding of the debt of the revolution—laid the foundation of a system of polioy, and gave efficiency to a mode of taxation, which have enriched regions naturally poor, and impoverished regions naturally rich.

How has this strange, and, at the first view, almost incredible result been effected? It has grown out of the diversity of pursuits in these great sections, acted upon by a mode of taxation onerous to one and beneficial to the other.

In the early period of the Government, the whole war debt of the revolution was funded: a large portion of it belonged to the Northern and Eastern States, and their citizens became purchasers of much the largest portion of the residue; that is to say, the whole debt of the United States, contracted by the old Congress, and the war debt of the several States, were made the debt of the new Government. It issued certificates, subject to be transferred, which were held by the creditors, and the interest was regularly paid, in like manner as shares are held in a bank, and interest paid to the stockholders.

The people to the South, then unburdened by excessive taxation, could make larger profits upon a capital invested in land and slaves than the interest upon the public funds. They, therefore, instead of purchasing, were anxious to sell their Government stock, and invest the proceeds in the planting business. In the North and East, agricultural labor being less productive, the people there were anxious to invest their means in Government stock. The interest, therefore, upon the whole public debt was flowing regularly to the North and East; and when we reflect that at least three-fourths of the taxes raised for the payment of principal and interest, were levied upon the South, and the whole amount disbursed in the North and East, in the extinguishment of the principal and interest of the debt; and when we reflect that this combined operation has been applied to the debt of the revolutionary war; that for the purchase of Louisiana; the immense war debt of 1812, '15; and that for the purchase of Florida—we shall begin to discern some of the great causes which have forced the profits of labor to flow from the South to the North and East, in a deep, strong, and steady current, not wholly unlike the great gulf stream of the ocean. It is in this way that the unequal action of the Government has more than counterbalanced the bounties of Providence; that those delightful regions of the South, upon which Heaven seemed to have smiled with beneficence, are silently passing into decay and sterility, while the frozen North is unlocking its arms to receive the fruits of our industry, and is every where exhibiting evidences of prosperity, and monuments of wealth and greatness. This view of the subject suggests a train of melancholy reflections. It exhibits, in the strongest light, the diverse and conflicting interests of great sections of the country, and confirms the conviction that this indirect taxation, through the medium of imposts, reduce it as you may, even to the minimum of the necessities of the Government, will still operate as a perpetual drain upon the profits of Southern labor—upon the exporting States—and transfer its benefits to the North and East, or non-exporting States. It also affords a solution of the fact of the constant and steady opposition of the plantation States to high taxes and prodigal expenditures; and the equally steady and persevering efforts of other great sections of the confederacy to augment the revenue, and squander the surplus in appropriations to all sorts of objects. It enables us also to comprehend, in some measure, that political paradox—which, to a simple and plain man, involves a perversion of lan-

guage and confusion of ideas—"that a national debt is a public blessing." Sir, it has been a blessing to that great section of this country which has been cheered and invigorated by its refreshing streams; but a positive evil upon the whole region of the South. It enables us also to understand something of the motives of that ridicule and denunciation which have been levelled at the present Chief Magistrate, for his avowed anxiety to extinguish that debt, and relieve the people from a portion of their burdens.

Sir, the extinguishment of the national debt will be felt as an evil by the monopolists and capitalists of the North and East; inasmuch as an annual flow of ten or twelve millions of dollars, in that direction, will be discontinued; and inasmuch as longer necessity for high taxes ceasing, an apprehension of reduction, at the moment when so much capital is let loose, will beget difficulty and anxiety in making investments in pursuits highly profitable or exorbitantly bountied. Sir, this part of the subject awakens painful reminiscences of the tendency of Governments in other countries and other times—of the humiliating fact, illustrated upon almost every page of history, that all Governments have been so cunningly devised and curiously constructed, as to burden the many and benefit the few—to increase the strength of the powerful, and perpetuate the feebleness of the weak. We had believed that our revolution, which was achieved for the sake of principle, and not to escape from practical oppression, had opened upon the world brighter hopes. We had hoped that our constitution, which rests upon the immutable rights of man, and the principles of eternal justice, would guaranty to feebleness support and protection, and impose upon the powerful wholesome and efficient restraints. Sir, we have long enjoyed this pleasing delusion; but is it not delusion?

To a superficial observer, ours seems to be, in fact, what it is in theory, a Government of the many for the benefit of the many. A closer investigation discloses the truth, that it is, practically, a Government of the smallest possible majority over the largest possible minority—that the largest minority is laid under contribution to augment the aggregate of exactions, and the majority is let down to the lowest safe point, to enhance the value of the dividends; and that this majority, thus small and effective, is, in fact, wielded by a combination of monopolists, capitalists, and adventuring politicians, who divide among themselves the richest spoils of their triumphs, and throw but a crumb—if, indeed, so much—to the mere serfs of party. And, sir, where is the check upon combinations for selfish and unprincipled exactions? The check of responsibility entirely fails; for, though the dominant majority is responsible to their immediate constituents, yet they are under no responsibility to the millions who are laid under contribution. There is no responsibility of the parts to each other. Hence, in a widely extended confederacy, embracing large sections of dissimilar and conflicting interests, combination upon the selfish principles may be formed without fear of responsibility, and grind into the very dust large and flourishing regions. This has been the precise operation of the tariff system and the tariff majorities. Sir, I say it with deep reluctance, but I feel it my solemn duty to say it, that I can scarcely conceive of any Government more dangerous than one which enables irresponsible and profligate majorities, in a widely extended country, inviting to depredation and rapine, by dissimilar and conflicting interests, to lay under contribution whole sections, and all the profits of industry peculiar to those sections.

Sir, it is this view of the subject which is most deeply interesting to every individual who lives by the cultivation of the earth in the Southern States. The whole South is subjected to a system of exaction, such as has never been long borne by any free people on the globe. I shall endeavor to illustrate this position, not by a resort to political metaphysics, but by presenting those facts and

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considerations which lie upon the surface of things, and are level to the meanest capacity.

Looking into the tables of our domestic exports, I take a year, which is believed to be a fair average of their relative proportions, in all respects, for several years.

The whole exports of the United States, for that year, of the growth and produce of the United States, amount to - - - - - \$49,874,070

Of that whole amount, the articles of Southern production only amount as follows, to wit:

The rice to - - -	\$1,553,482
Cotton to - - -	24,035,058
Tobacco to - - -	6,222,837

For wheat, naval stores of all sorts, and other exports from the South, cannot be precisely ascertained, but is believed to be about

5,000,000

36,811,080

\$13,062,990

From the foregoing statement, it appears that the Southern States, comprising not one-third of the whole population of the Union, actually export annually, to foreign countries, near three-fourths of the whole export of domestic growth and production. How is it, sir, that, with such an immense export, the South is growing poorer? How is it that the Northern population, comprising two-thirds of the whole population, export not more than one-fourth, and yet are abounding in all the comforts and luxuries of foreign countries, and increasing daily in prosperity? How are the North enabled to buy and consume such a proportion of foreign imports? It is not because they buy them with produce exported. No, sir. It is not by means of invading their capital, that they are enabled so to multiply their enjoyments. They are too prudent for that, and, besides, their career to prosperity is constantly onward. Then, sir, how is it that they can consume nearly two-thirds of the whole importation, when they do not send abroad, of their own produce, one-third of the value of that which they consume, and when they do not invade their capital? Sir, the most that they would be entitled to, is the value of their exports, enhanced by the profits of freight upon exports and imports; and yet they consume more than double the whole amount of their exports and freight. How is it done? It is through the instrumentality of the tariff system, which I will not explain.

The tariff, by enhancing the price of the foreign article to the whole amount of the duty, enables the domestic manufacturer to bring his manufactures, of like kind, into the market, and sell them for a price equal, or nearly equal to the foreign article, burdened as it is with a high duty. The domestic article is sent to the South, and sold for high profits, and drains off, in that way, a large part of the income of the Southern planter, for his cotton and tobacco; and these profits, so made by the manufacturer, enable him to consume of the foreign importation. Now the average of all the duties has been accurately calculated, and it exceeds forty-five per cent. The South, therefore, pays upon all they consume either forty-five per cent. upon the price, if it be the foreign article, or about the same amount in the enhanced price of the domestic article. It is in this enhanced price, produced by the duties on imports, that the North extracts from the South a large share of their profits of planting; and by the use of these profits, so extracted, the North is enabled to substitute itself for the South, and consume the imports, which, in the absence of the tax, would have been the legitimate fruits of Southern labor. In other words, the products of Southern labor, as they are used in the

foreign exchanges, are burdened with a tax of forty-five per cent. The products of Northern labor, as they are used in foreign exchanges, are entirely free from tax; hence an inequality which, in the long run, must of necessity be ruinous to the South.

Again: The Southern planter, who makes a bale of cotton, is just as much entitled to it as the Northern manufacturer, who makes a piece of cloth, is entitled to his cloth. This is conceded on all hands: for both the bale of cotton and the piece of cloth are the fruits of their labor respectively.

But both wish to carry their articles into market—and both are permitted to do it free of tax. But mark the consequence. The planter sends his cotton to Liverpool to exchange for cloth; but when he brings his cloth home, he is stopped at the custom-house, and told that he must surrender forty-five yards in the hundred. The planter then retains only fifty-five yards, though he has honestly earned one hundred. The Northern manufacturer is not only permitted to keep his whole piece of one hundred yards, but, by the intervention of the tariff, he is enabled to sell it at an advance of forty or forty-five per cent. upon the natural price. How then stands the case? Here are two men, who have each earned one hundred yards of cloth by their labor, worth one hundred dollars per piece at the natural price—I mean, by natural price, the cost of production. The Southern man is compelled to give up forty-five yards, and is permitted to keep fifty-five yards, worth fifty-five dollars. The Northern manufacturer is not only permitted to keep his hundred yards, worth one hundred dollars, but, by the aid of the tariff, he is enabled to sell his one hundred yards, say for one hundred and forty dollars. That is, the one hundred dollars worth of labor of the Southern man is, in the long run, by the intervention of the tariff, made to be worth eighty-five dollars less than the one hundred dollars worth of labor of the Northern manufacturer. I exclude any enhancement of the price of the fifty-five yards, because, in the practical operation, they are purchased for consumption. Is it possible to conceive a case of more revolting hardship? And yet this illustrates truly the operation of the tariff. To do equal justice, the Government, as it taxes by impost the Southern man's piece of cloth when imported, should also tax by excise the Northern manufacturer's piece to the same amount; and wherefore ought not this to be the case? Has not the Southern man just as much earned by his labors his piece, as the Northern manufacturer has earned his by his labor? This is one of the bitter fruits of indirect taxes. And to whatever amount the revenue may be reduced, the same principle will act, and the like results, to that extent, will be produced. Sir, this is the great secret of the ruinous transfer of the profits of Southern labor, to augment the prosperity of the North and East.

Again: It is said that the consumer pays the import duties. Though not assenting to that proposition, I will assume that principle in this argument. The Government collects a revenue upon imports of, say twenty-three millions a year. The South exports three-fourths of the products, which are exchanged for the imports upon which these twenty-three millions are levied; that is to say, seventeen millions of the duties are levied on goods exchanged for the products of Southern labor. Repeal the tariff, and the South would be entitled to consume or to sell three-fourths of the imports. But, under existing circumstances, say the South consumes one-half the imports, then the South, as consumers, pay duties or taxes of eleven and a half millions. The other half is consumed in the North and East; that is to say, they are consumed partly in consideration of their exports, and of course pay, as consumers, six millions of dollars; but the North and East are also to consume the residue of the imports, upon which five and a half millions of duties are to be

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paid. Now, how are the non-exporting States either to pay the five and a half millions, or to acquire the whole imports, upon which that sum is levied?

It is done precisely in the manner before stated; that is to say, although the South pays only half the taxes in the first instance, (or any other proportion, which, whatever it may be, is wholly immaterial, and leaves wholly unaffected the truth of the argument,) still the South has suffered the North to extract from the profits of Southern labor, by the enhanced prices of the domestic manufacture, a sum that enables the North to substitute itself as a consumer in place of the South, and actually to enjoy the fruits of which the South has been most unjustly stripped by means of the tariff.

So that, in fact, the South pays, directly and indirectly, upon consumption, near three-fourths, exceeding two-thirds, of the whole revenue of the Government collected upon imports. To give entire accuracy to the statement, it is necessary to deduct the amount of freight, and the taxes upon the amount consumed by those who substitute themselves as consumers, by reason of sales of unprotected articles in the South, the principal of which consists of live stock.

When we advert, sir, not only to the ruinous inequality in levying the taxes of this Government, but also to that other and more unequal operation—the disbursement of at least three-fourths of that revenue in the non-exporting States, we shall be able to discern the causes which have produced results so advantageous to the tariff States, and so disastrous to the planting States.

Sir, it would be an alleviation of these evils, severe as they are upon a great section of the Union, if we could know that this policy augments the national wealth and the national prosperity. But, sir, such is not the fact. It is susceptible of demonstration, that this policy diminishes the aggregate of national wealth.

It commends itself to the approbation of its friends, not as the means of increasing that wealth, but as the instrument of a forced and unnatural transfer of the profits of agricultural labor, to enhance the capital and profits of the manufacturing interest. But, sir, that an augmentation of the wealth of the nation is not the consequence of these protecting duties, I beg leave to read a passage from a work of one of the most able, sagacious, and profound political economists,* that this or any other country ever produced—of one, whose capacious mind, and astonishing powers, have undergone a rectification by forty years of experience in public life; and the monuments of whose genius will attract the admiration of posterity, when the works of some of his bitterest revilers shall have dropped from the memory of man. The argument is clear, compressed, and demonstrative.

“A Government which acknowledges the principle, that no individual can be divested of his property for public purposes without indemnity, cannot claim the right to that indirectly, which it is forbidden to do directly. A system calculated to lay permanent burdens, greatly unequal and oppressive on some classes of society, or on a particular section of the country, would be radically unjust, and altogether indefensible, even though it might be attended with some advantages to the community considered as a whole. But whether such advantages are in fact realized; whether, on any supposition, they ever can produce a profit equal to the actual national loss arising even from the indispensable duty of twenty to twenty-five per cent., must be first examined.

“It is self-evident that the industry of a country is most profitably employed; or, in other words, that a country acquires the greatest wealth, and its general prosperity is most advanced, in proportion as its capital and labor are most productive.

“It is not less obvious that, if a given amount of capital and labor produces in the same time a less quantity of a certain commodity than could have been purchased with that quantity of another article, which might have been produced in the same time by the same amount of capital and labor, it is a national loss equal to the difference between the quantity produced and that which might have been purchased with the proceeds of the same capital and labor otherwise applied.

“With one thousand bushels of wheat, worth one dollar a bushel, one thousand yards of cloth, of a certain quality, may be purchased. If the capital and labor employed, or which might be employed, in producing the thousand bushels of wheat, do, when applied to the production of similar cloth, produce in the same time one thousand yards, there is neither comparative gain or loss in that application of capital and labor. But if, thus applied, it produces only eight hundred yards, there is an actual national loss of two hundred yards, equal to two hundred dollars, or two hundred bushels of wheat, since the same labor and capital, if applied to the production of wheat, would have produced one thousand bushels, with which one thousand yards of the cloth might have been purchased.”

To make this demonstration clearer, if that be possible, let us take a nearer view of the application of these principles to the actual state of things. It is desirable to have home establishments for the manufacture of coarse woollens. The manufacturer says he cannot go into it, as, without protection, it will be a losing business: that he can make more money in other pursuits than he can in the manufacture of coarse woollens. The Government, however, determines to have home establishments, and lays a tax of fifty per cent. on all imported coarse woollens. The manufacturer goes into the business, not because, if let alone, he could make as much money at it as in other employments, but because the Government, by increasing the price of the foreign article fifty per cent., enables him to sell the home article at fifty per cent. above the natural price. It is clear, therefore, that all who go into the business have been induced, by the interference of Government, to abandon a more profitable, for a pursuit, in the absence of such interference, less profitable. The national loss is exactly the original difference between the old and the new pursuit. But the Government makes up that difference to the manufacturer, and often much more than makes it up. How does the Government make it up? Why, by taxing all the consumers of the foreign article, and thereby enabling the manufacturer, by increasing his prices, to tax the consumers of the domestic article. The result of which operation is twofold: first, a national loss, by substituting an unproductive for a productive pursuit. Secondly, a loss imposed upon the great body of consumers, for the individual benefit of a few manufacturers to enable them to pursue a business which not only impairs the national wealth, but which also enriches them.

But, sir, I am aware that this reasoning is too unambitious and too minute to mingle itself with the magnificent conceptions of the Senator from Kentucky. He disdain to push the powers of analysis to that high point, from which the eye may take in the very elements of these complex questions of political economy: unpretending accuracy is beneath the aspirations of his ambitious genius.

That Senator opens his speech by adverting to the seven years next preceding the tariff of 1824 as being the most disastrous, and the seven years succeeding as the most prosperous, in the history of this country. The distress of the former period is ascribed to the want of protection and the prosperity of the latter is represented as the effect of the protective system. Sir, nothing can be more loose and inconclusive than this general statement. But, was the pecuniary distress, experienced in this country during the years 1819, '20, '21, and '22, occasioned by the want of

* Mr. Gallatin.

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high protective system? If so, why did not England escape, which was literally barricaded by restrictions and prohibitions? Sir, the causes of that distress lay much deeper; the effects were first developed in Europe, and were there experienced in all the gradations of depression, stagnation, and, finally, of universal, unexampled, and overwhelming distress. Those causes operated upon the whole commercial world; their influence reached this country, and combining here with other causes peculiar to ourselves, produced general depression and much distress.

The wars of the French revolution had convulsed the continent of Europe for twenty-five years; the arts of peace, and the pursuits of civil life, were neglected or abandoned, and every country, in turn, became the theatre of war. The insular situation of England enabled her to occupy a commanding position: for, while she, as one of the belligerent Powers, made prodigious efforts on land, her navy swept the ocean, her commerce pervaded every quarter of the globe, and her workshops supplied the whole of Europe. Notwithstanding her prodigious expenditures, it may be well questioned whether she had ever enjoyed, in so eminent a degree, all the appearances of prosperity. At the fall of Napoleon, France was covered with all the armies of Europe; the immense expenditure of public money created a demand for every thing, and prices went up to the very highest point: England participated most largely in this apparent prosperity. Her paper system—the Government expenditures—the suspension of specie payments—the consequent depreciation of the circulating medium, together with the unexampled influx of wealth from the continent of Europe, as the reward of manufacturing industry—all combined to give a highly artificial value to every species of property, and the appearance of the highest degree of general prosperity. Her stupendous resources, stimulating to preternatural efforts her commercial and manufacturing interests, gave her an energy—a momentum—which carried her forward for several years, without much apparent diminution.

The armies of Europe were disbanded, and became producers: every department of labor soon became overstocked; Government expenditures ceased; specie payments were resumed; and a reaction ensued, every where exhibiting the most appalling distresses. This country felt the reaction in the sudden depression of the price of every article of exportation. The paper system—the most fatal curse to the prosperity of this country, had pervaded every portion of this Union; every county town and parish was inundated with bank notes, at a ruinous depreciation, and every species of property had risen to the highest price. Deluded by false appearances, and the facility of procuring money, the spirit of speculation was excited—large debts incautiously contracted—when this sudden depression of prices came upon the country as a paralysis, and all those distresses of which the most of us retain a vivid and painful recollection. Among the causes of that distress, the paper system was undoubtedly the most effective and most pernicious; and, where the system of money was pushed to the greatest extent, the greatest distress was invariably found.

Sir, whatever of prosperity we have enjoyed since 1824, instead of being in consequence of the tariff, has been in despite of it. We are yet a young and vigorous republic, in the finest region of the globe, with free institutions, and a hardy, industrious, honest, and enterprising people. With so many favoring circumstances, it is almost impossible to arrest our career; particular sections may be injured, but, as a whole, our course must be onward. But our growth, our prosperity, and our greatness, are all ascribed to the tariff of 1824, and the “bill of abominations” of 1828—that prohibitory system, which has been alike the reproach and the curse of Spain, the country, of all others, in which it has been most fondly cherished. Sir, as well might the empiric, who had dosed

and drugged a young giant, who grows apace in spite of the poisons, ascribe to the medicaments his expanding form, his gigantic dimensions, and his compactness and power of muscle.

Sir, the Senator from Kentucky has given you a rapid and vigorous sketch of the history of the tariff system; he adverted to the act of 1789, as having “sanctioned the principle;” he deplored the causes growing out of the French revolution, which obstructed this salutary policy; and remarked the singular coincidence of the recurrence of this subject at the interval of every four years, from 1816 to 1832. Sir, I was surprised that the plainest principles of association did not awaken his attention to a similar recurrence of another great question at similar intervals. I was surprised that it did not occur to the recollection of the Senator, that the tariff policy, now for the fifth time, is agitated and discussed immediately upon the eve of the presidential election; that the tocsin is sounded, and the banner unfurled, at the precise moment when a rally is to be made for the great and final struggle. Sir, this view of the subject calls up a train of melancholy reflections. It suggests the facility of combination of great pecuniary with great political interests, to seize upon the Government, and divide among themselves its patronage and its bounties. It suggests painful doubts, whether the President-making faculty is not a power so preponderating in our political machinery, that, when violently excited, it may not derange its harmonious action, or prove destructive of its organization.

The Senator from Kentucky defends the protective system, upon the broad ground that it is the only policy effectually counteractive of an unfavorable balance of trade. Sir, I had not expected to hear this exploded doctrine introduced into this debate. I had supposed it would have been suffered to sleep with the statesmen of the Tudors and the Stuarts. It finds no abiding place in Europe. It is the jest and the scoff of her practical statesmen, as well as her writers upon political economy—save only in fallen, impoverished, and devoted Spain, where much may be found common to her and the defenders of the American system. What, sir, is meant by the balance of trade? It is that commercial intercourse in which the importation exceeds the exportation.

The Senator from Kentucky states that, in the last ten years and three-quarters, our exports to Great Britain were two hundred and seventy-three millions of dollars; that our imports, during the same time, were three hundred and twenty millions—giving an excess of imports of fifty-seven millions, which he sets down as clear loss, and exclaims emphatically, “How can the United States sustain themselves under this ruinous trade?” Sir, the fallacy of this argument consists in supposing, when the value of imports exceeds the value of exports, that a debt is contracted to the amount of the difference; whereas, in a fair commerce, prosecuted by a country with a commercial marine of her own, the value of imports, for a series of years taken together, will be equal to the aggregate value of exports and freights.

In a single commercial operation, if the value of imports is just equal to the value of exports, it is clear that there is a loss to the whole amount of freight. Yet this, according to the doctrine of the balance of trade, is neither a gainful nor a losing business. Again: If, in a single operation, the value of imports is less than the value of exports, this, according to the balance of trade, is a gainful commerce, though he who receives a return cargo less valuable than the outward, feels sorely that it is a losing business. So, if, instead of a single case, in all the commercial operations of a country, the value of imports shall be less than the value of exports, it is said the balance of trade is favorable; whereas nothing is more demonstrative than, when the value of all the return cargoes is less than the value of all the outward, that it is a losing business.

On the other hand, if, in a single operation, the value of the return cargo is greater than that of the outward, and out of the return cargo the merchant pays for the outward, and all the expenses of the voyage, still retaining in his hands a large residue, the balance of trade, says he, is growing poorer, while he feels that he is growing richer. So, while all the individuals of a nation, by like operations, are growing richer, the balance of trade says the nation is growing poorer.

Nothing can be more unfair and delusive than, from a list of our exports to, and imports from, a given country, to pronounce upon that intercourse as being either gainful or losing. This is manifest when we consider the direct and indirect trade—the circuitous voyages, finding so many intermediate points, and complicating its concerns with so many new interests.

Permit me to illustrate this view, by reference to a case which actually happened a few years ago. Bear in mind that the fact to be ascertained is, whether our fur trade to the Northwest coast of America is gainful or losing, according to this notion of the balance of trade.

A ship fitted out from New England, with a cargo worth about five thousand dollars, for the fur trade on the Northwest coast of America, got a cargo of furs, proceeded on her voyage to China, exchanged them for teas, silks, &c. and brought home a cargo worth nearly two hundred thousand dollars. This, according to the balance of trade, was a most ruinous operation. The shrewd and enterprising Yankee, understanding the fact, but not comprehending this philosophy, was willing to pocket the money, and surrender the theory to the champions of the American system.

Sir, the whole of this doctrine proceeds upon the hypothesis that commercial intercourse is a species of gambling operation—that the gain of one is the loss of another. I shall not stop to examine this hypothesis, but barely remark that it was an illiberal notion, entertained in the earlier ages of commerce, that it has long since been exploded, and is now universally denounced by an enlightened political philosophy.

The great object of contest between the respective parties to this tariff question is, whether the tariff States shall furnish the planting States with manufactures, or the planting States furnish the tariff States. It is with pain—yes sir, it is with grief, that I consider the question in this aspect. It presents a naked case of the reversal of the ordinations of benign Providence, by the tyrannical legislation of man. My proposition is, that, in the absence of restrictions, the South would import and furnish (or could do it) the tariff States with the chief part of their supplies of manufactures.

Owing to the dense population of England, the abundance of fuel, the inexhaustible mines, the perfection of machinery, the cheapness of labor, and the invigorating climate in which the human animal can perform the greatest possible amount of labor, upon the least possible amount of subsistence, the cost of production of almost every species of manufacture is a great deal less than it is in this country. The South would exchange the raw material for the foreign article, which, enhanced in its price by the rate of exchange, storage, freight, commission, and every necessary charge, would come into the home market, (if free from impost duty,) and drive from it all domestic competition. In truth, the foreign article could be sold in the home market at from fifteen to thirty per cent. less than the similar domestic article. This is obvious from the fact that the manufacturer is now protected by duties averaging more than forty-five per cent., and insists that any material modification will destroy his business, and involve him in bankruptcy.

The duty of every Government is to extend equal protection to all the parts; the correlative obligation is, that all the parts shall contribute equally to the support

of Government. But is it not tyranny, the most odious and detestable, to deprive one of the parts, without equivalent, of all its natural advantages, to bestow them on another?

Sir, it is an utter misconception of the true nature of Government, to suppose it is instituted to confer bounties, and do acts of munificence. Government has nothing of its own to give, and it can only give to one by taking from another, which, if done without equivalent, is naked, palpable injustice. The South asks for nothing. The North is clamorous for protection, which, if it mean any thing, means that the Government shall give that which it has not, but that which it shall take from others.

The Senator from Kentucky has said that the doctrine of free trade is a mere revival of the British colonial system, forced upon us during our colonial vassalage. I must confess my utter astonishment at the introduction of such a topic, in support of this system of restrictions. I should be wholly unable to account for it, had I not seen the dignity of deliberation descend from the region of argument to a level with the passions. The Senator, upon the reflection of a moment, cannot fail to perceive the glaring error into which he has fallen. That the reverse of the proposition is precisely the fact—that success in this protective policy is but to substitute New England for Old England—so that the former may now burden a free people, as the latter formerly did her colonial vassals. Let me examine it a moment. What difference is there between England compelling her colonies to trade with her alone for their supplies of manufactures; and one section of the Union, by virtue of high prohibitive duties, compelling another to trade to that alone for all supplies of manufactured articles? Is not this the effect of the system? Is it mitigated by the reflection that it is the brother of my blood who compels me to yield up the fruits of my toils, to gratify his spirit of rapacity? Is it mitigated by the fact that the South is in effect cut off from the cheapest markets in the world, and is compelled to resort to the dearest? Sir, the adoption of a system of complete protection is the adoption of a system, as regards our pecuniary interests, incomparably worse than that of colonial vassalage. It is worse than colonial vassalage, precisely to the extent that the market of New England is worse than the market of Great Britain. Sir, what is the condition of the laboring classes at this day in Canada, in respect to the taxes on the necessities of life, when compared with that of the laboring classes in this confederacy of freemen?

I have an authentic document before me, which exhibits the monstrous difference. [Here Mr. M. read the document, showing that in Canada only two and a half per cent. duties were paid on cotton goods, silks, wools, linens, earthen, China and glass ware, hardware, rolled iron; while, in the United States, the duties on the same articles, to be paid by the consumer, range from twenty-two per cent., the lowest to two hundred and fifty per cent. In Canada, salt is free; here, it is taxed. In Canada, sugar is almost free.] Sir, it is true that the colonial vassals of William the Fourth are taxed less than the laboring classes of the United States.

Sir, the merry ploughman that follows his team with buoyant spirits, and whistles as he goes in pure gladness of heart, little dreams of the insidious process by which he and his little ones are stripped of the fruits of his toils. When sitting by his evening fireside, in the midst of all he loves upon earth, amusing simple infancy with the tales of other times; when recounting to the little prattlers that climb upon his knees, and press to his side, the exploits of his ancestors in the battles of liberty—his patriotism kindling and glowing as the narrative proceeds, little does he know that the miners and sappers are at work under the citadel of his liberties. But, sir, the consolation offered to the South is, that she too may engage in manufacturing, and escape the evils of which she

Feb. 7, 1832.]

The Tariff.

[SENATE.]

complains—may in that way throw off the thralldom of vassalage to the tariff monopolists. Those who offer that alternative, know that it is but keeping the “word of promise to the ear, and breaking it to the hope;” they know that it cannot be embraced without ruinous sacrifice. They know that it would involve a sacrifice of at least half the capital of the South, to withdraw it from planting, and invest it in new pursuits. And, sir, it is but frank to say that they neither expect it nor desire it. For though their philosophy might enable them to bear with commendable fortitude the loss of half our capital—for many things are more difficult than to bear with patience the misfortunes of others—yet what philosophy could bear the destruction of all its golden dreams? What mortgagee could look unmoved upon his mortgaged estates, abandoned, dilapidated, and rapidly verging to hopeless decay?

There are those in the South that indulge in the delusion that we are capable of becoming a manufacturing people. That we might succeed, in the interior, to a certain extent, cannot be doubted. But that it could become the predominant interest, or that we should ever be able to compete with foreign rivals, is wholly impossible. We are destitute of all the great elements: slave labor is too careless. We are destitute of water power on the seaboard, of navigation to water power in the interior. We are destitute of coal, and that salubrity of climate necessary to preserve health, in the summer and autumnal months, in the fetid atmosphere of densely crowded factories. And, above all, thank God! we are destitute of the cheap labor of a half-starved, beggared, and dependent population, fit to be packed in factories to drag out a miserable slavish existence for the paltry equivalent of the bread that they eat, and the raiment that they wear. Sir, are these establishments favorable to liberty, or to morals? In other countries, these operatives are every way degraded. In this, these establishments are too new to afford a fair sample of their bitter fruits. Is there not an immeasurable difference in the scale of being, between him who plants his foot on his own soil, feeling a high and manly sense of his personal independence—the master of his own little domain—surrounded by a happy, industrious, and virtuous family; and the day-laborer, with a scattered family, toiling from sun to sun in a crowded factory, breathing its noxious and fetid air; dependent for his daily bread upon the master of the establishment; and cringing to his testy humors, or losing his place? Sir, I am told that the dependence is so complete, that, in the exercise of the highest franchise of a freeman, the will of the master is the law of the dependents—they vote the calico ticket.

The Senator from Kentucky drew a picture of a cotton factory, crowded with scores of delicate young females; he painted their “ruddy complexions,” “happy countenances,” and “clock-work regularity.”

Sir, if the genius of that gentleman could have thrown into his picture the bold design and admirable grouping of Raphael, the delicate coloring of Titian, and the fascinating light and shadow of Rembrandt, it could not have been redeemed from revolting associations. I understand that more than twenty thousand little girls, from seven to fifteen years of age, are at this moment immured in these factories in the United States.

Who can contemplate, without pain, the hard fate of so many delicate young females, torn from a mother's love and a mother's care, immured in these factories, drudging and laboring in every sort of contact, forced from the gambols of youthful innocence, and the gladness and sunshine of the heart overcast? Who ought not to denounce the accursed system that bribes the avarice of the parent to sacrifice the innocence of the child? I appeal to every parent who ever felt the gush of tenderness for these little innocents, who has watched the first buddings

of affection putting forth its tiny tendrils, and clinging around his very heart-strings, whether he could find it in his heart to tear them from the scenes of their childhood—from the consecrated circle of family affections, and immure them in these laboratories, as the drudges, the slaves of capricious taskmasters. Sir, it is not in the nature of things that their minds and their affections should resist all taint.

Sir, I have already too much extended my remarks. I had designed to examine several other matters. I must refrain. I have determined to examine, and expose the fallacy of the position, that prices have been reduced by the tariff; and to show that they have fallen, not in consequence of the tariff, but in spite of it. I had designed to examine the allegation of an increased ability to consume, growing out of the protective system, by enhancing the price of bread stuffs; and to show, as may be clearly shown, that the allegation is founded, 1st, in an error of fact, and 2d, in an error of reasoning. I had designed to show that the most erroneous estimates have been made of the profits of the cotton producers. I had intended to show that the duties upon iron—the raw material—had put out of profitable employment more than a hundred thousand of our most useful artisans, and transferred the labor to Birmingham, Sheffield, and other manufacturing towns in England. I had designed to show that this system, coupled with the paper system, is a close and servile imitation of the English—which is the most refined system of slavery in the world. The aristocracy holding the church and state, with the infinitely various complication of place and pension, exact three hundred and fifty millions of dollars annually—equal to fifteen years' income of this Government. Add to this the hundreds of millions extracted by the corn laws and by banking and manufacturing establishments, and we have an appalling aggregate. When we reflect that these sums are drawn from labor, without obligations on the part of the master to feed or clothe the laborer, and without sympathy for his distresses, we must be convinced that it is the most refined slavery, and is infinitely more grievous and oppressive than the very worst condition of negro slavery in this country. I never saw a negro pauper without shelter, clothing, and bread. This is an interesting topic; I regret that I have to pass it. I had designed to show that this system has brought into existence a set of men, unknown in better days, denominated “shavers.”

For the information of our more fortunate brethren of the tariff States, I will endeavor to convey some idea of this nondescript. A shaver is a little wolfish; he grows lean as others grow fat; he fattens as others become emaciated. To him general prosperity is as the parching drought of summer. His happiness springs as blithesome from the misery of others, as the violet from the mound that covers the ashes of a hero. To him the sigh of distress is “dulcet and harmonious breath;” and the tears of a ruined family, surrendering to him their patrimonial acres, and driven into the wide world houseless, penniless, and friendless, are as the refreshing and vivifying showers poured from the clouds of heaven into the burning bosom of the earth. These, and others of kindred pursuits, are almost the only allies, in respect to the tariff policy, that our Northern brethren can find in the South. In the early history of “shaving,” men, with some claim to respect, engaged in the business. It is now become so odious, that any one, of the least mark of respectability, shuns the imputation as he would the leprosy. It is fallen into other hands—the hands of harpies, compared with many of whom Shylock, the Jew, was tender-hearted, a man of honor, and a gentleman.

I had designed to show the palpable absurdities and abominable frauds of the whole system of minimums. I had intended to show the strong inducements held out by this policy to illicit trade, and the general corruption

of morals consequent upon an extensive system of smuggling. That smuggling is now carried on extensively on the Canada frontier, is notorious. I had intended to show that the great and patriotic West bear the burdens of this policy without equivalent: that the taxes paid by them annually, in the shape of duties, are more than fourfold the whole amount of appropriations for internal improvements in every part of the Union: that their hope for indemnity in that shape is wholly delusive: that a part of the West has partially lost, by the ravages of the system, their best market for live stock. I pass these and other topics, not doubting that they will be discussed by other Senators, in a manner much more satisfactory than I could hope to do it.

Mr. President, there is one other topic which sheer justice seems to require me to touch. I mean the insinuation by the Senator from Kentucky, [Mr. CLAY,] that the present Chief Magistrate, on the north side of Mason and Dixon's line, was understood to hold one opinion on the tariff, and on the south side he was understood to hold another. As, I suppose, the honorable Senator well considered the delicate relation he bears to the head of the Government, and settled in his mind all the proprieties of such a reference, I shall refrain from any animadversion upon that point. Sir, I regret to touch this topic. I am unwilling, in a discussion of the great principles of this stupendous system, to mingle with it mere paltry, party interests. It looks above and beyond this administration, or any other, and all that belong to it. It is rapidly becoming a naked question of liberty. The sentiment is growing in the South, and I trust it will grow more and more, that we will wear in our hearts no love for any administration that compels us to wear the chains of this system.

But, sir, I think the honorable Senator did the Chief Magistrate great injustice. I never understood that but one opinion was entertained on the subject. We all understood him to be in favor of a system of protection.

Loving him as we did, admiring him as we must, revering him as we ought, and confiding in him as we still delight to do, we, nevertheless, always remembered his opinions on this subject, with deep regret.

I will tell the honorable Senator the opinion of the South, as far as I understand it. We have long known the President to be in favor of a protective system. That opinion was first promulgated by him in North Carolina upon the eve of the presidential election of 1824, at the time he was a candidate for the Presidency, and when the excitement in that State was high against the policy. We have seen his recorded votes in this Senate, and his annual message, all affirming the principles first laid before the public. But we believed he preferred his country to himself; that he would urge his policy no further than he believed the great interests of the country required; and that he was wholly incapable of abusing it, either to acquire or to retain power. In a word, all believed him to be an honest man—firm, patriotic, and fearless. This is the fortress of his strength—the hearts of the people is the citadel of his power.

But, sir, I dismiss this topic; the subject under consideration is of far more weighty and far more durable importance; and I pray God, that every man who loves his country may take it into grave and solemn consideration, that he may bring to it that spirit of conciliation and kindness that becomes the descendants of those who stood side by side, and poured out their blood like water in the achievement of our liberties. Sir, I feel a deep conviction that this system and this Union cannot exist permanently together. Who can be insensible to the wisdom, the patriotism, of mutual concession? Who can shut his eyes to the fearful signs of the times? Who is not ready to invoke the spirit of seventy-six—that devotion to liberty, sealed by the blood of so many patriots and martyrs?

Where is it? I fear it is gone forever. Where is the sentiment of the Slogan, once so dreadful to the enemy—"give me liberty, or give me death!" It is heard no more in the land. It is money—money—give me money or —

Sir, if I could coin my heart into gold, and it were lawful in the sight of Heaven, I would pray God to give me firmness to do it, to save this Union from the fearful—the dreadful shock which I verily believe impends.

[Mr. M. delivered only part of the above on Tuesday. It was concluded the following day, but is given here entire.]

WEDNESDAY, FEBRUARY 8.

The journal having been read,

Mr. DICKERSON said that, perceiving his name [in the place of Mr. WHITE, excused] on the committee appointed on the part of the Senate to make arrangements for the commemoration of Washington's birthday, he wished to be excused from serving upon it, for the same reasons which were given by the gentlemen who were yesterday excused. He was not in favor of the object for which the committee was appointed, nor did he vote for the resolution. He wished to pay all possible respect to the memory of Washington. He hoped the Senate would adjourn over that day, and unite with other citizens in the usual observances of the day. But he could see no good reason why Congress should depart, on this occasion, from the customary mode of honoring the day. He wished to be excused from serving on the committee.

Mr. HAYNE suggested to the Senator that, as his name was upon the committee, and as several gentlemen had already been excused, he had better remain a member of it; and, if he had any objections to any other observance of the day than an adjournment, he could state them to the joint committee, who would, perhaps, be governed by his suggestions.

Mr. DICKERSON felt no disposition, he said, to go into the committee for the purpose of opposing the views and designs of the majority of that committee. It would be unpleasant to him to be placed in that situation. He would propose to withdraw from it entirely.

Mr. MILLER called for the reading of the resolution; and, after it was read, he remarked that, as the resolution agreed to assume that we shall join with the House in celebrating the day, gentlemen could have no objection to serving on the committee. Having adopted the resolution, he thought the Senate was bound to proceed in the accomplishment of the design.

Mr. FORSYTH was not present, he said, when the resolution was passed. He thought it an improper mode of paying respect to the memory of the deceased. He was also uninformed how the expenses of the fête, if there was to be one, were to be defrayed. He was willing to excuse the honorable Senator from New Jersey, if he believes he could not, with propriety, consent to join in the objects of the committee.

The question being put, it was decided in favor of excusing the Senator.

[The committee on the part of the Senate ultimately consisted of Mr. CLAY, Mr. WEBSTER, Mr. POINDEXTE, Mr. CHAMBERS, and Mr. BIBB.]

THE COLONIAL TRADE.

Mr. SPRAGUE submitted the following resolutions:

Resolved, That the late "arrangement," made between the Executive of the United States and Great Britain, relative to a trade between this country and her colonial possessions, gives to British vessels an advantage in transporting articles to their West India colonies greater than is secured to American vessels, and violates that principle of reciprocity in navigation which our Government has heretofore sedulously and firmly endeavored to maintain.

Resolved, That said "arrangement," and the President's

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Bank Currency.

[SENATE.]

proclamation of the 5th of October, 1830, opening the ports of the United States to British vessels, were not authorized by the act of Congress of 29th of May, 1830.

BANK CURRENCY.

Mr. DALLAS moved that the report received yesterday from the Secretary of the Treasury, in reply to Mr. BENTON's resolution, making inquiries in relation to the currency of the Bank of the United States, be printed, and referred to the select committee on that subject.

Mr. BENTON said his statement of the amount of this species of currency in circulation, was mere matter of opinion when he spoke upon the subject two weeks ago. The bank, in none of its reports or publications, had ever discriminated between the notes and the orders; and, judging from the universality of the orders in the West, he had formed an opinion that they must amount to about ten millions. Senators, who supposed him to say thirty or forty millions, must have taken an expression which related to the whole amount of the bank issues, notes and orders, which are returned at forty millions. To settle the question, however, and to ascertain the quantity of orders out, he had submitted a call upon the Secretary of the Treasury, and, if he had not the information, through him upon the president of the bank, to ascertain the amount. That call had been answered. It was received yesterday, and gives rise to the present motions for references to different committees. From that answer we see that the practice of issuing orders as currency began in July, 1827; and that about seven millions had been issued since that time. Of this seven millions, about five millions are believed to be in actual circulation; which, in fact, was less than he had expected. But the cause of his miscalculation was shown in the President's answer.

He [Mr. B.] had supposed that all the branches issued this description of currency; but, in looking over the statement sent in, he found that the more remote and frontier branches alone were set at this work; while the great branches in the capitals and emporiums of the old States, and in this capital of the Union, did no such thing. The Southern and Western branches made these issues, and a few others of the smaller class; but the branches in Richmond, Baltimore, New York, Boston, and this city, issued none. Why this difference? Is it that the intelligence of the great cities would detect the difference between a note and an order, while the inhabitants of the South and West, and other remote or obscure places, would take the orders without knowing the difference, like unfledged robins swallow the gravels which wanton boys throw them in place of crumbs of bread?

The amount of gold and silver coin and bullion sent up to the parent bank by the branches, since they began to issue orders, and by such branches as issue orders, had also been shown in the answer to his call. He, [Mr. B.] when he spoke a fortnight ago, endeavored to explain the theory of these orders, and to show that it was directly the reverse of a currency of branch bank notes. In the case of notes, the parent bank furnished the capital to the branch; in the case of orders, the branch furnished the capital to the parent bank. This he had argued was the theory of the order currency, and it was now proved to be the practice of it. The Senate would bear in mind that the branches, chiefly those of the South and West, had issued seven millions of these orders since July, 1827. Now, it appeared from the report to which he had alluded, that these branches had remitted about eight millions of gold and silver coin and bullion to the parent bank in the same time. Thus the theory and the practice worked together. The theory was, that the branches which drew the orders on the cashier, in Philadelphia, should send up the hard money there to meet the orders, and this it was proved they had done; thereby depriving the branches of capital, instead of furnishing it to them. If notes were

issued, and that was the plan and idea of those who granted the charter, the parent bank would have to send down a portion of her capital—real capital, not a mere assignment of credit—to the branch to issue notes upon. These notes would be payable on the spot, and on demand; and, if not so paid, judgment would be given against the bank, with twelve per cent. damages. Not so of these orders; they were payable alone, even admitting that they were payable any where, in Philadelphia; and upon that principle it was that the specie was taken from the branch, and sent to Philadelphia to meet them. The quantity of this specie, thus transmitted, was spoken of as small by the Senator from Pennsylvania, [Mr. DALLAS.] He spoke of it as a small sum; he, [Mr. B.] on the contrary, deemed it a large sum. It was eight millions of dollars, and that extracted from the West; for the whole, except about half a million, came from the West, and from half a dozen branches, and that in the short space of five years. What had been extracted from the same quarter in the fifteen years that the Bank of the United States had been ravaging that region, he did not yet know, but a resolution had been adopted, and sent to the select committee, of which the gentleman was chairman, to ascertain it; and, when ascertained, he would take care to mention it for the information of the Western people. It was said, also, that five millions of this whole sum was taken from New Orleans. That, sir, is no alleviation of the mischief. New Orleans is the West, and the whole West is injured by every operation which renders her less able to buy their produce. If these five millions had remained in that city, they could have been paid to Western farmers for Western produce; but, being carried to Philadelphia, they have been sold to the British and other Europeans, and will never be seen in America again. The bank statements show that five millions and a half of specie had been drawn from the bank in about as many months. The vaults of the institution contained twelve and a half millions in May, and seven millions in December; and every body knew a vast amount of specie had been exported to foreign countries, and sold at a premium. It was evident that five and a half millions, taken from the Bank of the United States, was not employed in taking up the notes of the bank; for the issue of these was augmented millions in the same time.* Specie diminishing—notes augmenting—the candle lit at both ends—was the spectacle exhibited in the bank for the last six months! But the five millions from New Orleans, in five years, and which is considered as a trifle! In what condition did that abduction leave the branch there? The returns for last December show that condition. They show an exhibit of five hundred and ten thousand dollars in specie; about eight millions of notes issued; about one million of deposits due to the United States and her officers; and about one million and a quarter of deposits due to individuals; in all, ten millions, resting upon half a million of specie for payment! This is the condition in which the branch bank in the commercial emporium of the West was left in December last! What could such a branch do for the commerce of the West? Nothing! literally nothing! The branch there was an engine, to pump the hard money out of the city, and send it to a rival city. No wonder New Orleans was called a bad market; no wonder she could only import seven millions of foreign goods, while exporting thirteen millions of domestic productions. Her whole moneyed system was under foreign domination—under the control of distant and rival cities, which were seeking roads and canals across the Alleghany mountains for the avowed purpose of drawing off her commerce; and which, through the instrumentality of the branch bank in that city, could still more effectually accomplish their purpose of keeping her

	* Specie.	Notes issued.
May, 1831, -	12,522,384 13	34,875,731 76
December, 1831, -	7,038,823 12	40,631,211 16

SENATE.]

Bank Currency.

[FEB. 8, 1838]

tributary, secondary, and subordinate to the commercial cities of the Atlantic States. The whole West sympathized with New Orleans; she could not be crippled or hurt, without imparting her sensations to the whole region above at the same time. The interest of the whole West required New Orleans to be rich; to be abundant in gold and silver; to be the mistress of her own moneyed system; above all, to be independent of rival cities—cities contending for the import trade which belonged to her. Of the eight millions taken from the West, in so short a time, he [Mr. B.] had noted about three hundred thousand dollars, all gold and silver taken from St. Louis! that St. Louis to which not a cent of capital had ever been sent! not even an assignment of credit, equivalent to so much moonshine, but to be given in the return as capital stock! These three hundred thousand dollars were part of the eight millions; and, small as these eight millions may now be deemed, they are one million more than the whole amount of specie now in the vaults of the parent bank and her twenty-five branches! So that the West actually furnished in five years the whole amount of specie that the Bank of the United States owns, and a million more! No wonder the West is destitute of cash!

He [Mr. B.] had heard complaints that a difference was made between the Federal Government and the citizens of the States in the reception of these orders, and that this difference was to the prejudice of the weaker party; and the letter of the president of the bank confirmed what he had heard. It is admitted in that letter that the difference exists in the ten and twenty dollar orders; that while the orders of these denominations will be "necessarily" received as cash, at all the branches, from the Government, they are not "necessarily" so received from citizens; and this, he [Mr. B.] presumed, might be called the first lesson in the chapter of "sound and uniform currency."

Mr. B. then turned to the immediate question before the Senate—the question of reference—the choice of committees to whom the report on the amount of this order currency should be sent. The Senator from Pennsylvania [Mr. DALLAS] moved in favor of the select committee to which had been committed the consideration of the application for the renewed charter. He [Mr. B.] had moved in favor of the Judiciary Committee, and he thought his motion the right one. The question to be considered was unconnected with the question of renewing the charter; it was a question of violating the existing charter. Rechartered or not rechartered, still this question must be decided. The rights and interests of the community required it to be decided; the sanctity of violated law required it to be decided; the authority of Congress required it to be decided; the safety of the holders of the orders required it to be decided; and that, too, before the question of the recharter was decided; for after that, it may be too late for the people; after that, they will have no hold upon the bank; they will have no means to enforce the payment of this trash. At present, they have a hold upon the bank; they have the question of the recharter in their hands, and, until that is decided, the bank must pay these notes whenever presented, without venturing or daring to tell any man to go to Philadelphia. After that question is over—and no matter which way it is over—the branches may tell the holders to go to Philadelphia; the orders are payable there! Yes, payable there, if payable any where! but, I say they are payable nowhere, by law! That every order that has been out a longer time than it requires for a draft or a bill of exchange to go up to Philadelphia, and return back to the branch that issued it, is dead in law—as dead as the continental bills of the revolutionary war, and as irrecoverable in a court of law! Shall seven millions of such currency, with as much more as the bank chooses to add to it, stand over for redemption until the question of the

recharter is decided? No, sir, it is a preliminary question, and to be decided first. It is an independent question, and, therefore, not to be mixed with the other.

The Senator from Pennsylvania [Mr. DALLAS] gives a reason for sending it to the select committee on the bank charter, that that committee may insert a restriction, in the renewed charter, to restrain the issue of the sort of currency in future. But what is to become of the old charter in the mean time? To be violated with impunity from day to day, and over the whole extent of this Union for four years longer! Is not five years' violation enough? This illegal practice began in 1827; now, for the first time, it has attracted the attention of the National Legislature. Are we to blink the question? Are we to let it off easy? Are we to content ourselves with telling the bank not to do so again; and that she may go on for four years longer, trampling her whole charter under foot, upon condition of suffering us to put a little restriction in the renewed charter against doing so again? Sir, what will become of that new restriction? What right have we to suppose that it will be more respected than the present charter has been? No, Mr. President, no more restrictions, until we enforce what we have; no more renewed charters, until we can compel the bank to obey the one that we have given her. If we cannot compel her—if we are too weak and impotent to restrain her to the exercise of her granted powers—why, let us confess it! Let us admit that Congress has given itself a master! that the bank is our superior! and that, henceforth, we must blink her violations of law, and limit our interference to the humble office of expostulation and entreaty! The Judiciary Committee is the proper one. It is the committee created for the purpose of taking cognizance of every thing that concerns the administration of justice, and the interpretation of the laws. Its very name announces its fitness for the motion I have made. That motion is to inquire into the legality of this currency, and to report its character to the Senate. This is a question of law, and properly refers itself to the law committee—to the committee purposely composed of gentlemen distinguished as lawyers and judges before they became Senators, and to whom every legal inquiry has, heretofore, been regularly committed. Mr. B. concluded with expressing his hopes that the reference would be made to the Committee on the Judiciary, and that the friends of the bank would not fly the legal investigation.

Mr. DALLAS said that he did not precisely understand whether the gentleman from Missouri intended his present resolution as a substitute for the one he had presented, on a former day, in relation to the same object. [Mr. BENTON said yes, with the exception of printing.] Mr. DALLAS said the question was one of great interest, and moved that the report be printed, and referred to the select committee on the subject of the bank. He wished to state one important fact, viz. that the whole amount of these orders did not exceed five millions of dollars. He stated this, because it had been asserted by the gentleman, on a former occasion, that the amount was thirty or forty millions. Another allegation was, that the effect of these orders was to drain the specie from the Western and Southwestern portions of the Union. Mr. D. said, it appeared, from the statements of the bank, that, during the period of five years, the aggregate amount of specie from New Orleans did not exceed five millions, and but eight millions from the whole Western country. He thought it incumbent upon him to communicate these facts to the Senate, to prevent any misconception in consequence of the assertions which had been made. In relation to the question of referring the subject to the Committee on the Judiciary, Mr. D. said that the question as to the legality of the bank drafts had been decided by the judicial tribunals of the country, and the reference to the Committee on the Judiciary seemed to

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involve a question which had already been decided. It seemed to him that the subject should be referred to the committee that had the question of the rechartering of the bank in their charge, with the design that they might acquire into the subject, and, if they found it improper or injurious, to forbid the practice in the future charter, if the bank should be rechartered. In this light, he thought the subject belonged peculiarly to the select committee on the Bank of the United States, as the legal question had been already judicially decided, and that, therefore, there was no propriety in the reference to the Judicial Committee.

Mr. SMITH made some remarks, which were indistinctly heard. He was understood to say that, in relation to the bank's drawing specie from the West, that such was not the effect there, more than in other portions of the Union, which effect had been caused by the dreadful pressure of trade over the whole country; and that the specie did not go to the Bank of the United States, but to England. The specie drawn from Baltimore was as great as that which had been drawn from the Western States, or any where else. When the Bank is called on, said Mr. S., it cannot deny the payment of the specie for these orders. How else can the bank manage them as they now do? Must they go to all the branch banks for aid, on every occasion? Without this currency, they cannot avoid it. It is, therefore, a necessary practice to obviate the difficulties which would otherwise be insurmountable.

Mr. BENTON rose to say a word in answer to the venerable Senator from Maryland, [Mr. SMITH.] That Senator was not present when this discussion began, and had not heard the papers read, upon which it was founded. These papers showed that the branches in question had been sending up hard money to the parent bank, for years before the exportation of specie began. The remittances from the South and West dated from 1827—the exportation had only begun in June last. It was not a call, in distress, which the bank had made, but a systematic abduction, which had been going on for years. Every Southern and Western branch was drained of its specie by this process. The disproportion between the specie on hand, and the paper put out by these branches, was excessive, enormous, and appalling. At Pittsburg, forty to one; at Lexington, twenty to one; at Nashville, twenty to one; at New Orleans, sixteen to one; at Fayetteville, North Carolina, about seventy to one. Such were the returns of last December. It was the abduction of the precious metals which had reduced the Southern and Western branches to this lean and famished condition, of which he complained. It was of the currency, illegal and dangerous, for which there was no adequate means of redemption, that he was now demanding investigations, and beseeching the friends of the Bank of the United States not to fly it.

Mr. BUCKNER objected to the course which this subject was taking. He did not think that this premature discussion was proper. He hoped it would not continue.

The CHAIR decided that it was not in order to discuss the question.

Mr. DALLAS said that he would call the attention of the Senate to some of the remarks which had fallen from the gentleman from Missouri. He was desirous to correct certain errors which that gentleman had, no doubt unintentionally, fallen into in relation to the United States' bank, in his remarks of this morning. He has stated that the effect of the paper currency is to distress the Southwestern and Western States, and that they were the sections exclusively where the orders were sent; that it was the borders and unenlightened parts of society that were chosen, &c. I have only to remark that the towns of Providence, Burlington, Utica, Buffalo, Pittsburg, and others, where an equal or greater amount is sent, are not in the unenlightened condition which the gentleman sup-

poses, nor in the Southwestern, or quite in the Western extremities of this Union. Mr. D. read a statement of the amount sent to each of the branches in these and other places, showing that, instead of the currency being confined to the West, it was circulating in every portion of the country; and that, by recurring to the statement of the bank, they would find that the Ancient Dominion was not excepted. To Norfolk there were also bank orders sent; that they had, therefore, been diffused throughout the various sections of the Union, and to the various branch banks in the Eastern and Middle and Southern, as well as to the Western States. I will refer, said Mr. D., to another mistake which the gentleman has fallen into. He says that the West is drained of its gold and silver. Now, by the statement of the bank, it seems that, of all the specie that is drawn from the West, there are five millions drawn from New Orleans alone, and all that is drawn from the whole Western country is but eight millions—which leaves only three millions from that entire portion of the Union, exclusive of New Orleans, which city I presume the gentleman would not accuse of being unenlightened, and which is peculiarly well situated to be the channel of specie. There were, then, but three millions drawn from those parts of the West which could be called frontier settlements. They had thus contributed almost nothing—comparatively nothing—when the whole amount paid to the bank by other portions of the country was considered. Mr. D. felt it his duty to express these sentiments to the Senate, that they might know the true state of the case, and the reasons why he had moved to refer the report to the select committee on the bank subject.

Mr. JOHNSTON said that he did not suppose that the question should be discussed at this time by the Senate, but that it should be left to the select committee; and, if any question for which the present discussion would be proper, it would be on the rechartering of the bank; to which point there would be a more suitable application of the arguments of the gentleman from Missouri. Sir, I listened to the gentleman with astonishment the other day, and was surprised at his excitement upon this subject. I think he must certainly be somewhat prejudiced, or that he does not comprehend the interests of the Western people with regard to this subject. Sir, what great evils have been experienced from the circulation of these orders in the West since they were first issued? They were issued because it was difficult to carry on the concerns of the institution without them. It was said the bank had failed, because the managers had said that it was impossible to pay the bills in every portion of the Union, whenever they might be presented, and specie demanded. But, sir, the Bank of the United States had equally the liberty of exchange with the other banks, and an equal currency, with more gold and silver; yet this could not be expected if the branch banks could not give checks on one another, and on the parent institution. Does not the very idea of a branch bank include this privilege? Would it be violating its charter to exert it? And does not the parent bank now exchange with them these orders as well as smaller sums of money for the benefit and convenience of the public? Sir, the banks not only pay these small bills, but give checks on one another, and in this way the exchange is maintained. And the banks cannot be conducted or the people accommodated in any other way. Mr. J. said he did not wish to engage the attention of the Senate himself, or interrupt the debate on other subjects. But when he saw this question introduced in this peculiar manner, by submitting resolutions calling for information, and then, before it was obtained, to proceed with a premature discussion calculated to mislead the public—inflame their minds—and excite their prejudices against the bank—he felt it his duty to explain the object of these orders, and show that they were not fraught with mischief, and followed by distress and ruin, as the gentleman had

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attempted to induce us to believe. The gentleman has said that there were to the amount of forty millions of these orders in circulation; and that the whole West was drained of its gold and silver. Why, sir, I know that this is not the case. I was myself at New Orleans last season, and I know that, for the five millions sent to the parent bank, there were nine millions returned from the markets of our produce to replace it; and, so far from there being a deficiency of gold and silver, the general anxiety was to know what to do with it. Does not the gentleman know that the rich countries of Mexico and the other gold and silver regions are directly open to our trade? That our produce is sent out there, and our ships come home loaded with specie? This is the general course and effect of that trade; and when the specie is brought into New Orleans, the great question is how to dispose of it. This the Bank of the United States performs for us by transporting it at their own expense. Sir, when the question comes up in order before the Senate, I hope to be able to satisfy you that the Western people are benefited, instead of being injured, by this currency; and that the circulation of the specie could not be effected without the aid of this arrangement.

The motion of Mr. BENTON was then laid on the table.

THE TARIFF.

The Senate then again proceeded to the consideration of Mr. CLAY's resolution in relation to the tariff.

Mr. MANGUM recommenced, and spoke two hours in conclusion of his speech against the resolution, [as given above.]

Mr. TYLER then expressed his intention to address the Senate on the subject, and moved an adjournment.

THURSDAY, FEBRUARY 9.

The resolutions submitted yesterday by Mr. BENTON and Mr. SPAIGUE were considered and adopted.

THE TARIFF.

The Senate resumed the consideration of Mr. CLAY's resolution respecting the tariff.

Mr. TYLER, of Virginia, rose, and said that, if he were permitted to consult his personal feelings, he should remain silent. His state of health, which had been but of late so far improved as to enable him to resume his seat in the Senate, admonished him to silence. But he could not reconcile it to himself to remain a mere "looker on here in Venice," while this great question, so deeply and vitally affecting the interests, the enduring happiness of America, was under discussion. He owed something to himself, but much more to the State which he had the honor, in part, to represent. It did not seem to him to be proper that the sentiments of Virginia should be withheld at a crisis so momentous. He should, therefore, give free utterance to his opinions, and, in doing so, he believed himself to be representing, fairly and honestly, the sentiments and opinions of his native State.

The honorable Senator from Kentucky [Mr. CLAY] had drawn a glowing picture of the condition of the country. He had spoken of this as the golden age of these confederated States. By the magic of his eloquence he had transported us to what, with classical taste, he was pleased to call La Belle Rivière, and, sailing down its stream, he pointed out to us a smiling, animated scene—villages rising up in endless succession on its banks, while the arts were gaily meeting us at every step. From thence he led us into the interior of his own State, and there again all was beautiful and enticing. Widely extended lawns—animated groves—and hills covered with numberless flocks. All was gay—all was beautiful—all enchanting. He then translated us to the North, and again we stood in fairy land. Here flourished the arts, and the buzz of industry

arose from numberless villages. And, finally, to touch off with still deeper tint the glowing scene, he pointed to us that great mart of commerce, the city of New York—the modern Tyre. But the honorable Senator here stopped—his pencil fell from his hands, when he turned to the South, and she was not found upon his canvas. Where were her rising towns? Where her lawns, her animated groves, and living hills? I said she was not on his canvas—I mistake—she was there, but she was enveloped in gloom. She had ventured to utter complaints—to put forth her grievances respectfully, but strongly—and she was scowled upon—reprehended as uttering unfounded complaints, entertaining unwise opinions, and as advocating a system which would recolonize America. If the Senate could see nothing in all this to justify complaint, then are we indeed fairly subject to reproach. What, sir! could not that fervid and glowing fancy create one animated spot—find one oasis in the wilderness of gloom, on which to rest? How comes this, Mr. President? Is there any thing in soil, in climate, in position, to explain it? Do we sow and not reap? Has the earth suddenly refused to yield to us her harvests? Comparisons are said to be odious; but I only follow in the footsteps of others, and rely upon citations which have already been made in this debate. Look to Mr. Gee's pamphlet of 1750, upon which the honorable Senator so strongly relied, urging upon the British Government the adoption of a policy which would prohibit the use of machinery in the colonies, and compel them to take the manufactured goods of the mother country. That writer dwells with apparent delight on the profitable exchanges which would be carried on with the South; there would be raised the richest products in the raw state, which would be exchanged for the costly manufactures of England. Of the North, that writer speaks in terms of opprobrium and contumely: "The cast off rags would do for the North. New England and the Northern colonies have not commodities and products enough to send us in return for their necessary clothing, but are under great difficulties, and, therefore, any ordinary sort will sell with them. And, when they have grown out of fashion with us, they are new fashioned enough there." Mark you, Mr. President, this is not my language; it is the language of the pamphlet, introduced and read by the honorable Senator from Kentucky. I beg leave to give you an anecdote which is said to have occurred at the table of General Washington, shortly after the adoption of the federal constitution. I do not vouch for it, but have often heard it mentioned by others. The party consisted of several Southern gentlemen, and one gentleman from the North. That great and good man was dwelling on the benefits which would arise from the adoption of the constitution; he portrayed the countless blessings which it would bring to the South—dwelt on its rich productions, and the profitable interchange which it would carry on with all parts of the world. At length, turning to his Northern friend, he inquired, "but what will the North do?" The brief and laconic answer was, "we will live by our wits." And well has this reply been realized. By their wits they have acquired much of the wealth which properly appertains to a more genial climate and richer soil. Their ingenuity has brought forth useful inventions for the benefit of mankind: hardy, industrious, enterprising, they have, in the pursuit of fortune, roamed over distant lands, and braved the terrors of the mighty deep. The compliment paid them by Edmund Burke, on the floor of the British Parliament, was every way deserved. Every Southern man rejoiced in their prosperity, so long as it was the result of their own indefatigable industry. Even their wooden nutmegs excited but a smile, and nothing more. They may, for me, make trade and profit of all their notions, except their tariff notions. Against that I do protest with all my strength. But let me return to the course of my inquiry. How comes it now about, that,

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while the South is impoverished, the North has suddenly become so rich? Why is it, that, while the North is dressed in rich and gay attire, the cast off rags will now do for the South? This is the great subject of inquiry; and I shall prosecute it with patience, and, I trust, with a becoming temper.

The honorable Senator from Kentucky has told you that Virginia was more benefited by the tariff than any other State in the Union. In one breath, he has dwelt upon the large amount of our exports of bread stuffs, and, in the next, has told us of deserted farms and abandoned houses, of families which have gone into decay, and of younger brothers flying to the West. Why the younger brother should fly to the West, and not the elder, since the descent law operates equally on all, I cannot tell—but let that pass. If our exports are so very large, and so excellent a market is provided in the North, then our farms ought still to be cultivated—prosperity should still be ours, and our families should be preserved from decay.

Nor can these results flow from the abolition of the law of primogeniture. [Mr. CLAY explained. He had said that the ancient seats of the great families of Virginia had gone into decay from the abolition of the law of primogeniture, and he had instanced Shirley, Westover, &c.] Mr. T. had understood the honorable Senator, and the remark was undeniably true, to some extent, although not so in reference to the particular estates alluded to. I speak of the effect of the abolition of the law of primogeniture upon the aggregate mass of production. It has expelled the spirit of aristocracy from among us, and has substituted, in place of it, the spirit of a bold, and fearless, and unbending republicanism. And I can say, with perfect truth, that the wide world does not contain a population more devoted to the great principles of human liberty, or more ready at every hazard to maintain them. Our prosperity ought to be greatly increased, and would be greatly increased, by the operation of our descent law, would Government consent to unshackle commerce. Nothing is better calculated to increase production than the division and subdivision of estates: lands are thereby brought into cultivation, which would otherwise remain unreclaimed, and industry exerts all its sinews in their cultivation and improvement. To none of these causes, then, is our condition ascribable.

The honorable Senator, in his effort to find out other causes of depression, has seen proper to remark that we were “too poor to live—too proud to work—too high-minded and honorable to resort to ignoble means of acquisition—brave, daring, chivalrous.” That we are too poor to live, as did those who, but a short time ago, preceded us, is most true—and, sir, it is our misfortune to be growing poorer and poorer: the cause of this I shall attempt presently to explain. But that we are indolent or idle, I utterly deny. There lives not a more industrious population under the sun, taken in the mass. Let the honorable Senator revisit his native State; let him go with me to Shirley and to Westover, the estates which he has represented as dilapidated and in ruins, and he would promptly abandon the error into which he has fallen. The first, the ancient seat of the Carters, he would find in the possession of a descendant of that respectable family, who in his own person would illustrate the correctness of the last touch to the portrait drawn by the honorable Senator—brave, daring, chivalrous—that bravery, that daring, that chivalry, displayed on board the frigate Constitution during the late war, in a bloody engagement on the ocean. Not too proud to work, as the highly improved condition of his estate, the reclamation of an extensive body of swamp land as rich as the delta of the Nile, would bespeak. Westover, it is true, has passed out of the hands of the ancient family of the Birds, for debts contracted before the revolution; but the honorable Senator would find in its present possessor no idle drone. There, too,

he would behold the effects of an untiring industry; and let me also tell him that he would be received with the extended hand of hospitality, and welcomed by the inmates of that venerable mansion after the manner of the olden time. These estates are embraced within the limits of my native county, of the citizens of which it gives me both pleasure and pride to speak.

And now, Mr. President, let me express an honest opinion—it may be a mistaken, but it is an honest opinion. Five estates upon the James river, and within that county, which, for the information of the honorable Senator, I will name Shirley, Berkeley, Westover, Weyanoke, and Sandy Point, would supply from their surplus production every manufacturer in Rhode Island with food, and I incline strongly to think that you might throw Connecticut into the scale along with Rhode Island. Let me be understood. I do not mean that they could supply 75,000 barrels of flour for Rhode Island. No, sir; this would be altogether extravagant. And if the honorable Senator's statistics be correct, (they are furnished him by others,) then do these manufacturers in Rhode Island devour more of the fruits of the earth, than ever did an equal number of men in any portion of the globe. [Here Mr. ROBBINS begged leave to explain. He said that the flour imported into Providence was not destined exclusively for Rhode Island, but found its way into the interior of Connecticut, &c.] I am happy to hear it, said Mr. T., for I began to be seriously alarmed for our good friends in Rhode Island, lest they should fall victims to plethora. No one coming from that State had ever impressed me with the belief that the inhabitants possessed such voracious appetites—and certainly the two honorable Senators had not produced with me such an impression. The whole population of the State is but 96,000 souls, men, women, and children; and 75,000 barrels of flour, over and above their own production, would be a supply altogether too extravagant for the whole population, not to limit it to the manufacturing class exclusively.

That we are proud, Mr. President, I do not mean to deny—proud of our native land—proud of our illustrious ancestors—have we not cause to be proud of their high deeds in arms, and of their wisdom in the cabinet—of their devotion to the rights of man, in the maintenance of which they wasted their once ample estates, and considered them as nothing? And if their descendants are sometimes found in penury, while the mansions of their fathers have passed into stranger hands, who among them would exchange their humble habitations for the splendid abodes of the ungenerous and selfish? Has not Virginia now cause to be proud of her sons? Look there, and there, and there, and there, and there, and there, and there, (pointing to Messrs. GRUNDY, ELLIS, FORSYTH, BIRD, POINDEXTER, BUCKNER, and CLAY;) and although some few of them are found the advocates of a policy which she regards as ruinous and destructive, she nevertheless feels a pride in the intellectual strength which they never fail to display. But if she had no other cause of pride, the State which had given birth to a Washington and a Jefferson, would have sufficient reason to exult and rejoice. The rest of the portrait drawn by the Senator requires no comment—“too high-minded to obtain their objects by ignoble means.” Yes, sir, this, I trust, is true; and if the honorable Senator had succeeded in proving (in which, however, he will be found to be mistaken) that this tariff benefited Virginia, if it did so at the expense of some other State, she would, I am sure, be too high-minded to sustain it for an hour.

The honorable Senator, then, is mistaken as to the true cause of our distress and impoverishment. I have looked carefully into the matter; and my inference is, that it results, to a great extent, from the single fact that we sell cheap, and purchase dear. Other causes may conjoin with this, but this is the great controlling cause, and am-

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ply sufficient in itself to account for the condition of the South.

The home market has been represented to us as of vast importance, more especially in reference to bread stuffs. This delusion has now been kept up for fifteen years. An increase of duties has never, at any time, been proposed, but that we have had representations made of the great importance of the home market, produced by the encouragement of domestic manufactures. And yet, sir, no man has ever known produce so low as it has been during the last seven years. Tobacco down to an average price of from three dollars and fifty cents to four dollars; wheat averaging during that period, in the seaport towns, seventy-five or eighty cents; corn from ten and six pence to two dollars per barrel; rice, cotton, in short, every production of the soil, at the lowest minimum price of production. And if it was not for the foreign demand, prices would become entirely nominal—produce would either rot in the granaries of the country, or, what is still more probable, the process of production would cease altogether. Who does not see the wide-spread ruin which would desolate the land? From an extract taken from a merchant's books in Philadelphia, claiming and receiving unqualified confidence, flour and wheat commanded a much higher price in 1771, '2, '3, than now; wheat then sold for one dollar the bushel, and flour for seven dollars the barrel; and yet we are continually told of the great importance of the home market created by the tariff. The corn planter and wheat grower understand their interests in this respect somewhat better than they are supposed to do, and so do the manufacturers of flour. They look abroad for their important markets. The corn trade to South America is carried on to a great extent. The millers in Richmond find, in that country, an extensive, and, I have no doubt, a profitable market for bread stuffs; and shipments are actively carried on in the same direction from all parts of the United States. My honorable friend from Massachusetts, who sits before me, [Mr. SILLMAN,] a few years ago, inquired of me as to the prospect of procuring a cargo of flour at Richmond, which he was desirous of shipping to South America. The trade to England, notwithstanding her corn laws, is extensively carried on. When the ports are occluded, the flour shipped thither is placed in bond, and is sent to the different markets of Europe, as they respectively hold out the prospect of commercial advantage. Exchanges are thus beneficially made for British fabrics. Canada also opens an extensive market for American wheat, with a view to convert it into flour, when it is exported, under all the advantages accruing from important discriminations in favor of the colonies, made by the mother country. Nor is this all; other markets are presented to the corn grower, of considerable value. The foreign price regulates the domestic price; and the fluctuations which take place every fall in the wheat market here, are ascribable to hopes excited by the slightest circumstance of an increased price abroad. If a cloud is over the face of the sun during the harvest time in England, prices advance; and if accounts are brought of a fall of rain, the spirit of speculation immediately becomes more active, and the farmer pockets the benefit. Under these circumstances, the addition of an important market at home would not fail to bring about an increased demand, and with that a greatly augmented price; but, so far from this being the case, produce, I repeat, was never lower than it has been since this American system has been established. That the price borne by the various articles created by agricultural industry is at the lowest possible grade, no one can reasonably doubt. The first part of the proposition is then made out, and the citizens of the South sell at the cheapest rate.

The effect of selling cheap, and buying dear, must be apparent to all. The consequence of such a traffic is

ruin, inevitable ruin. This assertion requires no proof to sustain it. Every man's common sense, however small may be his share of that, the best of all sort of sense, will assure him of this. Let any man, for instance, deal for his supplies with a country store, for any length of time, and he will find the most ample estate melting away. Why is this, but that, while he obtains for his produce a low price, he has to pay, in many instances, a hundred per cent. upon many articles of consumption necessary for the supply of his family and estate? Such will be found to be the operation of the tariff, as I shall be able satisfactorily to prove to the Senate before I take my seat.

If reduced prices appertain equally to all things, then matters go on happily and harmoniously. It only requires the same quantity of produce to purchase what is wanting, and no evil arises. But the reverse is true when produce is low, and articles of consumption high. Let me illustrate this by the plainest example. If tobacco, or corn, or cotton, or any other article raised from the soil, (for the result will equally apply to all; but, for the sake of simplifying, take tobacco,) fall from ten dollars a hundred to five, and broadcloth fall from ten to five; it is perfectly obvious that the same hundred weight of tobacco purchases a yard of broadcloth, as it did before the fall in price; but if tobacco fall to five, while the broadcloth remains at ten dollars the yard, then the tobacco planter has to exchange two hundred pounds of tobacco for a yard of broadcloth. In other words, he has either to double his production, incurring in that process great additional expense, to be satisfied with only one-half the broadcloth as formerly, or to go in debt for the residue. Now, sir, these are the effects produced by the high tariff of duties; and this has made us the advocates of that despised thing called free trade; and for this it has been said that we advocate a policy which would recolonize America. The imputation is unjust; against Mr. Gee's system our ancestors protested, and against that system we would wage never-ending hostility. Sir, we oppose this American system, because it rests upon the same principle. What was the English system, and what this? England said, you shall buy only of us, and pay a tax in the bargain: what is the language of this? You shall buy only of Northern mechanists, and be heavily taxed in the bargain. Is not this the language of the American system in effect? Is it not a declaration that we shall buy only of domestic fabrics, and that at an exorbitant price, as I shall presently show, unless we pay a burdensome duty for the privilege of consuming foreign goods?—a duty, which in some instances operates so heavily as to shut out importation altogether, and in every instance is oppressive and burdensome to the last degree. Do not both equally invade the principle of liberty? The same heavy and oppressive manacles are put on commerce by each; and the agriculturist, through the instrumentality of whose labor commercial exchange can alone be effected, is made to bend under a weight of burden which presses him to the earth.

Simplify this American system, and what is it? Take for illustration four individuals: one shall represent the Southern producer, the second the English manufacturer, and the remaining two, Northern manufacturers. The Southern farmer interchanges the valuable productions of the soil, at their minimum price of production, with the English manufacturer, for articles necessary for his consumption, at their minimum price of fabrication. The exchange thus made is equally beneficial to each, and neither, notwithstanding the great fall in price which has taken place in the fruits of their industry, experiences decline. The first obtains for his flour, his tobacco, his cotton, or rice as great a quantity of the articles which constitute the mass of his consumption, as he formerly did when he obtained much higher prices; and so does the latter. This means of living as abundantly as ever exists with both, and both are equally prosperous; but the two Northern

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capitalists suddenly interpose, and forbid this advantageous course of exchange. They shackle it with heavy restraints, imposing upon the farmer the necessity either of purchasing of them at a greatly augmented price, or of encountering still greater exactions in the course of the foreign trade. They are enabled to legalize their purpose, if indeed injustice can ever be legalized; by the majority—power which they wield. I submit it to honorable Senators to say if I have not drawn, by this example, the epitome of the American system; and I demand of all candid men to say whether the power thus exerted is not selfish, despotic, and unjust. Sir, if this matter was brought to any particular neighborhood, and made there to operate upon individuals, eloquence and ingenuity combined could not gloss it over, or hide its deformity from the public eye. Take three individuals in any neighborhood, and let the article involved be one of acknowledged necessity: one of these supposed persons is a purchaser of corn for his own consumption, and the other two are farmers, one of whom, however, by reason of the superior fertility of his land, is enabled to sell his corn at fifty cents the bushel, whereas the other, cultivating a poorer soil, and laboring under other disadvantages, can only afford to raise it at eighty cents. Now, who would doubt for a single instant that the buyer would be greatly benefited by purchasing his supply of the first at the small price, rather than of the last? But, suppose the Government dared to interfere in the matter, and exacted of the purchaser thirty cents in the bushel on the corn which he might purchase from the abundant producer; and should, moreover, assign as the reason for such interference, no want of revenue on the part of the Government, but a determination so to elevate the price of corn as to enable the second farmer to command eighty cents per bushel for his; who, within the wide-spread limits of this Union—who, having any relish for freedom on the face of the habitable globe—would hesitate to pronounce such conduct arbitrary and despotic? If an imperial monarch, armed with absolute power, levied such an exaction, would he not be justly denounced by mankind as a tyrant? Was the *per capita* tax in the time of Richard II, or of ship money by Charles I, more evasive of right and liberty? And yet the spirit of English freedom was roused to resistance in both these instances, and in both the monarch was made to tremble on his throne.

This system is only sustained from the circumstance of its being enveloped in mist which the public mind has not yet penetrated. It presses upon men with a hand which, although felt, is not seen. Its action is indirect, and therefore not fully understood by the great mass of mankind. Sir, I hesitate not to say that, if its action was direct, the system would melt beneath the blaze of popular indignation. Take any one of the numerous taxes which it imposes, and levy it directly on individuals. Send your tax-gatherer to each and every person in the United States once in the year, to collect the sums now exacted by this protective system upon the articles which each has consumed, and you would be answered in a voice which would cause you to tremble in your high places, if it did not shake you out of them. Send your tax-gatherer on the last day of December in every year, to ascertain of the farmer the quantity of brown sugar which he has consumed in his family during the year—I take sugar, out of no invidious spirit, because all other items on the tax list are equally obnoxious, but merely because the process of analysis is more plain and palpable. Well, sir, the visit is paid, and the requisition made; let us imagine the dialogue which would arise between the parties. Our fellow-citizens are somewhat inquisitive, and, like the people of other countries, are rendered more so when demands are made upon their purses. The farmer would inquire into the cause of the levy upon him of three cents in the pound upon the brown sugar he had used. Does the Government want

the money, he would ask, to meet its engagements? The answer would be given, without hesitation, in the negative. Why, then, am I called upon to pay it? The tax-gatherer, having received his instructions, would answer that the tax was collected for the benefit of some seven hundred rich planters in Louisiana, engaged in the pursuit of sugar-making. This would doubtless excite great astonishment, and the inquiry would promptly follow into the motive and the object. Please tell me, Mr. Tax-gatherer, how I am interested in this. The Government levies this tax upon you for the sugar planter, to enable him to supply the American market; and if you will but pay the tax for twenty years, you will then get the sugar as cheap at home as you can now abroad, and then the tax may cease. So, then, I am to pay three cents upon every pound of sugar that I use for twenty years, in order to obtain it as cheap then as I can now without the tax. How am I benefited by this process? If, at the end of twenty years, I am to get it no cheaper than I now do, how is it possible, in the nature of things, that I can derive advantage from this process? The answer is at hand: when did error or injustice ever stand in want of apology or apologists? You will then be independent of foreign nations, is the reply which the tax-gatherer would give, and which we have heard a thousand times from the advocates of this misnamed American system. Independent of foreign nations! Sir, this is not only a shallow, but in some measure an impious argument. An all-wise Providence never designed that man should be independent of man, or nation of nation. Separate man from his species—throw him upon his own unaided and unassisted resources—and you convert him forthwith into a ferocious savage. So with a nation. The ocean, which has been aptly called the highway of nations, bears upon its bosom the rich freight of the arts and sciences of one portion of the world in exchange for those of another. Light is then given for light, and civilization is advanced to its highest point of perfection. But adopt the opposite policy—accomplish this work of independence—convert the frozen regions of the North into the burning equator in their productions: in other words, set at naught the decrees of the Creator in the formation of the globe, and let the ocean no longer be used for the great purposes of commerce, and the bold pretensions of man would be punished by the results of his own short-sighted policy. Chaos would come again, and the night of gloom and ignorance would enshroud the world. And, after all, are not nations that sell as dependent upon nations that buy, as the reverse? The dependence is mutual, and that mutuality of interest and dependence constitutes the golden circle which embraces the universe.

I have embraced, in the short analysis which I have just given, the whole argument in favor of the tariff system. The answer accompanies it, and the decision cannot be at variance with the opinions I am advocating. Operating on the members of an individual society, it would be highly oppressive and unjust; but what shall we say of its effects upon States—*inter pares*? The confederacy rests on the principle of perfect equality among its members. To impose a tax which operates unequally among the States, enriching some and impoverishing others, is to violate that original design, and remove the foundation-stone on which the social edifice was made to rest. But it has often been said, the system is as well Southern as Northern. It is the result of a general law which embraces all portions of the Union. Why, then, do you of the South not enter into it? The question is answered by the fact, that although the system has existed for sixteen years, we have not gone into it to any extent, and no machinery of consequence has been introduced among us. This is sufficient to prove that the system is not ours. The Southern States are either not ripe for it, or there is something in their condition at war with its adoption. Can any man be at a loss to assign the reason? The North is extensively commercial;

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its capital is a floating capital, and can be invested in any new pursuit with the greatest facility. Hence, when through governmental interposition the employment of capital in manufacturing establishments held out the promise of greater profit from such employment than from any other, the Northern States stood ready upon the instant to avail themselves of such advantages. But who is so blind as not to see the difference in the situation of the South? It is almost exclusively agricultural. Its capital consists of lands and slaves; the last convertible, to a limited extent, into money, but inseparable from the lands without sinking all profit on that large portion of capital invested in lands; and if the farmer was so reckless of his interest as to make the separation, it would be but a transfer of the property from one Southern man to another, and would leave the condition of things unaltered. Landed estates can only be sold with great difficulty, and, when sold, are generally sacrificed. Ours, then, is a fixed capital, not convertible into money, except at great loss; and we, therefore, have not, even under the strong temptations which have been held out, felt the influence of the manufacturing mania. The causes which I have assigned operate as powerfully, so far as they go, as climate. Let climate constitute the only ingredient in the computation, and its influence upon the subject will be acknowledged by all. Take, for example, the duty on sugar, a duty which, if it was not sustained by others equally as exclusive in their character, would be instantly abandoned. Suppose the States lying out of the limits of the sugar region should object to it, as they assuredly would do, if it did not constitute a part of the *cordon sanitaire* of the American system, would it avail to say to them that it was the result of a general law, applying to each State of the Union, and therefore as much for them as for Louisiana? Would so shallow a pretence avail its advocates in the slightest degree? Our Northern brethren understand the operation of the causes which I have assigned, as well as we ourselves do; and this knowledge of the true condition of things with us, urges them to sustain this system *totis viribus*. Their profits arise from the engrossment of the home market; but suppose every State to become manufacturing to an extent equivalent to its own supply, does not every body readily perceive that from that moment the large profits now realized would cease, and that there would be no deep concern felt in the preservation of the system? It is because they win and we lose, that it is maintained and supported; our distress is the strongest evidence of their prosperity; and, through the agency of a Government formed for the benefit of all, fortunes are built up in one region at the expense of another. If there can exist a stronger objection to the action of the Government than this, I have not the wit to discover it. Nothing to my mind can be more odious; nothing more unjust.

The honorable Senator's invocation to Heaven, on the second day of his speech, for strength to enable him to sustain the interests of this country in the advocacy of the American system, although it proceeded no doubt from the most thorough conviction of the correctness of his opinion, appears to me to have been out of place. He espouses the interests of one portion of the Union against another; and if he implored strength and ability to sustain the cause of the North against the South, his invocation would have been more germane to the matter.

[Mr. TYLER here yielded the floor for a motion to adjourn.]

FRIDAY, FEBRUARY 10.

The resolutions submitted some days ago by Mr. SPRAGUE, touching the arrangement with Great Britain, coming up for consideration,

Mr. SPRAGUE said that, in accordance with the wishes of several gentlemen, and his own indisposition to inter-

rupt the progress of the debate on the tariff, he would forbear, at present, to press the consideration of the resolutions. He was willing to let them lie on the table for a few days, and made a motion to that effect, which was carried.

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The Senate then proceeded to the consideration of the special order, being Mr. CLAR's resolution on the subject of the tariff.

Mr. HAYNE said that he had received a communication from the gentleman who had, as chairman, signed the memorial of the late Free Trade Convention, (Mr. Gallatin,) giving the information that an erroneous impression had been created elsewhere as to the prayer of that petition, from some remarks which had fallen from him [Mr. H.] on that subject, and which had been erroneously reported. Mr. H. said he rose to correct that misapprehension, and would do so by simply reading that part of the memorial which related to the subject. It was in the following words, viz.

"Your memorialists respectfully pray:

"1st. That the duties be so reduced, as to leave, after the extinguishment of the public debt, only that amount of revenue which may be necessary to meet the ordinary exigencies of the Government.

"2d. That allowing a reasonable time for the gradual reduction of the present exaggerated duties on some articles, the duties on all the imported articles not free of duty be ultimately equalized, so as that the duty on any such article shall not vary materially from the general average rate of all the duties together, or, in other words, from a uniform duty ad valorem on all imported articles subject to duty.

"3d. That wines, teas, coffee, and similar articles, be not added to the list of those now free of duty, but may, on the contrary, be subject to duties corresponding, in proportion to their respective value, with those laid on other imported articles, subject to duty."

Mr. KNIGHT took occasion (before Mr. TYLER, who was entitled to the floor, proceeded) to read to the Senate some statements, to show the great amount of corn, flour, &c. imported from the Southern States into Rhode Island, for the consumption of the manufacturing districts.

Mr. TYLER, in allusion to this subject, said he had that morning received a letter from a neighbor and friend, with whom he had had many good tempered controversies respecting the tariff—who wrote him thus: "I have just sold my crop of corn to a Yankee, to be carried by him to feed the New England manufacturers, who, if it were not for the abominable tariff, would make corn for themselves." Mr. T. in reading this letter, declared his belief that it evinced the greatest delusion of mind on the subject. It is not necessary for me to say, continued Mr. T., that my friend and correspondent differs from me in sentiment upon this great and all-absorbing subject. Our social intercourse suffers no interruption from our differences of opinion, since neither of us, in the eye of the other, can be considered as actuated by any unworthy or improper motive. I have taken the liberty of reading a single sentence from his letter, because it purports to present in a practical, and therefore more imposing form, a text worthy of a serious commentary. The first inquiry which presents itself obviously is whether this sale might not have been made, had the American system never existed. The mere fact, that corn has been sold by the South for the consumption of the North, proves nothing in itself. The day never was, since the revolution, not to say before, although I believe that the fact would be ascertained to have preceded that period, if our researches led us as far back, when bread stuffs were not exported from Maryland, Virginia, and North Carolina, to the

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Eastern States. Why, sir, when I was a mere boy, I remember well the existence of that trade. We had annual visits from New England vessels up all our rivers, well supplied with a variety of exchangeable commodities, which were bartered for wheat and corn to be transported to the North. They gave us chiefly New England rum, which then filled the place of common whiskey at the present day, in exchange for the productions of our soil, and a profitable trade they undoubtedly made of it. But I rest not on that fact alone, but from information derived from those who have watched the course of this trade for the last thirty years; and I appeal here, in my place, to Senators representing the New England States, to say whether my information is incorrect. If the statement remain uncontradicted, it will be considered as avouched by honorable Senators. These sales of corn from one place to another, occur under all circumstances; not only between separate States, but between counties of the same State, and neighborhoods of the same county. A drought produces a scarcity in one county or neighborhood, while another is blessed with genial seasons, which cause its farmers to overflow. This was the case last summer; for while in lower Virginia we were blessed with copious showers, similar blessings were denied, as I have learned, since yesterday, from a resident of that county, to the people of Halifax and the counties contiguous thereto. My friend left out one important ingredient in his communication. I should have been highly pleased to have been informed of the price which he obtained for his corn. I rather apprehend, that, notwithstanding his ascription of influence upon the sale to the American system, the corn buyers of his own State would most cheerfully have given him as much as he obtained from the Northern purchaser. I learn, for example, that the price of corn in that portion of the country to which I have before had reference, is now three dollars per barrel, and that the price is advancing. Let me not be understood as denying the value of the Northern market for our bread stuffs. We find valuable customers in the great and flourishing cities of the North. To New York, and to Boston, we annually export large quantities of flour and Indian corn, and so do we, also, to Baltimore. Much of it is doubtlessly consumed by the inhabitants of those cities, but the far greater part is exported abroad. But the true question is, not how much we export to the North; but how much the export is increased by the manufacturing establishments. No one would ascribe the existence of those cities to the American system, not only because they existed anterior to that system, but because all history informs us that large cities are the offspring of an extensive foreign commerce. Let any man visit New York or Boston, and the countless sails which flutter in every breeze, and have come from far distant lands, will hold to him a language which he cannot misunderstand. If we look to the table of exports, it will be found that the largest of the Northern States, and those, too, most deeply interested in manufactures, so far from drawing their supplies from us, export annually to a very large amount. Pennsylvania and New York export annually large quantities of bread stuffs; and while Baltimore is an extensive and valuable market for all the tide-water country of Virginia, every body knows that Maryland is a large exporting State. I can assure my esteemed correspondent of the further fact, that not an acre less is cultivated now in the Northern States, than formerly. I state this fact upon the authority of a gentleman from one of the Eastern States, whose assertion may be most implicitly relied on.

But, Mr. President, while this market, produced by the American system, is a mere matter of surmise and conjecture, it behooves us to look more minutely into the foreign corn trade, so that we may avoid realizing the fable of the dog and the shadow. I have extracted from the tables of exports of the last year the following facts:

Of flour, there was exported abroad	\$6,075,953
Of Indian corn, - - - - -	224,823
Of meal, - - - - -	372,296
Of rye, - - - - -	87,796
Of oats, and other grain, - - - -	66,249
Biscuit, or ship bread, - - - -	188,474

Making the sum of, - - - - -	7,025,591
And of tobacco, - - - - -	5,586,365

Making an aggregate of, - - - - \$12,611,956

And this, independent of a great variety of other articles, the product of agriculture, which I have not deemed necessary to exhibit to the Senate. And yet we have, in the very face of this fact, been asked, over and over again, to point out the foreign market for our surplus productions. England and her dependencies take of our bread stuffs alone, 2,460,045 dollars worth, more than a third of the whole amount exported—and of our tobacco, \$1,761,673. This, sir, is the nation against whom our wrath is to be kindled; and we are to be subjected to the charge of recolonizing America, unless we shut our ports against her manufacturer. We are called upon, under these heavy denunciations, to wage commercial war against our best customer; and a comparison is attempted by honorable Senators to be run between foreign markets of almost incalculable value, and the little, paltry, contemptible markets, created by manufacturing establishments—mere neighborhood affairs, no more deserving of attention than the markets produced throughout the country by the numerous watering places which are found dispersed throughout the Union.

Important as is the foreign market, notwithstanding the embarrassments imposed on commerce, its benefits are capable, under a wise system of policy, of incalculable increase. What would not Spain be willing to concede for the free admission of the sugar from her islands? France has recently manifested her desire to trade with the United States on the most liberal terms, in order to have our ports opened to the admission of her silks and wines. Other Powers would speedily follow her example, if hope could be indulged that the anti-commercial system of the country would be relaxed. I have heard it stated by a gentleman who resided for two years in Cuba, that the consumption of flour in St. Jago alone was equal to four hundred barrels per day; and he expressed the opinion, that the free admission of sugar into this country would augment the consumption of bread stuffs in that island fully one-fifth. The truth is, that no scheme which the wit of man could devise, can be more destructive of agriculture than this American system. By reason of the exactions which it levies on the productions of other countries, it forces a change of employments abroad, and compels the culture of bread stuffs in foreign countries, which would otherwise gladly exchange for our corn and flour; and thus, while it cripples the farming interest of the Union, operates as a direct premium to that same interest in other countries.

Before I recur to the course of argument which I had prescribed, I beg leave to notice an announcement which the morning papers contain, proceeding from the great State of Pennsylvania. The Legislature of that State have unanimously resolved against all reduction of the duties laid for protection. I deeply regret this decision, because it would seem effectually to close the door against all hope of settling the distractions of the country. It is not for me to reprehend the course which any one of the States may think proper to adopt. How much soever I may deplore, I cannot censure. That State has been called the main arch which supported our political edifice; and on her wisdom and patriotism my reliance was placed at the present important crisis. She should have recollected that there were two sides to this question, and that a pertinacious adherence to her opinions was likely to be met

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with a similar feeling on the part of other States; that if she was excited upon this subject, so would others be also; and that her elevation in the Union would not be lessened by the manifestation of a conciliatory spirit, out of which this Government itself sprung, and by which it can only be preserved. One remark I may be indulged in without giving offence. The resolutions to which I have alluded, are said to have passed unanimously. Now, sir, strange as it may appear at the first glance, it is nevertheless true, that perfect unanimity in any deliberative body, on any subject of interest, is the strongest evidence that the subject has not been properly examined. This is not an original idea with me. It claims its origin from the venerated Lowndes, who, while he lived, reflected so much honor on the State of his nativity, and gave the promise of a life of so much usefulness to the United States. It was not long after I had taken my seat for the first time in the other House, that a proposition to amend the constitution came there to be discussed. The Legislature of Virginia had acted upon it with perfect unanimity, and every functionary of the Government, so far as my observation extended, approved the decision of the Legislature. Sir, I had approved it myself; but my opinion was thoroughly changed, and I found myself opposed to the contemplated amendment. I expressed to Mr. Lowndes the alteration which my opinion had undergone, and my astonishment at the unanimity which had prevailed in the Legislature. He then let fall the remark which I have quoted, and added, that men's opinions were as liable to differ as their watches, and that differences would inevitably arise if discussion and due deliberation were resorted to. I am asked by gentlemen around, what proposition it was I alluded to. I have no hesitation in answering. It contemplated the districting the United States for the election of members of Congress and electors of President and Vice President, than which nothing would go further to strike out of existence the federative feature of the Government. I will go so far as to say that if the same proposition, which formerly received the unanimous support of the General Assembly, was again submitted to its decision, it would be rejected by a large majority of that body. But let us return to the resolutions of Pennsylvania. In 1794 or '5, an excise was laid on domestic distilled spirits, which operated with some severity on the people of that State; and what was her course? She protested against it, and, I must say, with much justice, as violatory of the principle of equality on which the Union rested. The exactions of the Government fell upon her citizens with more force than on those of any other State. Nor did they content themselves with merely petitioning and protesting. They resorted to more decisive measures, and for a time set the law at open defiance. I express no censure upon this conduct: looking at the subject now that party feeling has ceased to operate, I can but say that their complaints were but too well founded. The act levied unequal exactions, and fell with the greatest force upon Pennsylvania. I submit it to honorable Senators to say if there is not a striking similarity between the existing system and the whiskey tax. If that was partial, so also is this; if that levied unequal exactions, are not the requisitions of this grossly and palpably unequal? And yet, sir, the one excited the citizens of Pennsylvania to arms, while this invokes to its support all her power and all her influence. The one deteriorated from her interest; this advances that interest at the expense of others. I make no commentary, but submit the subject to the deliberation, the calm and dispassionate deliberation, of her representatives here and elsewhere.

When the Senate adjourned on yesterday, I was about to enter into an examination of various items on the list of protected articles, with the purpose of making good the last branch of the proposition, that we buy dear. I will not fatigue the Senate by going through the entire list of

the taxed commodities—the process would be altogether too tedious for this place, however profitable such an investigation might be—but shall content myself by looking into four branches of the system, the results of which will serve to illustrate the whole. I take, for this investigation, iron, sugar, cottons, and woollens; and, unless I have deceived myself, will show not only the oppressive character of the taxes they impose on individuals, but the enormous burden which they devolve upon the whole community. To begin with iron. I have been struck with the fact, Mr. President, in investigating this particular subject, that the manufacture of iron began in this country at a period long anterior to the revolution. I find that iron was exported to England as early as the years 1771, 2, '3, from Philadelphia, and sold in Liverpool at \$53 33 per ton, including the charges of transportation, and other incidental charges. [Mr. T. here read a statement to sustain this fact, appended to the examination of Mr. Sarchet, taken before a committee of the Senate at the last session.] The fact is also undeniable, that this branch of industry was successfully prosecuted at an early period of our history, and that considerable fortunes were made at it. Mines were opened, and worked successfully, in Virginia; and General Ridgely, of Maryland, is known to have built up a large fortune by the iron business; and at this moment it is prosecuted successfully at the Trois Rivières, in Canada, under a duty of but five per cent. ad valorem. These facts would seem to prove, after the most conclusive manner, that the iron tax is entirely gratuitous and unnecessary. They are aided also by the fact that this pursuit was commenced in the United States at a time certainly as early as it was in England, and that the iron master in this country had the field of competition fairly open to him, and clear of all impediments. The truth is, that without governmental agency he possesses the monopoly of the interior, and is secured thereby a market of great extent and immense value. That monopoly arises from the position of the mines, and the great cost of transporting over land so heavy an article as iron. A friend, in whose statement I have the most implicit confidence, has informed me that the cost of transporting a ton of iron from the works in Northwestern Virginia to the seaboard, would not fall short of thirty dollars. This monopoly is so entire, that iron sells at a higher price in the vicinity of the mines, than at a distance of one hundred miles from them; and it is the foreign importation which alone prevents it from becoming a monopoly of the most oppressive character. The foreign iron presses in upon the limits of the iron master, whenever his prices are exorbitant, and forces him to content himself with a somewhat reduced price. The whole struggle of the iron masters of Pennsylvania and New Jersey is to extend their monopoly to the seaboard; and, in order to do this, the duty must necessarily be sufficiently great to cover all the expenses of transportation to the Atlantic markets. Hence, Russian and Swedish iron is subjected to the duty of \$22 40 the ton, and English to a still heavier charge of thirty-seven dollars the ton. The latter bears so great a disproportion to the prime cost, as almost to amount to a prohibitory duty, while the former is scarcely affected by it. In 1810, when the population of the country was but seven millions, there were imported sixteen thousand tons, and in 1830 the importation was equal to thirty-two thousand tons, increasing in a ratio nearly equal to our population. The inquiry naturally arises as to the cause of this undiminished importation of Russian and Swedish iron, notwithstanding the high duty added to the heavy charges of transporting it from so great a distance. Sir, it is found in the fact that no iron of the same quality, and suited to the purposes to which this is applied, is made within the United States, or, at most, but a very small quantity. I inquire into this matter, of the Senator from New Jersey, [Mr. Dickerson,] the gentleman who has had the almost exclusive management of the subject,

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and who is largely engaged in the iron business. His answer was brief and sententious, but full of pith and moment—"we shall soon make it." Now, sir, is it not intolerable that this heavy tax of \$22 40 per ton should be continued on the community for an indefinite period, under the promise that, sooner or later, there will be made, in the United States, iron, of a quality equal to that imported from abroad? I did not stand in need of the information from the honorable Senator. The New York price current had assured me that the Russian and Swedish iron was indispensably necessary for our consumption. I there found that it sold at one hundred dollars the ton, being equal to an advance of ten dollars in the ton over our iron; which excess of price would long since have driven it out of the market, if a proper substitute had been found for it in the domestic article.

The tariff has had the effect of keeping up the price of this article, notwithstanding the great fall which has taken place in foreign prices. I make good this assertion, by referring to the report of the committee appointed at New York by the tariff convention. In 1790, bar iron sold on the Atlantic seaboard at ninety dollars the ton; in 1830, it sold in the same market at from eighty-five to ninety dollars, while the price in the interior, I speak more particularly of the northwestern portion of Virginia, has undergone no diminution. [Mr. T. here read an extract from a letter written by a gentleman in Monongalia county, Virginia, in the following words: "Iron in this county is now scarcer and higher than ever known, except in war time—iron has been gradually increasing in value ever since the tariff of 1824. You know this is a great country for manufacturing of iron, yet we consider the duty oppressive. The great body of the people here are farmers; all have to use more or less of iron, it being an article we cannot do without. Before the year 1824, iron retailed at from five to six cents per pound. I live on a public road, and could, at my own door, exchange any of the products of my farm for iron: not so now. We buy it at retail in the stores, at seven and eight cents per pound, and that for cash. There is no bartering for iron here now, at what we used to call trade rates; nothing will buy it but that which is as good as cash." Here are some of the blessed effects of the American system, which we have heard represented in this debate as a perfect panacea, or, more properly, as the philosopher's stone, which, by converting every thing to gold, had made this the golden age of the republic. Now, sir, while prices have remained stationary, or nearly so, in this country, during a period of forty years, how has it been elsewhere? Look to England, and you will find that in 1810 iron sold for £12 10 the ton, and that in 1830 it sold for but £5 5; that, in 1787, the whole product of the English mines was but thirty thousand tons, whereas, in 1830, it had swollen to seven hundred thousand tons. So that if the duty, now specific at thirty-seven dollars the ton on English bar iron, was repealed, the article could be procured in this country at a price varying from thirty-five to forty dollars the ton; in lieu of which, we are now compelled to give the enormous price of from eighty-five to ninety dollars the ton. This tremendous tax operates on an article which enters into the universal consumption of the country, and falls on all classes of society, the farmer, the mechanic, and the ship-builder. Take the ship-builder, and see how it operates on him.

[Mr. T. here read from Mr. Lee's exposition, under the head "taxes on ships," a statement of the actual charge in the construction of a first rate ship of 418 tons, for duties alone; which resulted in showing an addition in the price of \$2,841 43, arising chiefly from the duty on iron: and taking a period of twelve years, the duties paid on articles entering into the necessary repairs, when added to the above sum, would be equal to \$8,114 21; to which, if there be added the premium of insurance and interest

on the duties paid, the tax for twelve years, paid by a ship of 418 tons burden, is equal to \$10,943 93; which is equal to twenty-six dollars the ton, and, applied to the whole tonnage of the United States, which, according to the last returns, was 1,260,787 tons, amounts to \$33,003,746 as a direct tax imposed on our shipping in twelve years.]

This, sir, said Mr. T., is another of the bitter fruits of the American system. This noble manufacture, the ship, in the construction of which America had outstripped the world, employing, as it does, twenty times the amount of domestic labor and capital, with the highly favored iron business, is made but a secondary matter, and is threatened with a continuance of the destroying influences of a system the most short-sighted, oppressive, and unjust, that civilization ever tolerated. Sir, the Secretary of the Treasury, becoming sensible of the injurious effect of this iron tax on ship-building, has recommended the allowance of a drawback of the duty on articles entering into the construction of ships. This would be another most admirable expedient for increasing the profits of the iron master. But why not meet this question face to face? Why seek to relieve one employment of the burden, and leave it on the heads of others? Is there no sympathy felt by the Secretary for the farmer, the blacksmith, and other consumers of iron, who are, to the extent of their consumption, as heavily taxed as is the ship-builder? It is the part of a wise Government to put forth the engine of redress boldly and fearlessly. A resort to merely temporary expedients is unworthy of it, and injurious discriminations between different employments more unfortunate still. If my memory serves me, it is estimated that 150,000 blacksmiths in the United States are thrown out of employment by the heavy duties on raw iron. Walk through the streets of your cities and villages, and tell me from whence come the immense quantities of hardware which fill the various stores which every where meet your eye? They are almost all imported from England, and at a less price than the raw iron, burdened with the duty, can be bought for in this country. A comparison of American and English prices will satisfy us of this. I present you a table which I have extracted from an appendix to the report of the select committee appointed on the memorial of the blacksmiths at the last session of Congress.

	Price of English iron at Liverpool, per ton.	American duty on do.	Price at Philadelphia.
Sheet iron, -	\$52 23	\$78 40	\$165 to 176
Iron hoops, -	42 22	78 40	120 to 140
Rod iron, -	31 10	78 40	170 to 180
*Bar iron, -	29 41	37 00	90 to 100
Boiler plates, -	43 34	78 40	160

Were there ever such exactions levied on a free people? And yet we are told, touch not the protective system—told so not only here, but by the great State of Pennsylvania, through the resolutions of her Legislature, unanimously adopted. Mr. Sarchet ascribed the insecurity of steam navigation in the United States to these exactions, and with much force. In England, accidents from the bursting of steam boilers rarely if ever occur; and it was said that it arose from the English boiler being thicker, and consequently more substantial. Iron being obtained there at a very low price, there existed no such induce-

* Since the above was in type, iron has been purchased in England for \$22 23 per ton, for the American market.

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ment as exists here for practising economy in the use of that article. Here, on the contrary, the smallest possible quantity of iron is made to enter into the manufactory, because of its high price.

I feel that I fatigue the Senate, but I cannot quit this subject without exhibiting a striking effect of the high duties on the manufacture of hardware. An invoice of frying-pans, for example, all charges included along with the duty of twenty-five per cent. ad valorem, costs in this country \$96 24, leaving to the English manufacturer a profit of \$24 64 per ton; whereas, allowing to the American manufacturer a similar profit, he has, by reason of the extravagant duty on iron, and its consequent high price, to obtain \$170 36 for the same article which the Englishman sells in this country for \$96 24. All other articles of hardware stand upon a similar footing.

The facts which I have stated show to demonstration the oppressive character of the iron tax, not only on individuals, but upon whole trades; and I conclude this exposition, by exhibiting the tax levied annually upon the community through its instrumentality. It is estimated by the New York committee, that the annual production of bar iron in the United States is equal to about 112,000 tons; to which, if we add the annual importations, say 32,000, we have for the yearly supply of the Union 144,000 tons; which, under the operation of an average duty of \$30 per ton, the duty beyond all question entering into the price, causes a levy to be made on the people of the United States, of \$4,320,000, and under, among others, the frivolous pretence of providing for a state of war, which may not come in the lifetime of any man now living. During the second year of the late war, iron sold but for \$115 the ton; and I submit to any man to say if such an augmentation of price for the limited period of a war, and that, too, when there exists not a speck upon the horizon to justify the expectation of a war in any short time, can excuse, much less justify, the imposition of a tax for an unlimited period.

Sugar is the next article which I propose to examine; and I will hasten to the close of the task with as much speed as I can. The annual consumption of this country is estimated at 130,000 hogsheads, of 1,000 pounds each; of which 80,000 are made at home, and 50,000 imported from abroad. The duty on brown sugar is three cents per pound, and on white sugar four cents. The fact is generally known, that sugar is currently sold in Havana, Porto Rico, and St. Croix, for from two and a half to three cents per pound, and commands in New York from six to nine cents per pound. It is therefore obvious that the duty enters into the price, and that thus an annual tax is imposed upon the public, of \$4,000,000 on brown sugar alone; to which, if there be added the molasses tax, an aggregate levy will be exhibited on the good people of these United States, of \$5,497,000. The honorable Senator from Louisiana, [Mr. JOHNSON,] in a letter written by him to the Secretary of the Treasury a few years ago, which I have read with much pleasure, urges, by way of sustaining and upholding this burden, an argument which no doubt rallied to his aid the humane and charitable of the North—those, especially, who are eternally shedding tears over the slave population of the South, and in whose ears the clanking of chains, and the screams of the heart-broken, are continually ringing. I allude to the view which he takes to prove the value of the sugar culture to the slave trade which is carried on from Maryland, Virginia, and North Carolina. I shall not stop to canvass this argument with him, but rely on facts to show conclusively that the tax is enormous and excessive. In 1816, when sugar sold for fourteen cents per pound, the duty was two and a half cents, which was then equal to twenty per cent. ad valorem; now, when sugar has fallen to three cents per pound, the tax is three cents, being equal to an ad valorem tax of one hundred per cent. With the fall in the price of sugar, the tax is more than quadrupled;

and from this example of the effect of specific duties, who can doubt the superior advantage of ad valorem duties, which regulate themselves by the declension in the price, and thereby enable the consumer to derive full benefit from the fall in prices? Sir, I have before said that if this duty stood alone—if it was not dovetailed in with other duties equally extravagant, before the going down of the sun it would be stricken from the statute book. For whose benefit is it exacted? For that of seven hundred sugar planters, one of whom, I have often heard it stated, pocketed \$30,000 in a single year from this single tax. We are nevertheless told that, if the duty be reduced, the price will be increased. The Senator from Louisiana, however, sees this thing with clearer vision. In his letter to the Secretary of the Treasury, he considers that the abolition of the duty would reduce the price of sugar to three cents in the pound. Sir, he is right, and the Senator from Kentucky is wrong. The price would necessarily be reduced, if the duty was repealed. The amount of sugar raised for the consumption of the world is estimated at 2,000,000,000 pounds; and the money employed in its purchase is about \$60,000,000. In order to raise it to its present price, clear of duty, say to six cents per pound, the money expended in its purchase must be doubled, viz. \$120,000,000, which would imply an increased demand equal to twice the amount now produced; whereas, if our home production entirely ceased, the additional demand would not exceed four or five per cent., and would augment the foreign price something like three-fourths of a cent in the pound.

I come now to the article of cotton goods. The manufacture of coarse cottons commenced at an early period in this country. The abundance of the raw material, relieved from all charges of conveyance incident to its removal to the sites of the manufacturing establishments, gave a decided advantage in the home market to our fellow-citizens over the foreign mechanist. The simplicity, and at the same time the perfection in the machinery, substituting manual labor to a great extent, assisted also to produce this effect. Hence it was that the most judicious and calculating manufacturers were opposed to what has been called the judge's bill, the measure introduced in Congress, in 1820, by Judge Baldwin, preferring to rest upon the protection afforded by the act of 1816. I well remember the memorial presented to the House of Representatives in 1820 by the Waltham manufacturers, and the strong argument on which they relied. But, sir, the duties went up, and at this moment range from thirty to one hundred and fifty per cent. Not content, by reasonable duties, to assist such efforts as the country were prepared to make with some advantage, the advocates of the American system took in the whole range of cotton goods, and thereby levied on the country burdens of the most oppressive character.

We have heard much about an export trade in cotton goods, and the Senator from Massachusetts [Mr. SILLMAN] was referred to as having ordered a shipment of cotton to Asia a little prior to his leaving home. Now, sir, a few years since, the public prints fell to rejoicing and exchanging mutual congratulations at the fact that another merchant of Salem had made a profitable shipment of American cottons to Manilla. I beg permission to read an extract from a valuable public journal, which it may be in the power of the honorable Senator either to sustain or contradict. "It is true that a Salem merchant shipped domestic cottons to Manilla, which, arriving there on a scanty market, were sold at a profit of from ten to twenty per cent. But it is also true that other shipments made since to the same place, from Salem, by other merchants, have resulted in a loss of from twenty to forty per cent. But this is not all. The same merchant who made the lucky hit at Manilla, has made another discovery, by which he is now profiting. He has found that he can pur-

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chase in England, at six cents a yard, the precise sort of cotton goods as he would have to purchase here at eight and eight and a half cents, and has recently made a shipment from that country, either to the East Indies or Pacific Ocean." [Mr. SILSBEE said that he could say nothing about the trade to Manila; his shipment was ordered to Asia.] Yes sir, we understand this matter perfectly. An assorted cargo has to be made out, and coarse cottons make a part of the assortment. They are sent in search of a market; and if, as in the case of the shipment to Manila, a temporary scarcity chance to exist at any place, a sale is then effected at a small profit; but if no such scarcity prevail, a loss is sustained. We are continually told of the cheap price at which coarse cottons are sold in this country. Why not then put it to the test? Repeal the duty if you can sell as low as the Englishman, not only here, but abroad. Abandon this, to my mind, idle notion of foreign combinations to inundate the country with their fabrics at a losing price, with the view of breaking down our manufacturers. The foreign mechanist will no more be willing to play a losing game than the American mechanist. He requires a reasonable profit on his labor as well as other people; and he will no more make us free gifts, than our manufacturers will make to foreign nations free gifts. The people of the country will judge of the sincerity of these declarations, by looking into facts. The first and most important is, that large quantities of cotton goods are brought into the country and sold at a profit in despite of the high duties; proving conclusively the greater cheapness of the fabrics, which, although thus burdened, can enter successfully into competition with the domestic fabrics. An article like leno, for mosquito blinds, costs in England from two to four cents a yard, and the duty regulated by the price is from two hundred and eighteen to four hundred and thirty-five per cent. If an article costs in England thirty-eight and three-fourths cents per yard, the duty is one hundred per cent.; and if seventeen and a half cents per yard, the duty is fifty per cent. And yet talk of touching these duties—the American system is to be abandoned, and ruin spread over the land; and this declaration is not only made here, but sustained by the unanimous vote of the Legislature of Pennsylvania. The fact is, that the country is made to pay from \$4,200,000 to \$9,000,000 per annum, for the support of the cotton manufacturers. My own opinion is, that the last sum is by no means an extravagant computation. I have fallen on an estimate which will elucidate the grindstone system of my honorable friend from South Carolina, [Mr. HARRIS,] upon a larger scale. It is taken from Mr. Raguet's valuable paper. It is said that 60,000,000 pounds of cotton are manufactured in the United States. The number of men, women, and children employed is computed at 50,000. Now, if the tax imposed for protection is but one cent per yard, it imposes an annual tax of \$2,400,000, which distributes a bounty of \$48 per head on each of the operatives; if two cents a yard, then an annual tax of \$4,800,000, and to each operative a bounty of \$96; and if three cents, a tax of \$7,800,000, and a bounty of \$144. And this is paid over and above the full value of the article in foreign markets.

The last subject which I shall attempt to follow out somewhat into detail, is the woollen manufactures; and seek as speedily to relieve the Senate from the dryness of this investigation, as I possibly can, in justice to the subject. I have before me, sir, a morning paper, which notices a recent importation of yarns already "dyed in the wool," for the manufacture of woollen goods. The wool grower does not seem to have the same measure of justice meted out to him, as the sugar planter. The importation of the sirup from the cane is considered by the custom-house as prohibited under the duty on sugar, or, more properly, subject to the same duty; but the wool duty is avoided by the importation of ready spun yarn, and nothing is said

about it. The oppressiveness of the duty on fine woollens may be illustrated by the well avouched fact, that a person can travel from New York to Montreal and back on the saving which will accrue from the purchase of two suits of clothes at the Montreal prices. In support of this, I refer to a statement annexed to the speech of the Senator from South Carolina, exhibiting the tailor's bill at large, the entire accuracy of which is sustained by the most satisfactory authority. I state the further fact, the error of which, if error there be, can readily be detected by a resort to figures, that a yard of cloth, which can be purchased in Liverpool at two dollars, comes to the American consumer at a price exceeding four dollars per yard. Falling under the two dollars and fifty cents minimum, the duty alone is one dollar and sixty-eight and three-fourths cents; to which, if the charges of transportation only be added, and nothing allowed for mercantile profit, the cost is increased to four dollars and eighteen and three-fourths cents.

Take next the article of flannels, on which the honorable Senator from Kentucky displayed his eloquence and wit. The duty on all flannels costing fifty cents per square yard, and less, is twenty-two and a half cents the square yard. Now, the flannel which is usually required for the poor people and working classes, costs from ten to twenty cents in England; and is subject to a duty here, varying from one hundred and twelve and a half per cent. to two hundred and twenty-five per cent., under the minimum system—a system, than which nothing is better calculated to deceive and mislead—a system which is graduated upon the false principle of imposing a slighter duty on luxuries than on necessities; which operates heavily enough in all conscience on the rich, but which grinds the poor into dust and ashes. Flannel of no quality can be imported at less than a duty of forty-five per cent.; and if twenty per cent. be added for the charges of import, the flannel makers are protected by a bounty of from sixty-five to two hundred and twenty-five per cent. This brings me, sir, to the Saluda gap view of this subject. I would ask no clearer illustration of the operation of this entire system, than the trade between Kentucky and South Carolina, under the free trade system, and this misshapen and deformed American system. South Carolina, under the first, exchanges with England her products, at their lowest point of production, for English products, at their lowest point of fabrication. Kentucky carries on the same trade with South Carolina, and her supplies are obtained at the lowest price also. The ability of South Carolina to purchase, is limited only by her wants; and Kentucky finds the most valuable market there for her stock. The mercantile and navigating interests participate in the advantages of this fair, equal, and profitable trade. Here is the golden circle which embraces all, and benefits all. But, sir, Government sees proper to interpose, and prohibits the traffic between South Carolina and England, except upon the payment of extravagant duties. What is the influence which this interference produces? South Carolina has to give for the articles, under an average duty of fifty per cent., twice as much as under the free trade system, and so does Kentucky; while her ability to carry on the trade with Kentucky is necessarily diminished one-half. Has not this state of things operated most injuriously to both? and has not Kentucky sacrificed the one-half of a valuable market? Sir, the same reasoning applies to any new market which may be opened to her, and affects, to the same deleterious extent, her trade with all the South. The honorable Senator [Mr. CLAY] drew us a humorous picture of the Kentuckian wending his way to Charleston on the Lord's day, with a turkey under his arm, to purchase of some rich nabob a yard of flannel for his wife and children. Certainly nothing could be more ridiculous than the figure the Kentuckian would cut, under the influence of the high duty system. Sir, he

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would be told, on reaching Charleston, that his turkey would not pay even the duty on the yard of flannel, much less purchase the flannel itself.

But further. The honorable Senator was pleased to taunt South Carolina for its resolution not to purchase Kentucky horses, hogs, and cattle. How did it escape the honorable Senator, that he was throwing ridicule upon his favorite American system? Is it not, in reference to England, the same as the South Carolina resolves in regard to Kentucky? We will not buy of England at the lowest price, but will raise for ourselves, cost what it may. We will not buy of Kentucky at her lowest price, but will raise our own hogs, horses, and cattle, cost what they may. The parallel appears to me to be perfect; and yet the first is to be sustained, while the last is ridiculed.

The woollen manufactures of this country are sustained at an annual expense of from \$6,500,000 to \$13,000,000, estimating the differences between the foreign and domestic prices. The correctness of these conclusions may be tested by any gentleman who will be at the trouble of investigating the subject. The estimated quantity of woollens produced in the United States, when added to the amount imported, will furnish the data. For what purpose is this exorbitant tax imposed? The Senator from Kentucky told us, from information derived from one who, for ten years, had been engaged in the woollens business, that he had realized but a profit of two per cent. for ten years; and the Senator, with emphasis, told us that it was not two per cent. per annum, but two per cent. for ten years. Now, sir, can any thing be more preposterous, than the levying of those high exactions for the support of a concern so absolutely hopeless? How can capital be more unprofitably invested? The truth is, that the effort is made to overstep centuries—to convert, by political nostrums, a youthful nation into one of two thousand years' standing.

I cannot take leave of this subject, without giving to the Senate an occurrence which took place in the Committee on Finance. When we came to the article of negro clothing, the venerable chairman [Mr. SMITH] proposed a reduction of the duty to twenty-five per cent. *ad valorem*. I inquired whether any negro clothing was manufactured in the United States, and was answered that nothing specifically such was made. I urged, then, a total abolition of the duty—represented that it would be kindly taken by the South, and would go far to produce harmony. I was answered by the Senator from New York, [Mr. MANLY], that there was a manufacturer in the city of New York, with whom he had conversed on that subject, and from him he had learned that he was about to manufacture something out of coarse cotton to answer the purpose, and that he had samples of the intended manufacture with him. I desired that they might be shown to me, and they were accordingly produced the next morning; and here they are, sir. [Mr. T. here exhibited two samples resembling corduroy, the one ribbed and the other plain, which were handed about the Senate.] I desire Senators to examine it for themselves, and to say whether this mere holiday stuff, not fit even to be worn on a holiday in the month of November, would be accepted by them as a substitute for the close, thick, warm article which was formerly imported, and in which the laborers of the South were formerly clothed; I say formerly, for the importation has ceased, because of the high duty system. The landholder of the South is subjected to the necessity of procuring any thing he can pick up, in order to clothe his slaves; and now we are to be put off with this miserable substitute at some distant day when this about to be manufactured article shall come to be manufactured. Sir, I am not choleric or rash; but I confess that I experience none of the most quiet and peaceable sensations when I am told that we are to be denied the abolition of a duty on a necessary article, because some

man in New York may have taken it into his head to speculate upon our necessities.

I have thus terminated the examination which I had proposed, and nothing remains but that the aggregate tax on these four articles be presented. The tax on bar iron alone, exclusive of all other taxes on iron, which would nearly double it, is, - - - - \$4,000,000
On sugar and molasses, exclusive of white, 5,497,000
On cotton fabrics, - - - - 9,000,000
On woollens, - - - - 13,000,000

Making an amount on these four items, of \$31,497,000 From which, if you deduct one-third for possible errors, you have upwards of \$20,000,000 annually levied on the industry of the country. I have neither time nor strength to enter further into the arcanæ of this system. I will content myself by reading an extract which has been furnished me by a friend, on the subject of British taxation, and, as I proceed, Senators can make the application to our own condition. "The magnitude and severity of taxation may be illustrated by a few comparative facts. The gin and whiskey that exhilarate John Bull, yield a sum to the Government equal to the revenue of the Spanish monarchy. The tax levied on beer which slakes his thirst, is equal to the revenue of Bavaria. He pays as much on the tea that refreshes his wife, as Francis I draws from 6,000,000 Neapolitans; as much on the tobacco which gratifies his appetite, as 4,000,000 Italians pay to Charles Felix; as much for the soap which washes his hands, as suffices to support the Pope with all his soldiers and retinue; and for the privilege of having daylight in his house, as would fill the coffers of the King of Hamburg. And finally, the taxes levied on his thirst alone, as it variously inclines to brandy, rum, whiskey, beer, or wine, exceeds the money paid by 50,000,000 Russians for the benefit of paternal despotism." How rapidly we are imitating this blessed example, I leave to others to decide.

We are nevertheless told that no relief will be afforded; that the protective system will be sustained. If a man can see the limit, in point of time, to his sufferings, he braces himself up, and composedly awaits the arrival of the period when his sufferings shall cease. The South has endured this system patiently for fifteen years. To this day she has looked with all the eagerness which hope and confidence inspires; and now, when the wants of the Government are gone, she is still told that this iron system will not be relaxed. When, then, will the anticipations of its friends be realized, and an equality of price be established between the fabrics of this country and foreign fabrics? The answer must be, when we shall have attained a maximum of population equal to that of England. Then, and then only, will this end be brought about. Run the contrast, Mr. President, between the situation of the two countries. Go with me to the map of this Union and its territories, and tell me when, in the current of time, our population will become as dense as that of England; when shall our countless and immeasurable wilderness be threaded? The tide of population has not yet reached the foot of the Rocky Mountains; and when shall arrive the time when it shall overcome those mountains, and flow to the shores of the mighty Pacific? Here is spread out before us a region capable of containing a population of 200,000,000 souls, at which distant and unascertainable day labor will be reduced to the necessity of taking the wages which it now breathes on in Europe. [He here read from a newspaper the following: "The Paris papers announce the complete restoration of tranquillity at Lyons. The only question now is, how the starving workmen are to be provided for. In a private letter, it is stated that more than one-third of the workmen are without any employment at all, and that the other two-thirds do not earn more than seven to ten pence a day."] Sir, we hear much talk about colonizing

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the free blacks of this country, with which this Government has nothing more to do than with the inhabitants of Siberia, without a previous amendment of the constitution; but what do we see in Great Britain? Every expedient is resorted to, which human ingenuity can devise, to get rid of the starving whites; and if a new labor-saving machine is introduced, it is the signal of riot and confusion. When, then, will labor be content with the scanty wages in this country that it is across the Atlantic? For until the great operative, man, shall be content to earn but barely enough to keep body and soul together, production here cannot rival, in cheapness, European production. Will not America realize Dr. Franklin's tale of the boy and the whistle? After all the noise which is made about home industry, shall we not pay too much for the whistle?

I have said that the effort is made to overstep centuries; to advance from infancy to old age, without waiting for the due course of nature. This is not the first effort of this sort which has been made in this country: a similar effort was made in Virginia in the year 1661. The colonists, whose settlements had not spread more than fifty miles in any direction from Jamestown, resolved to adopt the silk culture; and the Government, impelled, no doubt, by the eloquence of some wise politician, who sought to rival Henry IV of France, by introducing the silk worm into Virginia, as Henry had done in France, held out strong inducements, in the form of bounties, for the planting of the mulberry and the culture of silk. For a time all went on swimmingly—large orchards were planted; and, upon the announcement of the fact, that the then monarch of England had appeared in public, dressed in a full suit of Virginia silk, you can well imagine the spirit of pride and exultation which pervaded the colony. But the Government very soon had the wisdom to see that nature was wiser than man; that she beckoned the settlers to the wilderness, and admonished them that the most ready mode of enriching themselves, and benefiting posterity, was to conquer and subdue the earth, and, from that great laboratory, to extract not only the necessities, but the luxuries of life. Many of the mulberry trees, then planted, still exist in the neighborhood of Williamsburg, and the wind, as it sighs through their decayed branches, speaks, in plain and intelligible language, of the impotence and folly of all human policy which is attempted to be set up in opposition to the decrees of nature. My honorable friend in my eye [Mr. COKE] has often looked upon these monuments of by-gone times, and has, no doubt, regarded them with mingled emotions of regret and ridicule—regret, that our common ancestors should have been deaf to the admonitions of wisdom; and ridicule, at the puny and abortive effort which they made. Shall we not lay this thing to our hearts, and profit by it? Sir, what is the condition of the United States? and in what does that situation differ from Virginia, when she made the experiment of which I have spoken? Is the wilderness reclaimed? Is the earth subdued? I need not repeat what I have already said upon the subject, when engaged in another branch of the inquiry. But if the situation of the old States is different, what is the difference between the colony at Jamestown, in 1661, and the States of Indiana, Illinois, and Missouri? There, they are in the midst of a wilderness—a virgin and fertile soil inviting them to reclaim it; and yet these States are uniting in support of this American system, and agree to tax the very axe with which the forest is to be felled, and the spade and plough with which the earth is to be cultivated.

No one doubts but that the silk culture might have been forced if Government had persevered in bestowing bounties, and so might the culture of any thing else. If our wise men should conclude that the raising of pineapples would contribute to the encouragement of American industry and American wealth, they could undoubtedly

succeed. Only offer sufficient inducements, and the shuttle and the loom would be abandoned for the hothouse. It would come recommended for adoption and support by all the considerations which lead to the advocacy of the American system—independence of foreign nations. And why not be independent of other nations in our supply of tropical fruits, as well as in the article of broadcloth? The pineapple system might be found, however, to cost too much; and then, if the Government sought to get rid of it, our ears would be deafened, as they now are, with the cries of plighted faith, public honor, and I know not what. Our doors would be besieged, as they now are, by the adventurers of fortune; and if we from the South ventured to urge the propriety of modifying or abolishing the system, we should no doubt be told that we were the advocates of a policy which would recolonize America.

The honorable Senator from Kentucky was undoubtedly right in the prediction in which he indulged when this system was first introduced. He told us that he had then foretold the speedy accession of States to its advocacy. He was certainly correct. Massachusetts, I well remember, gave but a single vote in favor of it in 1820. I think the member who gave that vote came from Boston, and was, for that vote, discarded by his constituents. Let justice be done to New England; she stood out manfully against it until after 1824. To New York and Pennsylvania, aided by the West, are we mainly indebted for this policy. But I put it to the candor of Senators representing here the New States, to say if they do not recognise in our arguments similar arguments to those which they formerly urged. And I, moreover, submit to them, without intending the slightest disrespect, whether they have not become the advocates of this system, more from the fact that their States have become interested in and under it, than from the conviction that the views which they formerly urged were unfounded and erroneous. I make a similar appeal to the Senators from Louisiana, and of them I ask, without intending to offend, whether, if the duty on sugar had not been imposed, they would not have persevered in that line of opposition which formerly drew upon them the censures of Mr. Carey and Mr. Niles. Sir, this system is calculated to win by high rewards, rather than by conviction. It elevates the money principle above the influence of moral and just political causes. It appeals to the motives of self-interest, in place of those high and lofty motives which should alone control, and it appeals not in vain. Sir, this money principle was actively put in motion, when, I will not say, and brought to bear on the large and fertile county of Shenandoah, which is represented in the other House by my excellent friend, now before me, [Mr. ALLEN.] A national road was spoken of, to run through that county; and numerous surveys were accordingly made. The engineers were almost as familiar in the houses of the citizens as their household gods; and the road was to be laid out so as to run by every man's door. But I say it, with pride and with pleasure, that the inhabitants of that great valley county could not be made to yield their principles; and while they were ready to admit that a good road was a good thing, they nevertheless esteemed the preservation of the constitution as a better thing still. Money, however, has been properly said to be the key to unlock the strongest fortress; and, sir, it is but too apt to prostrate and destroy all that is pure and virtuous in the heart of man; it paves the way to the overthrow of republics, and buries in ruin temples erected to liberty. Man cannot worship God and mammon; and if you would preserve the political temple pure and undefiled, it can only be done by expelling the money changers, and getting back to the worship of our fathers.

Here Mr. TYLER, it being at a late hour, gave way to a motion to adjourn, and the Senate adjourned to Monday.

On Tuesday following Mr. TYLER resumed his argu-

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ment. He began by apologizing to the Senate for the time which, he feared, he had so unprofitably consumed. The Senate was witness to the infirmity under which he had risen to address it. Their kind indulgence to him, under such circumstances, had sunk deep into his heart. He searched his heart to ascertain whether he could find lurking within it any feeling of selfishness or of party; and, after the most careful examination, he could find nothing of the sort. He was compelled to enter into this discussion, and now to continue it, exclusively from a sense of duty to the country. Least of all have I been influenced by any vain or idle conceit that I could enter the lists successfully with the honorable Senator from Kentucky. I have only sought to break the deep spell of his enchantment; and, if justice and equality in the operations of Government are not mere empty and unmeaning terms, I flatter myself that I have not been wholly unsuccessful. What party purpose am I subserving? With what party am I allied on this question? Where, sir, is the great dominant party of the country—the Jackson party? Its ligaments are torn asunder on this great and vital question; and the members of that party, on this floor, from this side of the Potomac, with, I believe, but two exceptions, are found under the outspread banner of the Senator from Kentucky, [Mr. CLAY,] who wields an influence over the legislation of Congress, as I verily believe, more powerful and more controlling than any other man, or set of men, in this country, the manufacturers, and they alone, excepted. We, from the South, look in vain for our allies; we are thrown upon our own unaided resources; and yet, sir, I would have you set it down in your note-book, and let the historian preserve a faithful record of the fact, that if a Senator from Virginia, however high the obligations of public duty may be which impel him, votes against a nomination to office, or differs from the administration on any question, no matter what may be his reasons, the welkin is made to ring with loud notes of condemnation, and the whole pack are let loose full-mouthed at his heels. Where are those public sentinels now, sir? What has become of their sleepless vigilance? Where now their high regard for the good of the country? Are they asleep upon their posts, amidst “the rocking of these battlements?” And will they not arouse themselves on a question so vital and absorbing as the present—a question which, without a metaphor, may be regarded as big with the fate of this republic?

When I finished the other day, I was commenting on a remark which had fallen from the Senator from Kentucky, [Mr. CLAY,] in reference to the advance which this system had made. I appealed to Senators to say if they had become converts from conviction that the arguments they had opposed to it formerly were unfounded; or whether their conversion had not been brought about by the all-powerful and controlling circumstance that the States which they represented had become interested in the measure. I appealed to them then, as I now do, to know whether they did not recognise in our arguments those on which they formerly relied. I did this, sir, in no taunting spirit. My object was to induce them to re-weigh their arguments; to review the ground which they formerly occupied; and then to inquire whether they would unite in the cry against the complaining and rebellious South. There were some speeches delivered in Congress and elsewhere, which were considered conclusive; one, in particular, raised the gentleman who delivered it high in Southern catechism. Could that gentleman have heard with what praise his name was pronounced; could he have witnessed the pleasure that beamed from almost every eye, when that great effort in the cause of his country was spoken of, his heart would have thrilled with a sensation of more value than the possession of empires. He looked to the whole country, bound in no manacles of sectional interest; he pryed deeply into the future, and tried to

avert the dissensions which now so unhappily exist. May we not now appeal, with some degree of expectation, to that honorable gentleman, now a Senator on this floor, [Mr. WEBSTER,] and his colleagues from the East, to stand forth as the arbiters of this question—to cast off, as far as they can, the manacles of sectional interests, and to come to the succor of the country?

You have been told, Mr. President, that Virginia was coming into the advocacy of this system, and that her conversion would take place in seven years. Let no man “lay this flattering unction to his soul.” Her constancy and perseverance have been tested by another branch of this system—one which deeply addressed itself to her interest; and yet she has resisted it, and her resistance continues unabated. The honorable Senator is well aware that no State in this Union requires more the advantages of good roads and channels of intercommunication. I trust, most sincerely, that her wants in this respect will be liberally supplied out of the exchequer of the State; but, sir, she asks no boon at the hands of this Government, and deprecates, above all things, its interference in her local affairs. She may become the advocate of this system, but not until she shall have abandoned the high political motives on which she has ever acted. When justice to others shall have ceased to operate upon her; when she shall have elevated her petty and ephemeral interests above and over the constitution, then, and not before, will she be broken into the advocacy of this American system.

I know that the effort is making to sever, in sentiment and feeling, Eastern and Western Virginia. I have the firmest confidence in the wisdom and prudence of my fellow-citizens, both of the East and West; and that inspires me with the hope that all such efforts will be unavailing. I have even heard something said about a division of the State. I have but a single sentiment to express upon that subject, and it is, “Virginia now, and Virginia forever.” I trust that the jarring which will, as surely as man is man, occur in all deliberative bodies, and has occurred in our Legislature, will pass off as a summer cloud, leaving in the horizon no trace of its existence. Upon this tariff question, sir, there can be no division of feeling marked out by geographical lines. The exactions levied on the industry of the West are as great in their oppression as those levied on the East. Whether produce consist in tobacco, wheat, cotton, or stock, the articles of consumption come to each equally taxed, under the additional disadvantage to the West, that inasmuch as the Atlantic country is their principal market, whatever is calculated to impoverish that market, must inevitably affect Western industry. The reasoning which I have before employed in regard to the trade between Kentucky and South Carolina, applies in full force to Western and Eastern Virginia. I need not express the obligations of gratitude under which I lie to Western Virginia for the elevation, in the public eye, which I have, from time to time, experienced. I can never so far forget myself as to hesitate in espousing her interests; but, in my honest opinion, this protective system is at war with the interests of all Virginia, both Eastern and Western; and it is due to myself that I should have expressed my opinions honestly, and, therefore, fearlessly, upon it.

If you can go into the interior of a State, and look into the employments of her citizens—to bestow favors on some, and lay exactions on others—what can you not do? Where is the limit to the power of this Government? You pay domiciliary visits. You find the owner of the house dressed in English broadcloth, and you prescribe its use, under the penalty of heavy taxes. You glance at the window, and the light is admitted through glass imported from abroad; your patriotism is immediately kindled, and its use is also proscribed under similar penalties. His family is clothed in cambrics, and cottons, and calicoes, from abroad, and straightway your patriotic fervor boils

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over. Not content with this, you range over his farm; the plough, the hoe, the axe, the spade, arrest your attention, all made of English iron, and he is startled with a doleful cry, and to his astonishment he is informed that he is pursuing a course which will recolonize America. Let gentlemen carry out this system, and where is it to end? Suppose that Government should conclude that the wearing of American wigs would be highly conducive to public prosperity, and should lay a heavy tax on every man who should not wear a wig; would it not be in keeping with the rest of the system? Sir, I cannot conceive of any thing which the wit of man can devise, so full of incongruities, not to say absurdities.

My honorable friend from South Carolina, in the course of his able argument, attempted to show, and I must think he fully succeeded, that a duty of fifty per cent. subducted from the producer the benefit of one-half of his export. The Senator from Kentucky, however, pronounced him mistaken, and periled his life upon the issue. He inquired, in a triumphant tone, how this could be possible, unless the Senate came to the conclusion that a duty of one hundred and fifty per cent. not only absorbed the whole value of the export, but, moreover, brought the farmer fifty per cent. in debt. The error of the honorable Senator [Mr. CLAY] consists in his taking off the duty, instead of laying it on. To take one hundred and fifty from one hundred, would puzzle arithmetic; but, sir, the case is this. If the farmer exports one hundred dollars worth of tobacco, corn, or cotton, he would exchange but fifty dollars of his export in articles subject to a duty of one hundred per cent., and would bring home fifty dollars in cash to meet the duty, which would make him obviously the loser to the amount of one-half of his export. But, take an article subject to a duty of one hundred and fifty per cent.—iron, for example. One thousand dollars worth of produce is exported to England, the shipment being made with a view to purchase iron. The exporter would be compelled to purchase but four hundred dollars worth of iron, and to bring home with him six hundred in money in order to meet the duty exacted here. Can any thing serve more clearly to illustrate the magnitude of this oppression, than the very case which I have taken? And does not the same result take place if he exchanges with the American manufacturer? Remember, sir, that the duty enters into the price, and the same quantity of produce will therefore procure but the same quantity of iron at home or abroad. Is not, then, the argument of my honorable friend from South Carolina fully sustained? If so, I can but recommend to my honorable friend the exercise of the spirit of clemency towards the Senator from Kentucky. He has forfeited a high stake, and I trust that the forfeiture will be remitted without hesitation.

The honorable Senator has attempted to convince us of the importance of the home market to the cotton growers. This view is, if possible, more deceptive than the home market for grain, produced by this system. It proceeds upon the supposition that it requires more cotton goods to supply our consumption, when manufactured here, than in England—a fallacy so obvious, that it requires no argument to refute it. The same view would be equally unsound when applied to the supply of the world. To the cotton grower it must be ever a matter of perfect indifference, all things being equal, whether one country or more supplies the world in cotton fabrics. But a certain quantity of cotton is required for that supply; and the demand is the same to the extent of that quantity, no matter what nation may deal out the supply. I do not mean to deny but that he might be benefited by multiplying his markets, provided he carried on a barter on principles of equality with all. But, sir, suppose two nations to be his customers, and he their customer. Take England and France, for example. Now, so long as he procures from France, in exchange for his cotton, the same quantity of articles as he

obtains from England, it is obvious that he drives an equally advantageous trade with both; but suppose that France raises the price of her broadcloths and other manufactures, and demands double the price that England requires, would the cotton planter continue to exchange with France for a single day? No, sir; not an hour. If he did, he would soon realize the effect of selling cheap and buying dear, in the utter ruin which would overtake him; and I ask if such would not be the effect upon the trade to the Northern States if the ports were opened. Would we exchange our cotton, tobacco, corn, flour, rice, pork, and beef, for iron, at ninety dollars the ton, when we could exchange with England for her iron at twenty-five the ton? Or, would such exchanges be carried on for other articles under similar disadvantages? The common sense of every man would answer the question in the negative.

I come now, Mr. President, to analyze the argument of the honorable Senator, on which he planted himself with so much confidence, viz. that the tariff had been the cause of a reduction in prices. I have already, to a great extent, answered this by the analysis into which I have gone on the subject of iron, woollens, cottons, and sugar. That there has been a diminution in foreign prices, and in some instances in home prices, I do not mean to deny. But that is not the question. The real question, and the one of deep and absorbing interest, is, whether home prices have fallen to the same common level with the prices of husbandry, and with foreign prices. That they have not, has been made sufficiently obvious. It is an argument against every day's experience. Take any one article, for instance, the article of wine, and prohibit the importation of it, and every body knows that the effect would be instantaneous in advancing the price. Now, sir, a partial exclusion by high duties produces, as far as it goes, similar effects. The fact is, that the tariff has produced the very opposite effect from that contended for. While every thing has fallen in Europe to the minimum price of production, the tariff interposes, and prevents the same effect here. Thus, while sugar has fallen in the islands from fourteen cents to one and a half, it is here upheld by the tariff at from six to nine, and other articles are similarly circumstanced. The law of price operates uniformly throughout the world, and, unless obstacles are interposed by Government, will find its level with as much certainty as that the mountain stream will continue to flow on until it attains the level of the ocean. The honorable Senator might have found, in the state of the currency, the true cause for the reduction of prices, both at home and abroad. In 1816, the redundancy of the circulating medium in this country was estimated by Mr. Crawford, the then Secretary of the Treasury, at sixty per cent. beyond the wants of the country. Now, money is like every other article in market; when the supply exceeds the demand, the value falls; two dollars, if only one be wanting, sink to the value of the one; and the two will, therefore, only purchase to the amount of the one. This creates a nominal price, in contradistinction to the true price; and this was our condition after the war with England. Nor was this state of things confined to this country. The war which had so long desolated Europe, produced there, also, a redundancy of circulating medium. The banks there, as here, had to suspend specie payments; and the general resumption of specie payments occurred there at very much the same time it did here. They commenced here in the year 1816, to a limited extent, but were not universally resumed until 1819-'20. The resumption in England was gradual, beginning with the one pound notes, and terminating in a general resumption about the year 1824. Now, the tariff of 1816 imposed a duty equivalent to an average of thirty per cent., and this undoubtedly served to counteract the effects of a reduction of the circulating medium to the extent of the duty. The tariff law, in other words,

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opposed the tendency to reduce prices to an extent equal to one-half of the redundancy of the circulating medium when that redundancy was withdrawn. It was thirty per cent. opposed to sixty. Nothing of this sort occurred in England, and, therefore, the withdrawal from circulation of the excessive issues of bank paper was attended with a reduction of prices to the minimum point of fabrication. The restoration of specie payments in England was brought about by slow degrees; and hence prices have been sinking lower and lower, from the period at which the small notes were redeemed, to a period subsequent to the general resumption of specie payments, which was, comparatively, of recent occurrence. The augmentation of the duties here in 1824, and subsequently in 1828, came in aid of the law of 1816, and, as far as governmental agency can be employed, has accomplished the purpose of perpetuating high prices on domestic fabrics to a period too distant for my vision to reach: other causes for the diminution of European prices exist in the circumstance of numerous armies having been disbanded, thereby making numberless additions to the operatives of foreign countries, which necessarily produced a reduction in the wages of labor; and, furthermore, by the extensive introduction of improved machinery. These have been the great causes which have brought about reduced prices; but the most operative cause is to be found in the restoration of a sound circulating medium resting on gold and silver. This matter will be most satisfactorily illustrated by a reference to the times of the revolution. Then, the circulating medium, by reason of excessive issues of paper, depreciated at the rate of one thousand for one. Ten thousand dollars were given for a pair of boots, and thirty thousand dollars for a coat; and the reduction in the price of a pair of boots to ten dollars, and of a coat to thirty, which occurred after the peace, might, with as much propriety, be ascribed to the existing tariff as the present reduced prices. The Senator has accomplished nothing by showing that prices have undergone diminution, unless he could also show that home prices have fallen to the same point of the minimum price of production with produce of all sorts, the result of agricultural labor, and with foreign prices of fabricated articles.

Nor does the assertion, that every new tariff law has lessened prices, rest on any safer foundation. The fact of manufactured articles having sold cheaper for a short time after the enactment of the law of 1828, rests entirely upon the circumstance of the extravagant importations which were made in anticipation of that law; and the Senator may be entitled to the benefit arising to his argument from the merely fortuitous circumstance of the reduction in the price of lead, if it can avail him any thing, provided he will explain to the country the reason that the same article is, at this moment, commanding six cents per pound in the New York market, which is twice the price of the foreign article, thereby proving, beyond all question, that the lead master is benefited in his sales by the whole amount of the duty now levied, viz. three cents per pound.

But, sir, is not the argument that the tariff reduces home prices, altogether suicidal? [Mr. CLAY explained. He said that he had insisted that the tariff produced competition, and that competition brought about reduction of prices.] I am dealing with the reduction of prices, which I had understood to be asserted as immediately consequent on the passage of every new tariff law; and I was about to remark, that if such effects were produced, then, that the high duty system was a curse to the manufacturer, and not a blessing. A proposition, so perfectly plain, needs nothing to sustain it. It proves itself as conclusively as would be done by the most elaborate argument. In connexion with this, I was also struck with another remark of the honorable Senator, that a repeal of the tariff laws would be accompanied by a rise in the price of all articles now protected. The conclusion from these two

propositions was inevitable. If your tariff reduces prices, and its repeal increases them, then, sir, if you wish to forward the interest of the manufacturers, the most ready mode of doing so is to annul the law. Competition does reduce prices unquestionably, but it is a free competition, not a competition founded on a monopoly. Let England repeal her corn laws, and admit the American into free competition with the English farmer, and the price of corn will materially fall. But the effect of the monopoly to the English corn grower is precisely of an opposite tendency. Such is the result, also, of the monopoly to the protected manufactures in this country.

Another formidable evil is predicted to arise from the abolition of high duties—we are to have ships without cargoes. In order to refute this disastrous conjecture, we have but to take a survey of the past in our history; it will teach us that the navigating and commercial interest has increased with the increased productions of the soil: that, in proportion as commerce has been unshackled, she has spread her wings, visited the most distant regions, and returned “with plenty to bless the land.” Fear not, sir, that your exports will ever swell to a bulk too great for the demand of the world. Natural causes, operating upon production, will cause demand to increase with the abundance of supply. I cannot venture further to elucidate this proposition before this audience; but honorable Senators will take up the proposition, and carry it out to its legitimate conclusion. Sir, if the honorable Senator had indulged in predictions such as those, in 1790, when cotton was first raised in the United States, and had then dwelt upon the enormous addition to our exports, made by that article alone, and had then anticipated a failure of demand for cotton, he would not have been more mistaken than time would prove him to be in relation to the future. The policy which he advocates, would, if carried out, deprive you both of ships and cargoes. That policy is to make every thing at home—to become independent of foreign nations. This leads to the destruction of all exports as well as imports. And when we are asked to point out the foreign markets for the productions of the soil, I ask, in return, that the foreign markets for our manufactured fabrics shall be pointed out. Look whithersoever you may, and your great rival is already in possession of the market. Penetrate into the Northern ocean—go in search of new islands in the Pacific—fly to the uttermost regions of the earth, and English enterprise has been there before you; and the English manufacturer stands ready to underbid you. The injurious effects of this policy are already felt upon our marine.

[Mr. T. here read from Mr. Lee's exposition, No. viii, page 13: “Our tonnage in the foreign trade, at the commencement of the existing system, in 1817, was eight hundred and nine thousand seven hundred and twenty-four; to which add forty-two per cent. for the increase, and we have one million one hundred and forty-nine thousand eight hundred and eight as the tonnage which would probably have been returned on the 31st December, 1829, had we continued to act on the free trade policy. The navigation we actually had in the foreign trade, according to the return of 31st December, 1829, was only six hundred and fifty thousand one hundred and forty-two tons;” thus exhibiting a falling off in the foreign tonnage of one hundred and fifty-nine thousand five hundred and eighty-two tons. Sir, the advocates of this system are constantly boasting of the addition made to our coasting tonnage, since its adoption. How stands the fact? We had, in 1817, of enrolled and licensed tonnage, five hundred and ninety thousand one hundred and eighty-six; and, on the 31st December, 1820, six hundred and ten thousand six hundred and fifty-four tons. “Thus, with a population of less than nine millions, in 1817, we had twenty thousand four hundred and sixty-eight tons less of coasting tonnage than we had in 1829, with a population of up-

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wards of twelve millions; thus exhibiting an increase of three and a half per cent. for thirteen years of the most bounteous harvests that a nation ever enjoyed. The returns for 1804, which was thirteen years prior to the anti-commercial system, gave three hundred and sixty-nine thousand eight hundred and seventy-three as the quantity of enrolled and licensed tonnage, against five hundred and seventy-one thousand four hundred and fifty-eight tons for 1816; thus exhibiting an increase, in thirteen years, of two hundred and one thousand five hundred and eighty-six tons, equal to fifty-five per cent., as the result of the free trade policy upon this interesting branch of business, employing, as it does, directly and indirectly, ten times as many persons as are benefited by the prohibitory and taxing system." And yet, sir, we are to be alarmed at the idea of having ships without cargoes, and won to the support of this system by the prospects of home markets. I, for one, regard this American system as the deadly upon, withering and blighting every thing that comes within its influence.

I have made good the proposition with which I set out, that, by reason of this policy, while we sell cheap, we are made to buy dear; that all classes of the community, except the favored class, are injuriously affected by it; that it is peculiarly destructive to the South, and is to it an un-mixed pill of bitterness.

Sir, I might have saved myself the trouble of this investigation, if respect for the honorable Senator from Kentucky had not impelled me to the undertaking. The Senator from New Jersey had left us no room to doubt the end and object of this policy. His speech, delivered in 1824, and quoted by him during this debate, has stripped the subject of all its disguises. He dwells on the ruinous state of the foreign trade to the Northern States; speaks of its unequal operation upon the Union; dwells, with marked emphasis, on the prosperous condition of the South; shows that while the Southern States exported, in 1824, twenty-six million three hundred and twenty-seven thousand three hundred and seventy-eight dollars worth of produce, the Eastern, Middle, and Western States exported but thirteen million five hundred and forty-seven thousand dollars worth; and estimates their consumption beyond their imports at eleven million and eighty-one thousand two hundred and sixty dollars; and then proceeds: "So that, under the present system, the grain-growing States, consisting of at least two-thirds of the population of the Union, are compelled to take of European manufactures to the amount of twelve millions of dollars, that six or seven States may have the privilege of sending remittances to pay for those manufactures, and selling their bills for the same at an extravagant advance, in consequence of which the wealth of the grain-growing States is flowing, in a constant stream, to the States producing rice, cotton, and tobacco." He then exclaims: "How long are we to remain in this state of vassalage? How long can we remain so? How long will our patience endure? How long our means last? Till we understand our true interests, rally our numbers, and count our votes." Can any man misunderstand this language? Here is a formal declaration of war against Southern agriculture. Our exports must be prohibited; the fertility of our soil and our genial climate turned into a curse, with the view of turning back the stream which flowed from the North, to fertilize and enrich the South; and twelve millions, the result of our industry, are clutched at and grasped by the North. [Mr. DICKERSON rose to explain. He said he had complained of the system which prevailed, which enriched the South and impoverished the North.] What system? said Mr. T. Had we come here to invoke the aid of Government? Had we, through it, levied exactions upon any part of the Union? Sir, we lived under the system of nature; the Creator had given us a warm sun, a genial climate, and a productive soil; and our system con-

sisted in turning these beneficial advantages to their proper account; and now the fruits of our labor are to be wrested from us, to enrich a less favored region. Italy is again invaded, and Brennus stands once more in the capital, demanding for our ransom so many millions of dollars—tossing, not a sword, but an act of Congress into the scale. I appeal to the colleague of the honorable Senator, to say if he will ratify this proceeding. To him I would say—quoting for my authority the most excellent of books, with which he is familiar—"thou shalt not covet thy neighbor's goods." I appeal to the State of Rodney and of Bayard—to the land of Penn and of Franklin I would also appeal, but I am silenced by a unanimous vote of her Legislature. Will the States of Clinton and of Tompkins, of Hancock and of Adams—will New England ratify and confirm this sentence of condemnation which has gone forth against us? And if they do, will the West, deeply involved, as I verily believe, in this common curse, keep off from the rescue?

After this, let not the name of Washington be invoked in support of this policy. A majority of the Senate have resolved upon removing his venerated remains from their resting place, to bury them in the midnight gloom of some subterranean vault of this huge edifice. Let us the rather manifest our veneration for his memory, by following his precepts. Attend to his last bequest made to his countrymen: "Harmony, and a liberal intercourse with all foreign nations, are recommended by humanity, policy, and interest—that even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive preferences and favors—consulting the natural course of things—diffusing and diversifying, by gentle means, the streams of commerce, and forcing nothing." Why force any thing in such a country? Consult the pages of history, and tell me if ever a nation had made such rapid advances in refinement and wealth as this, before we resorted to political quackery, and administered sickening nostrums to force every thing. A wilderness reclaimed—a world filled and filling with inhabitants—the arts and sciences keeping equal pace with our advance in wealth and prosperity, all going on happily and harmoniously, and the country advancing, with rapid strides, to the consummation of its high destinies. Why then, Mr. President, force any thing?

I shall not stop to pay any eulogium on Mr. Gallatin, whom the Senator from Kentucky has seen fit to assail. His vindication has been sufficiently urged. I will content myself with resting on the opinion expressed by Mr. Jefferson, that the day on which he should quit the Treasury Department would be "a day of gloom to America." Of Mr. Sarchet, it is, in some measure, my duty to speak. I was upon the committee to which was referred the memorial of the blacksmiths during the last session; and I say, unhesitatingly, that I have never seen a stranger with whom I was more pleased. It is alleged that he is a Guernsey man—an island lying between France and England, the inhabitants of which are famed for smuggling. And what charge is brought against him? Why, sir, the grievous one that he has imported goods at as low a duty as the law would allow, and that he has supported such construction of the law as would enable him to accomplish this object. Now, sir, for the life of me, I cannot discover moral taint in this. Every importer seeks to pay as little of duty as he honestly can; and in this they are met by the manufacturer, who is always anxious that the highest possible duty shall be exacted on an article coming into conflict with his own fabrics. This is not the only charge which has, heretofore, been brought against Mr. Sarchet. He was charged, in reference to his trade, with having come before Congress with dirty hands. [Mr. DICKERSON said that this allegation was made by Mr. Sarchet, in his memorial to Congress, and not by others. Mr. HAYNE, by permission of Mr. T., said that the Senator

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Centennial Commemoration.

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from New Jersey was mistaken; the charge had been made by others, and Mr. Sarchet introduced the expression into the memorial by way of offset.] Sir, said Mr. T., his hands may have been hardened and stained by his trade, but he brought along with him an honest heart and a clear head; and the views which a blacksmith presented have not been answered, and never can be answered, satisfactorily.

We have also heard something said of the issues from the Boston mint. Let those issues speak for themselves; they will pass current, because of their intrinsic value. Sir, these are not the only rescripts against oppression and injustice which have issued from the same mint. The time was, when those rescripts were hailed from one end of this continent to the other. And of late years, there was presented to this House, from Boston, one of the ablest arguments against this American system that this country has yet seen. It came, sir, from Fanueil Hall, an edifice which should be preserved as a monument of by-gone times, and nothing selfish, or merely sectional, should ever enter there. In the names of the great actors of former times, under the roof of that very edifice, I invoke honorable Senators to pause, long to pause ere they decide that this grinding system shall receive no abatement. Its oppression, if that were the only circumstance, would be as nothing in comparison with the alienation of feeling which it has produced. What can compensate for the loss of that affection on the part of even a single State in this Union? Flatter not yourselves that this is, exclusively, a South Carolina question. No, sir, it is a Southern question. Every State on the other side of the Potomac feels alike interested in it; nor labor under the morbid apprehension that to grant relief can produce the slightest tendency to disunion. Do you seek to give perpetuity to the Union, practise not injustice; for, as certain as fate itself, they who sow injustice will reap iniquity. I have been reared in a reverential affection for the Union. My imagination has led me to look into the distant future, and there to contemplate the greatness of free America. I have beheld her walking on the waves of the mighty deep, carrying along with her tidings of great joy to distant nations. I have seen her overturning the strong places of despotism, and restoring to man his long lost rights. Wo, wo betide that man who shall sow the seeds of disunion among us! Better for him had he never been born. If he call upon the mountains to hide him—nay, if he bury himself in the very centre of the earth, the indignation of mankind will find him out, and blast him with its lightnings.

Again I call upon gentlemen deeply to pause. For one, I am ready to meet them on liberal terms; and, in my poor judgment, it is to the interest of the manufacturers themselves that this question should now be settled. Let them remember the books of the sybil, and profit by the recollection. The South seeks to lay no rude or violent hand on existing establishments, but it has a right to expect an amelioration of its burdens. The proposition of the Senator from Kentucky yields nothing to her complaints. The taxes which he proposes to repeal have never been complained of, and have existed from the foundation of the Government. I hope, most sincerely, Mr. President, that this question will be adjusted, and, through that adjustment, peace and harmony be restored to the Union.

MONDAY, FEBRUARY 13.

CENTENNIAL COMMEMORATION.

Mr. CLAY, from the joint committee appointed on the subject, made the following report:

The joint committee of the Senate and House of Representatives appointed to make arrangements for the purpose of celebrating the centennial birthday of George Washington, have, according to order, had the subject

under consideration, and now beg leave to report to the respective Houses:

1. That the committee have directed their chairman to propose, at a proper time, by a joint resolution, an adjournment of the two Houses from the 21st to the 23d of the current month, out of respect to the memory of George Washington, and in commemoration of the one hundredth anniversary of his birthday.

2. The committee were desirous that the day should be celebrated by an oration suitable to the occasion. The distinguished citizen who presides in the Supreme Court of the United States appeared to the committee to be eminently qualified to pronounce such an oration, and to be peculiarly adapted to the service, from his known friendship and intimacy with George Washington. Accordingly, a letter was addressed, by the direction of the committee, to the Chief Justice, requesting him to assist in the ceremonies of the day, by delivering an appropriate oration; to that letter he returned an answer. From this correspondence (which accompanies the report) it will be seen that the Chief Justice, for reasons assigned by him, declined the task.

3. The committee directed their chairman to request the chaplains of the two Houses of Congress to perform divine service in the capitol on the 22d instant; the application has been made; and the chaplains have accordingly engaged to comply with the request.

4, and lastly. The committee resolved to recommend to Congress to adopt the necessary measures to carry into effect the resolution which was passed by Congress on the 24th day of December, 1799, for the removal of the body of George Washington, and its interment in the capitol at the city of Washington; and that the ceremony be performed on the 22d instant. In pursuance of this recommendation of the committee, the chairman will respectively submit to the two Houses of Congress a resolution to carry it into effect.

All which is respectfully reported.

H. CLAY,

Chairman of the committee of the Senate.

PHILEMON THOMAS,

Chairman of the committee of the House of Representatives.

WASHINGTON, February 9, 1832.

SIR: The Senate and House of Representatives of the United States having appointed a joint committee, for the purpose of making arrangements for the celebration of the centennial birthday of George Washington, the undersigned, chairmen of the committees of the two Houses, have been directed by the committees to request that you will, on the 22d instant deliver an oration, in commemoration of the great event.

The considerations which have prompted the committees to direct their attention to you, sir, thus to assist in honoring the memory of the father of his country, are obvious and peculiarly appropriate. And the undersigned unite, to the general wish, an expression of theirs, that it may be agreeable to you to comply with the request which they now have the honor to communicate.

We have the honor to be, with great respect,

Your obedient servants,

H. CLAY,

Chairman of the committee of the Senate.

PHILEMON THOMAS,

Chairman of the committee of the House of Representatives.

The Hon. JOHN MARSHALL,

Chief Justice of the United States.

WASHINGTON, February 10, 1832.

GENTLEMEN: I have received your letter expressing your wish, and that of the joint committee of the Senate and House of Representatives, that I would, on the 22d

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instant, the centennial birthday of George Washington, deliver an oration in commemoration of that great event.

I will not attempt to describe the impressions made on me by this flattering request, and the favorable opinion it implies. The addition of my exertions, feeble as they might be, to those of Congress, "in honoring the memory of the father of his country"—of the man whom language cannot exalt, would be an act on which I should long reflect with just pride. Could I undertake to deliver a public address on any subject, all my feelings would impel me to comply with a request which does me so much honor, and is so grateful to my heart. But, in addition to the pressure of official duties, which occupy me entirely, and render it impracticable for me to devote so much time to the subject as its intrinsic importance and great interest in the estimation of all would require, I am physically unable to perform the task I should assume. My voice has become so weak as to be almost inaudible, even in a room not unusually large. In the open air it could not be heard by those nearest me: I must, therefore, decline the honor proposed.

My profound acknowledgments are due to you, gentlemen, and to the joint committee, for the selection you have made of the person to perform this interesting service, and I pray you to receive my warm and sincere thanks for the flattering, may I add friendly, terms in which that selection is communicated.

With very great respect, I have the honor to be, gentlemen, your obedient servant,

J. MARSHALL.

THE HON. HENRY CLAY, and
THE HON. PHILEAS THOMAS.

The report having been read, Mr. CLAY moved that it be printed for the use of the Senate; which was agreed to.

Mr. CLAY then said that it would be perceived that the committee had directed their chairman to submit a proposition for carrying into effect one object of the report; in pursuance of which, he now submitted a joint resolution for that purpose. He was aware that it could not, by the rules, be acted upon to-day without the unanimous consent of the Senate. But as it was one that it was important to be carried into effect immediately, he hoped there would be no objection on the part of any who might dissent from it to acting upon it at once, as, in case it should pass, there would be no time to be lost in making the requisite preparations for effecting the object; and even if the decision of the Senate should be adverse to it, it would be better for that decision to be made without delay. He then offered the following resolutions:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the Senate and Speaker of the House of Representatives be hereby authorized to make application to John A. Washington, of Mount Vernon, for the body of George Washington, to be removed and deposited in the capitol, at Washington city, in conformity with the resolution of Congress of the 24th December, 1799; and that, if they obtain the requisite consent to the removal thereof, they be further authorized to cause it to be removed and deposited in the capitol on the 22d day of February, 1832.

Resolved, That the President of the Senate and Speaker of the House of Representatives be also authorized to prescribe the order of such ceremonies as they may deem suitable to the occasion of the interment of the body of George Washington, in the capitol, on the day above mentioned, and that the two Houses of Congress will attend and assist in the performance of those ceremonies.

The resolutions were read the first time, and, no objection being made thereto, they were read a second time.

Mr. CLAY then said that it would seem proper, and the Senate would probably expect, that he should say a

few words in relation to this subject. The situation in which he found himself placed in relation to this subject, was not one of his own seeking, and was one which he was not desirous to occupy. Yet he did not feel at liberty, when he found his name placed on the committee, to decline the service assigned to him. The fact would be recollected by the Senate, that there were other Senators who had been placed on the committee and declined serving, amongst them an honorable gentleman from Virginia, who had been placed at the head of the committee. Their resignation had left him [Mr. C.] in his present position. He went on to say, that, as far back as the year 1799, there had been an application from Congress, made in the most deliberate and solemn manner, to the widow of General Washington, requesting permission to dispose of the remains of her revered husband in a public manner. She returned an answer giving consent that they should be disposed of as Congress might think proper. So the subject was left, and has so remained until this day. Unsuccessful efforts, it is true, had since been made, chiefly, if not altogether, in the other House, to carry into effect the resolution of 1799; and it was his opinion that the unredeemed pledge of Congress should be fulfilled; and no time could ever occur, at least during the present generation, more proper than the present to redeem that pledge. The committee, said Mr. C., do not and cannot doubt that the family of General Washington at Mount Vernon will be willing to yield their consent to the object of the resolution. He would beg leave to state, in addition, that those who were entrusted with the erection of the capitol had already provided a vault, under the centre of the rotundo, for this express purposes; not by authority, he believed, but upon their own suggestion and sense of propriety; and, if there was no objection in this or the other House, the committee would proceed to make, so far as devolved on them, the arrangements for the ceremony. These, Mr. C. said, were all the remarks that the occasion seemed to require from him, and he would conclude with expressing the hope that the Senate would adopt the resolution.

Mr. FORSYTH said he should be compelled, by a sense of duty, and sacred respect for the memory of the illustrious man who was the subject of the resolution, to oppose its adoption. If there was any one subject in the world over which the wishes of the deceased should regulate the actions of the living, it was that which related to the disposition of their own remains. He had before him an expression of the last wishes of General Washington on the subject; and, notwithstanding what had been done by Congress, those wishes were, with him, sacred. [Here Mr. F. read the clause in the will of General Washington, in which he gives directions respecting the place and manner of his interment.] The will directed that, as the old vault was out of repair, a new one should be built, in which his remains, with those of his deceased relatives, then in the old vault, should be deposited; and gave it as his express desire, that his body might be interred without pomp or parade of any kind, and that no funeral oration should be pronounced over it.

Mr. WEBSTER said, if he made the same interpretation of the clause of the will of General Washington, just read by the gentleman from Georgia, [Mr. FORSYTH,] as was given to it by that gentleman, he might concur with him in the conclusion that the wishes of the illustrious deceased were adverse to the proceedings contemplated by the resolution; but he did not see that any such inference could be drawn from the clause quoted; it was but a common case to find such directions in the wills of distinguished persons for the disposition of their remains. If the will contained a provision that the remains should continue in the vault at Mount Vernon, the case would be altered; but, as the clause quoted only expressed the desire that the funeral should be without pomp or pa-

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rade, he, [Mr. W.] did not view the subject in the light presented by the gentleman from Georgia. On the general question, as to the propriety of a removal of the body, every one had some opinion, not likely to be disturbed by that of others. Since, however, said Mr. W., the subject has been brought before us, and we are called upon to decide upon carrying into effect the resolution of 1799, it seemed to him that this was the most proper time to redeem the pledge then given. It is a century since the birth of General Washington, and we shall have no opportunity so appropriate as the present, of giving a degree of imposing solemnity to the proceedings. There was something also appropriate in this case, in executing the designs of the old Congress in the mode proposed, without form or parade, and in accordance with the wishes of the deceased, which met with his hearty concurrence. The religious services, also proposed, appeared peculiarly suited to the solemnity of the occasion.

Mr. CLAY called for the reading of the letter of the late Mrs. Washington to Congress, which, he said, would obviate the objections of the gentleman from Georgia; and the Secretary having read the letter,

Mr. SPRAGUE said he was of opinion that the objection which had been urged against the removal of the remains of General Washington, by the gentleman from Georgia, was entitled to consideration. The feelings of the relatives should undoubtedly be consulted, and the claims of Virginia to the relics of her brightest ornament were also worthy of respect; but it should be remembered that he whose remains were now requested by Congress, was his country's benefactor; and the question should be considered in this light. The Senate should consider what would be most for the honor of the country and for their own honor. It was not so much to honor the dead, as it was to show the gratitude of the living, that the present ceremony was proposed. Sir, said Mr. S., I never heard of the construction which the gentleman has given to the last will of General Washington at the time. The opinion then was that [the construction of General Washington's wish should extend only to what properly belonged to the funeral ceremony, and not to the honor that the country might afterwards deem proper to show his memory.

Mr. TAZEWELL decidedly opposed the adoption of the resolution. He began by expressing his regret that the subject should have been brought before the Senate in the form in which it was then presented. It was very obvious, he said, that whatsoever opinions were formed on that occasion, would be the result of feeling rather than of judgment; and he regretted that such a body as that should be called upon to act under such circumstances. He would, however, endeavor to express his opinions without reference to any of those motives which the subject would naturally call into existence. He concurred entirely with the gentleman from Georgia, [Mr. FORSTER,] in the opinion that, if there was one subject as to which posterity was bound to respect the wishes of the dead, there was none more sacred than that of the disposition of their mortal remains. The inquiry then became one of mere fact, with regard to the proper construction to be given to the will of the great man who was the subject of the resolution. The language quoted by the gentleman from Georgia was plain and distinct, and admitted but of a literal construction. Shall we then, said he, perplex ourselves in endeavoring to find out a meaning not plainly expressed? No, sir! Let us endeavor to assume, so far as is possible, the purity and simplicity that constituted one of the most interesting traits in the character of the father of his country. The Senator from Maine tells us that this great man never meant to prohibit his country from doing honor to his memory. Sir, he judges of him as he would of ordinary men. Washington never did any act without weighing all its consequences. He knew he was about to die, and he had the best reasons to know the

sentiments of his countrymen in relation to his obsequies that must soon be performed. What then were his directions? "The old vault which contains the bones of my near and dear relatives is no longer fit for the purpose. It is my will that a new one be erected; and, when it is erected, it is my will not only that my remains, but those of my deceased relatives, in the old vault, shall be there deposited; that, as we have lived happily together in this life, we may remain together in the tomb; and from whence my spirit may ascend to that heaven where I hope theirs have preceded me." Can any man doubt that this was the proper construction of the clause quoted by the gentleman from Georgia? We have been told of the pledge given by Congress, which we are now called upon to redeem. Sir, there are many pledges that we are equally called upon to redeem. The old Congress decreed that an equestrian statue should be placed in the capitol; and when, in 1801, the resolution was called up, Congress refused to redeem that pledge, and for this reason—the memory of Washington occupied a space not only in this country, but in the world, which could not be perpetuated by the tricks that belonged only to objects of earthly pride. In the days of barbarism and ignorance, when it was not possible to communicate instruction to the heart of man, except through his eye, statues were erected to perpetuate the memory of those who were supposed to have been eminent for their virtues or their achievements; but, since the invention of the art of printing has enabled us to carry to distant generations the lesson taught by the life of Washington, no statues are necessary to commemorate the virtues that are recorded on more imperishable materials. Why, then, reduce him to the level of ordinary men, by awarding to him those honors which have been bestowed alike on the worthy and unworthy? This was the reason which induced the Congress of 1801 to refuse to redeem the pledge given when the equestrian statue was decreed. What is next to be considered? Washington died on the 21st December, 1799, and in a very few days the resolution was introduced and adopted—that resolution which speaks of removing his remains from the tomb at Mount Vernon, and depositing them in the capitol of the United States. Need I suggest to the Senate that it was impossible, in the nature of things, for the Congress who passed that resolution to be informed of the request contained in the will which had just been read. Those who adopted the resolution, were even then aware of the impossibility of carrying it into effect without the consent of Mrs. Washington; and acting under the fervor of excited feelings, they did that which I hope never will again be done by a Congress of the United States, made this application to the afflicted widow, whose husband had died but the day before. He wished that this application had never been made. The answer of Mrs. Washington did her great honor; but it was not likely that she was then acquainted with the wishes of her husband; for the application was made in so short a time after his decease, that it was not likely that such a widow would have been prying into his will to become acquainted with its contents.

After some further remarks, Mr. T. said that, many years after this application of Congress, an application of the same nature had been made by the State of Virginia to the late Judge Washington, then the Proprietor of Mount Vernon; and what was his answer? "It was impossible for him to consent to the removal, unless the remains of one of those dear relations accompanied the body!" Is it possible, said Mr. T., that the committee could have known of this? Are the remains of the husband to be removed from the side of his wife? In their lives they lived happily together, and I never will consent to divide them in death. But let us, said Mr. T., look at this matter as statesmen, and see if it will be wise and prudent to carry into effect the plan recommended by the committee. As a matter of feeling, I will not adopt it; and as a matter of propriety,

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you all know the wishes on the subject of the great man whose memory you think to honor by vain and empty parade. There was another view of the subject. Every age and clime produced great men; and the last great man, in the opinion of the age, is the greatest. Sir, ten years will hardly pass by, and you will find that some great man is also worthy of a tomb in your splendid dome; a few years more and another great man will be deemed worthy of a place by his side. Will you make the odious distinction between the elder Adams, Thomas Jefferson, and James Monroe, and decree to one a national tomb, passing by the others? Once commence, and you will continue to fill the capitol with all the cemeteries it is capable of holding, until the bones of Washington will moulder by the side of some—I hope not worthless President. Once commence this Romish rite, and you will canonize as many patriots as there are saints in the Romish calendar, and associate Washington with any patriot whom party may blindly elevate. No good could ever come by disturbing the remains of the dead. Washington reposed peacefully by the side of his relatives, in the family sepulchre, and his monument would endure to the last posterity in the history of his country. Mr. T. said he felt more than ordinary on this occasion. Virginia was the country where Washington was born—Virginia was his living place and his burial place. Think you, said he, that she will consent to the violation of the tomb of her dearest child? What right have you, if you will not imitate the simplicity and purity of Washington, to rob us of his mortal remains? Will the proprietor of Mount Vernon, think you, consent to outrage the feelings of a whole State? Rely upon it, he will not. Whether, said Mr. T., we regard the proceeding as a matter of feeling; whether we regard it as a matter of propriety; and whether we regard it as a matter of delicacy, we ought not to consent to adopt it. Mr. T. concluded by saying that he estimated highly the feelings of those gentlemen who were in favor of the resolution; but, with the opinions he entertained, he could not concur with them in voting for its adoption.

Mr. TYLER rose simply to announce his entire concurrence with the sentiments expressed by his honorable colleague. He saw no good likely to grow out of the measure under consideration. He saw no great and paramount obligation on Congress to carry the resolution of 1799 into effect; and he could not believe that, by the adoption of the resolution, they could elevate higher the fame of the great man who was alike the object of veneration to all. He did not believe it was necessary, in order to testify their respect for his memory, or gratitude for the services he had rendered his country. Why then this procedure? Think you he will rest more securely under the dome of the capitol, than in the family vault at Mount Vernon? Let the great dead sleep the sleep of death in his own country. Let him continue to repose by the side of his nearest and dearest relatives. Bear not his bones from the tomb to be exhibited as a spectacle to a gaping crowd, and realize the very consequences anticipated by my colleague. Mr. T. said he would not trespass further on the attention of the Senate. His only object was to express his entire concurrence with the opinion of his colleague, and his determination to vote against the resolution.

Mr. BIBB said, if his feelings were not counteracted by higher considerations, he should be content to give a silent vote on the resolution; but on that occasion he only asked of his countrymen, as lovers of the illustrious subject of the present discussion, to hear the motives which inclined him not only to adopt but to be anxious for the adoption of the resolution. He should not reason on this case as reasoning upon the life and character of an ordinary man. It was because Washington was the most extraordinary of all extraordinary men, that he advocated the course of proceeding recommended by the committee.

Mr. B. here read the clause of General Washington's will, cited by Mr. FORSTER, and the letter of Mrs. Washington to the old Congress, and proceeded to show from these documents that the views taken by the opponents of the resolution were not warranted by them. General W. could not, at the time of making his will, have anticipated the intentions of Congress; and Mrs. Washington, who best knew his feelings and opinions on all subjects, saw no objection to granting the request made by the old Congress. They ran no hazard, then, of trampling upon any feelings of delicacy, by redeeming the solemn pledge of Congress. He begged leave to explain what he understood was intended to be produced by the resolution. He would not say the measure contemplated was intended to advance the fame of General Washington, either in a military or civil point of view; but there was something more important intended, and this was a nation's gratitude—the gratitude of a republic—to save which, he was mainly instrumental. Nay, more; there was yet a higher consideration, and this was to exhibit to the world the bright example of Washington's life, which had been assigned to history's brightest pages, &c. Was there not something due to public feeling on this occasion? Would no benefits result from carrying back these feelings to the interesting time which made us a nation? It was not for the sake of the illustrious dead, but for the sake of the living, that he was anxious for the adoption of the resolution; it was for the purpose of displaying in full relief the virtues of the great benefactor of his country, that made him anxiously wish for the ceremonies to be performed. Mr. B. defended the former Congress from the charge of having acted inconsiderately in making the application to the afflicted widow. For himself, he was satisfied that, although the application was made under the impulse of feeling, it was not made without consideration. The widow was in a state of deep affliction; but yet was there no consolation, was there nothing left her but despair? Was there no power to intermingle with the heart-rending throbs that agitated her bosom some little spice of consolation? And what consolation, he asked, was better than this evidence of the sympathy and respect of a whole nation. So far from there being any indelicacy in the act, it was one most calculated to attest the extent of a nation's sorrow and a nation's gratitude.

The committee spoke not of separating the remains of the husband from those of the wife. Not a member of them even dreamed of it—there was not one of them so dead to the inward feelings of the heart as not to respect the sacredness of the union. After some further arguments in favor of the resolution from Mr. B., at considerable length,

Mr. HOLMES observed, that when Alexander the Great demanded of the Scythians when they would give him battle, their reply was, "when you come to the graves of our fathers." The sentiment was a noble one. All nations had cherished the highest reverence for the tombs of the dead. Ought we not, then, said Mr. H., to pay the highest possible respect to the memory of him whom we emphatically called the father of his country? Mr. H. thought he saw, in this discussion, a noble struggle between the State of Virginia and the United States. The spectacle was a noble one, and one worthy of the American people; each striving for the remains of that man who was "first in war, first in peace, and first in the hearts of his countrymen." There was one sentiment which had rather created a shock to his feelings. It was that the consent of the widow to the removal of the remains of her husband had been obtained at a time when she was not perfectly herself. He was inclined to think, that if her feelings had been the sole influence of her conduct, a result would have been produced adverse to the application. Sir, we all know how powerful is the feeling under such circumstances; how we long to cast one last look, ere

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we consign the remains of those we love to the silent tomb. It was at such a moment that the consent of the widow was asked; and we have every reason to believe that she was convinced of its propriety when she granted the request. Mr. H. regretted the opposition of the Senators from Virginia. He hoped they would yield, and admit the claim of the United States to be stronger than theirs. He would not speak of the great moral effect to be produced by the adoption of the plan recommended by the committee. We will remember and strive to imitate his virtues, by having him placed before us. When we look on his remains, we shall reflect on his admonitions, and be called back to our duty when we are wandering from the paths of his precepts.

Mr. FORSYTH said that the vote he should give had no relation to the character of the deceased; that character was beyond the reach of any action of Congress. On the general question of erecting monuments to the memory of the departed great, he had one observation to make. They were marks, not of national gratitude, but of pride: the grief has passed away, and there remains but the ostentation of it. We have a right to be proud of our Washington; and, when foreigners inquire of us, where is his monument?—our answer is, in our hearts. Sir, my feelings on this subject are the result of deep, all-pervading, overwhelming gratitude to the great benefactor of our country; his wishes are my law: I find them here recorded, and I can act no otherwise than in accordance with them. Honorable Senators, however, seemed to think that those wishes were not fairly expressed, and, if the deceased had been aware of the intentions of Congress, his directions would have been different. Sir, the language is as plain as it can be made: the wish was clearly expressed, and all its consequences must have been in the mind of the illustrious dead at the time. It has been well said that Washington was an extraordinary man. He thought not, he felt not, he acted not, as ordinary men; and were he asked if this wish was in accordance with the whole tenor of his life, he would say it was in perfect keeping with it. Sir, he was an extraordinary man, and the brightest trait in his character was its simplicity. Though often placed, by circumstances, in occasions of ostentation, he always shrunk from them, and his greatest desire was to return to the quiet of private life. His last act was perfectly consistent with every previous act of his life; he looked not on this world, but to the one in which he was about to enter. Gentlemen speak of his thoughts, of what his directions might have been had he anticipated the intentions of Congress. Sir, his last directions were: Make no ostentatious celebration of my obsequies: suffer no funeral orations to be pronounced over my tomb. Do not these directions, then, go to say: suffer—no, I will not say violation—but suffer no disturbance of the tomb where my body takes its last rest.

Mr. DICKERSON said that it was unfortunate that the subject should be discussed, but it could not be avoided. He hoped gentlemen would consent to postpone the further consideration until to-morrow, that time might be given to the members for reflection.

Mr. CLAY said, the relation in which he stood to the committee, called upon him to say a few words, by way of explanation, and they should be but few. He had sympathized with the feelings testified by the Senator from Virginia, [Mr. TAZEWELL.] He had respected the warmth and the eloquence with which that gentleman had expressed those feelings. He did not wish, any more than that gentleman, to separate in death those who had, during life, enjoyed undivided happiness; but, at the same time, he considered that, on so delicate a subject, the family of the deceased were much better qualified to decide than himself, or even the honorable Senator from Virginia. When the application was made to Judge

Washington for the remains of his illustrious relative, no objection of the kind, so eloquently and feelingly set forth by the Senator from Virginia, had been made by him. Mr. C. went on to observe that he fully concurred in the sentiments which had been so feelingly and so forcibly expressed by his honorable colleague; and he would state for the information of the Senate, that the draftsman of the present resolution had consulted the records of the transaction of 1799, in order that it might be so worded, that, while national gratitude was testified, private feeling should be respected. He thought that if the desire existed to remove the body of Mrs. Washington with that of her husband, that the presiding officers of the two Houses could take the measures necessary to carry such purpose into effect; and the resolution had been so draughted as to leave to them this discretionary power. It had been argued that the clause of General Washington's will, which was first read by the Senator from Georgia, was written by the illustrious deceased, with the express intention of preventing any such public homage being paid to his remains as was now contemplated. This reasoning appeared to him [Mr. C.] extremely inconclusive; indeed, it was contrary to all we know of the severe simplicity of Washington's character, to suppose that the idea ever occurred to him that the people of the United States would interest themselves about the disposal of his remains. Mr. C. said that one of the principal reasons, or at least a powerful one, which would influence his vote upon this question, was the fact that the vault at Mount Vernon, from its situation, within one hundred yards of the Potomac, was nightly exposed to be entered and robbed by any three persons disposed to commit the crime. It had been intimated that such an attempt was designed to be made by some foreigners, with a view to carry the remains to Europe, for he knew not what purpose. Who could wish the bones of the father of his country to be venerated as relics, or exposed as a show in foreign climes? No! This magnificent capitol was their proper sepulchre. If a member of either House were to die, a public funeral would be granted—a marble monument would be erected over his grave; and can we, dare we, said Mr. C., refuse to the founder of this republic an honor, a token of respect, which we should grant to one of our own body? I should be ashamed to go home to my constituents, and give them such an account of my stewardship in this matter. The Senate had been told that the State of Virginia had prior claims. No man more respected the claim of that State than himself, when he was well assured that they were the claims of the State in its corporate capacity. No such claim had been made; and he was certain that if it had been, Virginia was too generous not to withdraw them in behalf of the common country of the whole Union. The Senator from Virginia had expressed an apprehension that other Presidents would be laid by the side of Washington—that other men would, by our successors, be as much adored as we now adore Washington, and no discriminations would be made between him and them. Mr. C. did not anticipate such result, although he knew too well that the last great man was always considered the greatest; and the disposition of the people was to make idols of their favorites; but he would himself discriminate between Washington and any man who had lived, from Adam down; and he was willing to trust to his successors for the continuance of that veneration of Washington's character which would forever place him incomparably higher in their estimation than any other man who had as yet risen among them. But should it please the Almighty to bestow upon the country the blessing of another Washington, he could not, for one, wish that the same honors now proposed should be withheld from him. Mr. C. said he had not intended, on rising, to say thus much, and he would conclude, by expressing the hope that the Senators from Virginia would waive their objections to

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The Tariff.

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the resolution, and that its adoption might meet with the general concurrence of the Senate.

The question being put, the resolution was adopted by the following vote:

YEAS.—Messrs. Bell, Bibb, Clay, Clayton, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Kane, Knight, Moore, Naudain, Poindexter, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—29.

NAYS.—Messrs. Buckner, Dallas, Forsyth, Grundy, Hayne, Hill, King, Mangum, Marcy, Miller, Smith, Tazewell, Troup, Tyler, White.—15.

TUESDAY, FEBRUARY 14.

THE TARIFF.

The Senate resumed the consideration of Mr. CLAY'S resolution respecting the tariff.

Mr. TYLER again rose, and, in a speech of about an hour and a half, concluded his argument against the resolution, [as given above.] He was followed by

Mr. KNIGHT, of Rhode Island, who addressed the Senate as follows:

Mr. President: It is not my intention to detain the Senate long on a subject that has been so fully investigated by genius, and enforced by the power of eloquence; but only to state a few facts that appear not to be rightly understood here.

Sir, I am no painter; I draw no pictures to ravish the eye; neither do I possess the gift of poetry or eloquence to amuse the fancy, enchant the ear, or beguile the understanding; none of these are mine. I am, sir, an unambitious cultivator of the soil, disposed reasonably and rationally to encourage and promote the mechanic arts and manufactures, and to aid the whole industry and happiness of our common country; more than this is not my intention. And if gentlemen will leave the elevated region of fancy, and come down and dwell in the sphere of us humble working men, I will endeavor to show that Earl Grey is not the only distinguished orator that sees visions;* and that all the poverty and distress so feelingly depicted by Senators on this floor, is not to be attributed to the encouragement of the industry and manufactures of our country.

Sir, when the gentleman from Virginia [Mr. TYLER] read the letter from his friend who had found a new market for his corn at the Yankee factory, I thought the Senator himself, in spite of his prejudices, had almost become a proselyte to the true faith; and that he would arrive at the conclusion that it was better to purchase our necessities of life, and "notions" of our neighbors, and pay for them in the productions of our own soil and industry, than run to a foreign store and pay money and the same price. Although he seemed for a while to falter, yet the spectre tariff, urging him on, still haunted his imagination, and appeared more terrible to his fancy than the witch of Endor to the peace of the departed spirit of Samuel.

Although his friend and neighbor had discovered that a new market for his productions had been created by the encouragement of manufactures, the honorable Senator did not so understand it. He seemed to consider it as a mere chimera of his friend, and had no existence in fact, or, if it had, was of very limited extent, and too "contemptible" for consideration. However small or "contemptible" it may appear to that honorable Senator, the growers of corn will deem it otherwise. Those who grow corn will turn to the statistics of the country, and there see that

358,181 bushels of corn, mostly sent from North Carolina and the ports of the Chesapeake to Rhode Island alone, in one year, is near one-half of all the corn shipped from the whole of the United States to all the world besides, including the great corn markets so triumphantly named by that Senator, viz. Great Britain, West India, and South America. And I assure you, sir, that Rhode Island receives but a small proportion of the quantity shipped coastwise, to feed manufacturers and others sustained by that branch of industry. Sir, the corn growers will not consider the home market "contemptible;" they will not believe it a "delusion," when they feel the noun substantive in their pockets. No, sir, they will pronounce the "delusion" to rest elsewhere.

Sir, the Senator said, and said truly, that for many years flour and corn had been shipped to the East from the grain-growing States. It is true they did so; and what became of it? Was it consumed there? No, sir, the greater part was by them carried to the armies of Europe: the Eastern people were the carriers; and, as long as they could live by that trade, they continued it: that business having failed by the peace of Europe, they were compelled to turn their attention to other pursuits. They sought out new inventions. Congress pointed the way, and happily for our country, our whole country, they commenced manufactures. Not so fortunate for the individuals who embarked in it; for, like all other pioneers, they did not grow rich, but, at much cost and great labor, have cleared many of the obstructions that obscured the path, for the benefit of those who will succeed them. Sir, it is the opinion of many well informed men, that the introduction of the manufacture of cotton in the United States has not only benefited us in a political view, by making us independent of other nations for coarse and necessary fabrics, but is of great benefit to the grower of cotton; that it has greatly expanded the use and consumption of that article; and, by creating another market, and increasing the number of purchasers, competition has increased, and facilities been given to the producer in the sale of his cotton. It is a fact, admitted by every body, that a ready and prompt sale of any article depends on the demand for it, and the number of purchasers in the market. If you wish to sell your farm or plantation, and there is but one purchaser, you must sell at his price and at his time; but if there are three purchasers, you will obtain a fair price, and at your own time. This competition of purchasers is now manifest in the cities of Charleston, New Orleans, and other Southern markets, in regard to cotton. Go into those markets, and you there meet the Englishman, Frenchman, and American, competing with each other in the purchase of cotton, expediting the sales, and adding facilities to the trade. Can it then be said that no benefit is derived to the grower of cotton by manufacturing it in this country? It seems to me it will not be denied.

Sir, our market is now open to Great Britain for all the finer cotton fabrics, which she will continue to supply as she always has done not only cottons; but, every thing manufactured by her. Notwithstanding she takes all the cotton she needs, we still have to pay her a balance in money. Sir, the very knives on our desks, stamped with the name of the makers, (Rogers & Son,) and inscribed on the blade, "manufactured for the Congress of the United States," cost many bales of cotton; and when we consider the quantity and variety of articles used and consumed by us, and manufactured by her, we need not be under any fear that Great Britain cannot pay for the cotton she purchases, unless we take coarse cottons manufactured by her also. No, sir, she will always pay as long as you will supply her with cotton. The premium now given for bills on London indicates no alarm on that point.

Sir, if all the taxes that dwell in the imaginations of gentlemen, are paid by the American people in reality, I will say that, instead of our being free from exactions, we are

* Several years ago, Earl Grey, after a hard day's study, raising his eyes from the book, was struck with the vision of a head. He looked around the room for the cause, but in vain. It was considered a mere illusion, arising from a disordered state of the stomach, brought on by a too sedentary life. It is said that sedentary men, of strong powers of imagination, are occasionally subject to the same disease, and think they see in every evil the tariff.

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most cruelly oppressed. Although the picture presented by honorable gentlemen is truly appalling, yet, if they are right in their premises, the one half is not told. Sir, it has been asserted here, that the bounty to manufacturers of cotton goods alone is nearly nine millions of dollars; yet nobody sees it, nobody feels it, and nobody knows it; and, if it had not been gravely stated on the floor of Congress, there is not a man in the Union, out of Congress, would believe it. But, having been asserted here, it has become necessary to notice it.

Sir, with all the rhetoric and arithmetic of honorable gentlemen, they will be much troubled to make a plain man understand that, when he purchases a yard of cotton cloth for seven cents, he pays a tax of eight cents into the treasury of the Union, or a like sum, in the form of bounty, to the manufacturer. You may show it by figures and prove it by argument; but, sir, he still will doubt, and will be apt to believe it is only a vision of those that assert it.

It is said two hundred thousand bales of cotton were manufactured in the United States the last year; and that two hundred and fifty thousand will be manufactured the present year; but take two hundred thousand as the basis of calculation. Cotton is protected by a duty of three cents per pound; estimating it at three hundred pounds per bale, the protection on the two hundred thousand bales amounts to one million eight hundred thousand dollars. Now, sir, if the reasoning of gentlemen is correct, that every thing protected by the tariff is a tax on the consumer, then this sum of one million eight hundred thousand dollars should be set down as taxes paid by the consumer, for the benefit of the cotton grower. Will gentlemen admit that the grower of cotton receives one million eight hundred thousand dollars bounty on every two hundred bales of cotton grown by them? They must admit it, upon their own principle of reasoning. It will not do to say that one duty set down in the tariff is a tax on the consumer, and that another, under like circumstances, in the same tariff, is no tax at all. Sir, take the corn, flour, hams, and other articles carried to the manufacturing districts, and consumed there, and, estimating the protecting duties as a tax on the consumer, it will amount to a large sum, and these should all be taken into the account if gentlemen are right in their argument. It does seem to me there is great error in the doctrine advanced here; and the mere statement of the fact shows the fallacy of the argument so strenuously persisted in, and urged with so much eloquence.

Sir, intending to pass over this part of the subject for the present, I will only say that the consumer now receives coarse cottons, such as are now made in this country, and such as we are prepared to make, at as low a price as they can be imported at, free of duty, taking into consideration the quality as well as price, and estimating a fair and just profit for the manufacturer, adding the freight, commission, and charges usually paid by those concerned in the trade. But, before I proceed any further, I will, for a few moments, glance at the navigating interest of the country, and endeavor to ascertain the cause of the sale of the last ship in foreign trade in Charleston, stated by the Senator from South Carolina.

We have had portrayed a lamentable picture of the condition of the commerce and navigation of one of the principal cities in the Southern States. Of merchants bankrupt, others driven from their business to other pursuits; navigation destroyed; ship yards depopulated; and a general depression of the whole country; and all this is attributed to the tariff. Yes, sir, the tariff is the fell destroyer that stalks over the land, and blights the fairest portion of this once happy country. Are these things so? Do not the brilliant and vivid imaginations of gentlemen overlook the true cause of the decline of the navigating interest in that section of country? Can it not be traced to other causes than this patient and abused tariff? Sir,

turn to our exports, they have increased; to our imports, they have not diminished: surely the tariff cannot be the cause why our own navigation has not had its full share of the business of our country.

Were we to view the prosperity and the accumulating wealth of the cotton planter for many years, could we not see some of those merchants, lured by the golden promise from their precarious and uncertain navigation, to the more sure and productive employment of a grower of cotton? Should we not find some of them voluntarily participating in the golden harvest so bountifully showered on that portion of the agriculture of our country? I do not know the fact, but gentlemen who do know, by looking among their friends and acquaintance, may recognise some who were formerly merchants, now planters.

Sir, may we not find another reason for the decrease of our foreign tonnage, were we to consider that, during the long conflict of the European Powers, we were the carriers not only of our own productions, but much of theirs also; and, at the general pacification, when all Europe resumed their proportion of the navigation, was it not a consequence that the redundancy of tonnage which we then possessed should be lopped off and reduced to a fair proportion with the other nations of the earth? Sir, it seems to me that here we discover one cause for a reduction of the tonnage engaged in foreign trade.

Sir, can we not discover another cause for the decline of the tonnage of Charleston, in the fact that the great city of New York presents such inducements and facilities to commerce, that it constantly and manifestly taxes all the other cities on the Atlantic to its prosperity? And is not the gain of that city a partial loss to Charleston?

Sir, there is another cause in my mind. It has been the policy of this nation to permit the tonnage of other nations to share in all the facilities of trade given to our own, inviting competition with the world in carrying our productions to market; and such has been the effect of this competition between the foreigner and the American, in the reduction of freights, that no person can compete with the foreign tonnage unless he sails his own ship, and commands and superintends, in person, the whole concern. Sir, the tonnage in foreign trade is gradually changing owners; it is now concentrating into the hands of the hardy sons of Neptune, who mount old ocean's wave, and do not fatten on Tokay, Burgundy, or Champagne. These are becoming the ship owners now, and these are the men who manfully contend for the prize with foreign tonnage, even against domestic prejudice.

None other can successfully compete with the foreign tonnage but those who work themselves, and practise the greatest economy in every part of their business. Sir, it is not possible for a merchant, sitting in his counting room, to compete with the foreign tonnage having the same facilities that he has in every part of the business. No, sir, another class of men must do it, if it is done, and they are now on the full tide of experiment, and I hope and trust they will succeed.

Sir, may we not find another cause for the decline of the navigation in the late arrangement in regard to the West India trade? For the purpose of showing how the navigation of the country has been affected by that arrangement, I will read an extract of a letter, received a few days past, from one of the most experienced and intelligent commercial houses in the country. It was communicated to me for the purpose of showing the price of salt in Turk's Island for several years up to November or the first of December last; but the part of the letter I shall read, is confined to the operations of trade, more than the price of salt. I will read the extract:

"The last voyage was undertaken and performed under the recent arrangement made by Mr. McLane with the British Government, and a cargo taken on board, of our productions, deemed by us sufficient to purchase a full

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cargo of salt of ten thousand bushels; we were, however, extremely disappointed at the result of the voyage. Instead of the outward cargo bringing four or five hundred dollars more than the full cargo of salt would cost, it brought only enough to purchase about eight thousand bushels. Indeed, if we had not put on board some money ourselves, and the captain been enabled to borrow more of a passenger, he must have drawn on us for a considerable part of his cargo, or the voyage been almost entirely broken up. This disastrous state of trade, as it regards the sale of our own productions, as we are informed, grows out of peculiar advantages in the duties which the British bottoms, sailing from British colonial ports, enjoy over ours trading to those islands. We annex a statement of the principal items of our cargo, to show the reason why the British bottom has the advantage of ours.

We shipped corn, in bags of two bushels each, cost \$1 55
Duty at Turk's Island, 20 cents per bushel, - 40

Sold the same at - - - - 1 95
- - - - 1 50

Loss per bag, - - - - 45

We shipped lumber, which cost per M. - - \$13 25
Duty on do. at T. I. - - - - 6 46

19 71

Loss in measure 5 per cent. (the lumber had been surveyed here, and all proper allowances made) on sale \$16, - - - - 80

Sold the same at - - - - 20 51
- - - - 16 00

Loss per M. , - - - - 4 51

We shipped flour, which cost per barrel - - \$6 25
Duty on do. at T. I. - - - - 1 00

7 25

Sold the same at - - - - 7 00

Loss per barrel, - - - - 25

"The British bottom, taking the above articles from Nova Scotia, would be admitted, as we understand, duty free, and, possessing the same advantages as our own bottoms in our own ports on the return voyage, would make a saving business, while ours would lose money."

Sir, the contest between this Government and that of Great Britain was not only in regard to the consumption of our productions, but also who should carry them to market. The British West Indian consumed as much of our flour, rice, and other productions, before the arrangement, as he does now: we carried them to the other islands of the West Indies, and from thence they were taken to the English islands by others; we had as good a market at the other islands as we now have, and had all the profits of carrying the produce to market. Not so now—we let the British ships carry our productions to the exclusion of our own.

Sir, many of the Senators now present, who were here in 1830, will bear witness when I say that, when the bill authorizing the President to issue his proclamation on opening the ports of the West Indies was under consideration, I stated that it appeared to me that we were eagerly pursuing that which was not worth possessing, when we shall have obtained it; that, so far as my constituents were concerned, I had rather every thing should remain as it then was, than to change it for any thing we should get from Great Britain. I also stated that the British islands received all our productions by a circuitous

route, and, if any extra cost was added, it was not paid by us; that our citizens were concerned in trading-houses at the other islands, to whom we shipped our goods, and they sold them, and had the profits and commission for transacting the business; that such was the situation of the British colonies, that British ships could load in England, come to this country, here take a cargo for the West Indies, there take a cargo of sugar or other productions, and return home; making three freights in one voyage. At the same time, our trade must, from the nature of things, be confined to the direct trade. I have seen nothing since to alter the opinion then expressed, and the letter just read goes to confirm it.

Sir, if we have not largely increased the consumption in the British West Indies by the arrangement, we have been great losers by the bargain. Whether the West Indian eats more now than he did before, I do not know. I believe they were never in the habit of stinting or allowing themselves in that particular. I believe that much of their food was obtained from the United States then as well as now.

Sir, a gentleman of my acquaintance, who commands his own ship, and has, for a number of years, been engaged in carrying cotton from Charleston to Great Britain, told me it was a very hard and laborious business—the competition with foreigners was as much as he could stand, before the late arrangement; and, by that arrangement, it was considered facilities were given to the British; and he now doubted whether he should be able to continue in the trade much longer. Sir, I know the man—he can compete with the British, if any man can; and when he surrenders, I shall consider the business as lost to us: there is a larger proportion of foreigners entering the port of Charleston than any other. In 1829, the American tonnage entered there amounted to 27,696 tons, and foreign tonnage to 24,473 tons. The proportion of foreign tonnage entering the port of Savannah was about sixty-six per cent., and other ports where cotton is shipped, including those of the Mississippi, about fifty per cent., compared with the American. Here, sir, we can see one great cause of the destruction of the navigation of South Carolina. Sir, the owners foresaw the consequences that would result to the navigating interest by the late arrangement; they knew they had been driven from the European trade by the Europeans themselves, and by the skill and enterprise of those who navigate their own ships, and so bravely compete with the world. Sir, the ship owner of Charleston, not able to stand this competition, had no other resource but to sell his ship and become a grower of cotton or a shipper of goods, to be carried by others who can afford freight at a less price than himself.

Sir, the merchants of this country are the most sagacious men of the nation; they discover their own interest as readily, and pursue it as keenly, as any other; and when they know a particular trade is unprofitable, they abandon it, and pursue some other—they never stand idle; hence, the last ship in foreign trade was sold under the hammer to close the concern; she has now changed her character, and is seen (enrolled or licensed) bound coastwise, spreading her sails to the breeze, laden with cotton of her native soil, not only untaxed, but protected by the American system.

No, sir; so far from the American system being the cause of the decline of the navigation, it is the means of sustaining it; it is the nutriment it feeds on; the very thing that supports the steady increase, and unexampled coasting and inland commerce of our country—a trade of far greater value to this nation than the foreign. It is more extensive than a voyage across the Atlantic: commencing at Eastport, in Maine, continuing along the whole coast, indented by bays and navigable rivers, to the Gulf of Mexico; thence, up the Mississippi and all its tributaries, to the lakes; thence, extending by the lakes, rivers,

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and canals, to the Atlantic, terminating at the great commercial emporium of our country; employing a great amount of tonnage, and daily increasing. Sir, this trade is truly American; American owners, American ships, and American seamen. The pecuniary consideration is not the only benefit arising from this trade; it makes the whole people acquainted; they mingle with each other; they know each other; it wears off prejudice, and connects every part of the Union, and makes us one; and, like the motto on the star spangled banner, emphatically proclaims—" *E pluribus unum.*"

Sir, the coasting vessels are constantly employed in carrying sugar, cotton, rice, and molasses, from the South, and lumber, grain, flour, tobacco, and coal, from the Middle States, to the North and East, returning with cotton and woollen fabrics, caps, hats, shoes, and other wares, the productions of the citizens of our own country, to pay for the productions of the South, consumed by the people of the North. The West, too, by the aid of their canals and of the noblest rivers in the world, come in for their share in the exchange of productions. Sir, without this trade, our great navigating interest would languish; although it might not totally expire, it would exhibit a sickly hue; but, by the fostering care of the American system, the navigation has increased, and will continue to increase with the extension of the industry, skill, and capital, of the country.

To illustrate some of the advantages of this trade to the whole country, I will state that the small town of Providence, in the State from whence I come, imported for its consumption and the consumption of its vicinity, the two last years, taken from the custom-house books, viz.

	Year 1830.	Year 1831.
Bales of cotton, - -	45,166	55,707
Barrels of flour, - -	68,473	71,369
Bushels of corn, - -	338,181	216,662
Rye, - -	16,967	7,772

Of tobacco and other productions of the Middle States, and sugar and molasses from Louisiana, to a large amount, of which I have no return, making an aggregate of consumption of flour and grain, from North Carolina, Virginia, and other parts of the Chesapeake, greater than all the West Indies. These are some of the advantages of the coasting trade and of the domestic industry of the country, aided, supported, and, I might say, created, by the American system.

There was also imported into other ports of the State of Rhode Island, the last year, 20,510 bushels of corn, and 13,165 barrels of flour, in addition to the amount imported into the port of Providence, as before stated.

I do not say the whole of this was consumed within the State; no doubt a part found its way out, perhaps a small quantity to the West Indies. But we may safely estimate that the whole amount carried to the port of Providence, was consumed within the State of Rhode Island.

Sir, it has been said we are great gormandizers if 96,000 persons eat 71,000 barrels of flour in a year: be it so. It is true that it is consumed, and also the grain stated with it. Sir, we live by eating, but we work at the same time; and whoever works must eat, is an old adage. Sir, the people of Rhode Island are a working people; they look well to the ways of their household, and eat not the bread of idleness. Sir, I do not consider this as any virtue in us; we would as willingly live idle as our neighbor of a more favored soil and climate, but we are compelled to work, or starve; our soil is sterile, our climate cold, and our wants many; we must labor to supply these wants; there is no escape from it.

Sir, I do not intend to enter into any argument to show the legality of a tariff, tending to encourage the domestic manufactures of the country; that question has been so ably discussed, and the principle of encouragement acted

on by almost every Congress since the adoption of the constitution, and so often recommended by all the Presidents, from General Washington down to the present Chief Magistrate, that I am satisfied in believing it constitutional. Mr. Jefferson, who seems to be the idol of the day, not only in his official capacity, recommended the introduction of manufactures, but in his private correspondence avowed that the time had arrived when we should place the manufacturer by the side of the farmer, and no longer depend on foreigners to supply us with the comforts and necessities of life. Were we to look into the history of the introduction of manufactures in this country, we should learn they were at all times considered of great importance in a national view; the very first tariff adopted under the present constitution was, among other things, avowedly for the encouragement of manufactures. Petitions were presented to Congress from the mechanics and manufacturers of Baltimore, and from the tradesmen and manufacturers of Boston, praying Congress to protect them, and praying for an imposition of such duties on all foreign articles which can be made in America, as will give a just and decided preference to the labors of our country. These were taken into consideration by Congress, and a committee was ordered to bring in a bill for the encouragement and promotion of such manufactures as would tend to render the United States independent of other nations. And what is desired now? Nothing more than a continuance of the system of encouragement and protection to those institutions reared into being by your acts, and by the wisdom of those who once occupied the places we now possess. This is all that is asked—it is all that is wished or desired.

Sir, it is said the tariff of 1824 had two distinct features, revenue and protection. It had so; and as far as we have seen the result, it has answered the expectation of its friends; the industry of the country has been promoted in the manufacture of one article, and the revenue increased by the consumption of another. The consumption of those that increased the revenue, was not confined wholly to one district, but was, in some degree, general throughout the whole country; but the greatest increase of consumption is at the manufacturing establishments many are enabled to purchase and consume articles paying duties who could not, were they not employed in the business of manufacture. Sir, the manufactures of our country supply the coarse cottons as cheap as they can be furnished to us from the workshop of any foreign country, even without a tariff. Coarse cottons are now, and have been, sold here at six and one-fourth cents per yard, and can be had to any amount from that sum to seven, seven and a half, and eight cents per yard, of a good quality. It is generally admitted, where prejudice is not triumphant, that cotton cloth, manufactured in this country, is superior to that produced in any other. It has more of the raw material in it, and of a better quality, and is sold at about the same price.

I know it will be asked, why need a tariff to protect or encourage the manufacture of cotton, if we can compete with the world? The answer is, to secure a market. Give a ready market for our productions, and we can work cheaper, and sell at a less price, than they can be sold in a sluggish or dull market. It is plain to the understanding of every body, that, if you cannot sell your productions, but, for the want of purchasers, are obliged to keep them on hand one, two, or three years, they cannot be made so cheap as when the producer or manufacturer can have a quick and ready sale. If you have no market for your productions, you must stop producing. To turn his goods into money, or such things as he needs to carry on his business, is the great object of the manufacturer; it enables him to pursue his business at a much less rate per cent. profit, than if he were obliged to keep them on hand several months before he can sell them. They will no

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come to the possession of the consumer at any less price by a slow and tardy sale; but, to afford the manufacturer a living business, the price will be enhanced in consequence of the slow sale. And this is the whole mystery why a tariff is necessary to make the article come to the consumer at the least possible price. By excluding the foreign article, you make a market for the domestic; and, by making a market for the domestic, you encourage competition; and competition has, and will reduce the price to the consumer, to the lowest sum it can be produced for here or elsewhere. The effect of the tariff on coarse cottons has given us the whole market of our country; this has produced the competition among our citizens, and the article has been made and sold at the lowest possible price it can be made for in any country. By the manufacture of this article, it has enabled thousands and tens of thousands to consume the fine cottons, silks, ribbons, and other gewgaws, not made in this country, and subject to duties; hence the increase of the revenue: and every article the country is prepared to manufacture can be produced or made here, and will be at as low a price as it can be furnished to us from any part of the world. Such is the effect of competition, that the consumer will always be able to obtain it at the lowest price it can be afforded at.

Sir, it is said that protection transmutates the duty into a bounty to the manufacturer. This will not apply to the manufactures of coarse cottons. Protection to them does not transmute the duty to a bounty for their benefit, nor to any other branch of manufacture, where the market can be supplied with the domestic article. The whole experience of our country is to the contrary. We know, by the aid of the tariff, shoes, boots, and hats have lowered in price, and the domestic coarse cottons have driven out of the market the foreign, and the domestic is purchased at as low a price as the foreign can be imported at, and lower than we should have obtained the foreign, had not the manufacture of cotton been introduced into this country. If we had never been manufacturers, cotton fabrics would have commanded the same price here as they now do in South America, and probably more; for our market, as well as that, must have been supplied. What would have induced Great Britain to sell us her goods at a less price than she could obtain for them in other parts of the world? She would not have done so. It is the domestic manufacture only that has cheapened the articles in our market; and break down the domestic manufacture, and cotton goods will immediately advance in price. With these facts before our eyes, and operating on all our senses, we are gravely told here that the whole country is taxed to the amount of eight or nine millions of dollars, for the benefit of cotton manufacturers. Why is it that gentlemen persist in error, when, if they will take the trouble to step into any of the shops of this city, their own senses will convince them that they are laboring under a great and palpable delusion?

Sir, the town of Providence imported, the last year, from the Southern States, 55,707 bales of cotton; estimating it at 300 lbs. per bale, it would pay a duty of \$501,363, if imported from Brazil, or any foreign port. Now, sir, according to the argument advanced here, the town of Providence pays the sum of \$501,363 as a bounty to the planter of cotton. Is this so? Figures show it; and whatever can be demonstrated by figures, must be true; so say gentlemen. But we all know the fact is not so; and yet this statement is based on the same principle as the one read by the Senator from South Carolina, concerning a manufacturing establishment in New Hampshire; and if that is true, this is also. But, sir, I contend they are both errors; though I believe it was admitted by that statement, that the duty, though nominally eight and a quarter cents, was, in fact, but three. This is also an error. The duty, under existing circumstances, amounts to a prohibition of the article, but, if it were imported, would

pay to the amount of the duty; and, were it not for the domestic competition, would advance the price to the consumer, to the amount of the duty. But the power of competition has reduced the price to the lowest sum it can be made for, here or elsewhere; consequently, the duty does not affect the price. It is competition of our own manufacturers that has lowered the price of cotton cloth, in the same way that an increased production of cotton has reduced the price of that article.

Sir, I am willing to place the whole question upon the fact that coarse cottons are made and sold here as cheap as they can be imported for, of equal quality, and free of duty, and to put it on that ground alone; and if it cannot be sustained, let it fall. I will not call to my aid other advantages to our country, by showing an increased consumption of agricultural products, and also the great consumption of the corn of North Carolina, of flour and coal of Virginia, and the cotton and rice of the more Southern States, by the encouragement of manufactures. It is unnecessary to show that New England alone consumes more of their bread stuffs than Great Britain and her dependencies, and that, if you destroy manufactures, you destroy the greatest and best market for those productions. No, sir, I will leave all these considerations out of the question, and place it on the cheapness of the article manufactured, taking into consideration the quality of the article as well as the price.

Sir, it will be admitted by all, even by the cotton grower, that cloth, made of South Carolina, Georgia, or other cotton of our country, will wear much longer than cloth, of equal texture, made of the India cotton: we say it will endure one-quarter more service, at a moderate calculation, than the other, and, of course, should bring one-quarter more price, and then it will be cheaper to the consumer than that made of the India production; but it is sold at about the same price. We ought also to take into consideration the price of making the garment; for, if three shirts, made of domestic cotton, last as long as four made of the foreign, you save the making of one as well as one-fourth part of the cloth—and, with us, the expense of making is more than the cost of the cloth. The domestic article is now selling at from six and a quarter to seven and a half cents per yard, containing about one pound of cotton to four and a half yards of cloth, and will be less the coming season, for much will be sold at less than cost. Sir, it is estimated that one-fourth part of all the cotton grown in the United States the last year will be manufactured in this country the present year: and such will be the power of competition, that the manufactured article must and will fall in price, and be lower in the market than it has been in previous years. And if it can be satisfactorily shown that cottons are sold as low here as they can be imported for, free of duty, I do hope the cotton-growing States will not insist that the duty on coarse cottons is a tax on the consumer, nor attribute all their depression to the tariff.

Sir, I understood the Senator from North Carolina to say that this system gave the manufacturing States more benefits than Great Britain received from her colonies, and that British cotton goods paid a duty of two and a half per cent. only in Canada, when the people of the South paid eight and a quarter cents per yard to the Northern manufacturer. Is this a right view of the subject? Is there no distinction in the cases? Are the cases parallel? It has already been shown that the competition has destroyed the effect of the tariff in regard to the increasing of the price, and, therefore, the Southern States are not taxed as high as Great Britain taxes her colonies. Great Britain receives two and a half per cent. on the cottons sent to her colonies, and we send ours to the Southern States without any duty whatever. The South pays no more tax on our fabrics than we pay on their cotton; they have the one free of duty, and we the other. What is the

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tax the colonies pay on cotton goods from other places than Great Britain? Sufficient to amount to a prohibition. Sir, we supply North Carolina with a better article, free of duty, than she can obtain elsewhere for the same price, and take her corn and other productions in pay; we ask her for no money. If Great Britain supplies her with cottons at the same price, she will not take her corn or lumber, but must have her gold; and now we are told that the people of North Carolina are taxed eight and a quarter cents per yard for our cottons, and are growing poorer and poorer, whilst they work harder and harder. Sir, let us look at this trade with North Carolina; let us examine it thoroughly and fairly; let us go to the merchants at Fayetteville, Washington, Wilmington, and other commercial towns of that State, and inquire of them how this trade is carried on—how they pay for the cotton goods they purchase from the North. They will tell you that every vessel, laden with cotton fabrics, arriving at their ports, takes back lumber, corn, tar, turpentine, hams, and other productions of North Carolina. Sir, ask them if they pay a tax of eight cents per yard, and they will not understand your question; they will point to their goods, and say, the prices of these were six, seven, and eight cents per yard, therefore, the duty or tax on them could not be eight cents. This would be their reply.

Sir, if we now and then get a few hams from Virginia or North Carolina, we consider them a great luxury; we devour them when necessary for our sustenance, and do not stop to inquire whether we pay a duty of three or more cents per pound, although they are set down in the tariff as a protected article.

Sir, if the gentleman from North Carolina will make the inquiry of his constituents concerned in the trade with the Eastern States, and if they do not inform him that, so far from its being a losing or injurious trade to North Carolina, but, on the contrary, that it is otherwise, then, sir, I will not only acknowledge my error, but I will unite with him in modifying the tariff so as to secure a just and proper reciprocity to all the great interests of the country. I will do it now. To promote the general welfare and injure none, is my aim; it is all I desire, and all I ask. Sir, I know we are great consumers of the productions of North Carolina; I know it by experience; I had occasion to use many boards and other timber of North Carolina the season past. Sir, a paper now lies before me, containing the official return of all the lumber brought to the port of Providence the last year, which shows a very large quantity of the hard pine of North Carolina in the list. I know, sir, that large quantities of corn, tar, and other productions of that State, are brought to our market, and I do hope, sir, that this trade and intercourse among our citizens will be permitted to remain; that it will increase and grow more and more for their mutual benefit. For all concerned know that they pay no tax on the cotton goods received of us, and that we pay no duty on the productions received of them; that it is a trade of perfect reciprocity and freedom.

Sir, this 'thing called trade is so interwoven with the agriculture, manufactures, and navigation of the country, that I will not pretend to follow it in all its ramifications. It is enough to know that each stimulates and promotes the other; that, by aiding and encouraging the one, you assist the other; in the same manner as a North Carolina planter, when growing corn to feed the manufacturer, is wearing the cotton cloth and consuming the product of the manufacturer; and the manufacturer, when making the same cloth, is eating the corn of the planter. In this way they are mutually benefited; each a producer, and each a consumer; and both consumers and both producers; no taxes paid by either, nor any money needed in the exchange of their commodities. One receives a fair equivalent for his grain, the other for his cloth; the whole harmoniously go-

ing on, and would so continue, were it not for some singular and fatal delusion, riveted on the minds of intelligent and honorable men, who pursue theories, and not the common and practical transactions of life.

Sir, why should we, by our legislation, destroy this great branch of the industry of our country? Nursed into being by the Government, cherished by every administration, and now in the full tide of successful experiment.

Sir, are gentlemen desirous of hastening wretchedness, misery, and want? of ruining those now possessed of a competency, and of reducing them to poverty? to drive females from useful and proper employment, and children to beg in the streets? and that, too, without benefiting any part of the country. For after our manufacturers are ruined, the prices will be enhanced. We shall have no domestic competitors, and must pay the price the foreigner pleases to tax us with; and for what? Why, that others, in a distant land, may receive the benefits denied to our own citizens.

Sir, I beseech gentlemen to pause, to reflect, before they take the fatal step that will bring ruin and dismay on so large a portion of the community in which we live. I do hope that the gentleman from South Carolina, himself, will, on reflection, withdraw his proposition. I will not say the original resolution, taken to the letter, is precisely as it should be; perhaps some modification would be well, keeping in view the great principle of encouraging the industry of the country, without taxing any for the benefit of another. My rule is, protect your own citizens from the cupidity and injurious actions of foreigners, and thereby promote the interest and happiness of our own country.

Sir, what do we ask? Nothing but the privilege of earning a living by the sweat of the face. We say to Maryland, Virginia, and North Carolina, take our manufactures at the price others will make them at; give us, in exchange, your corn, flour, hams, or bacon, lumber, and what else you have to spare. We ask for no money. To the cotton-growing States, send us your cotton to spin; we will pay you in cloth at a fair price—at a reduced price. We will aid in the increase of consumption of your staple production, and assist to keep a firm and steady market for it throughout the world. Of Pennsylvania, we ask, in exchange, coal and other productions of her soil and manufactures; but, above all, give us coal; we could not obtain the half we needed the last year; increase your diligence, and grant us more coal. To the West, we say, send us your productions, and take our cotton; we have tasted largely of your pork and hams; send us lead, copper, furs, peltry, buck horns and skins, buffalo robes, (and a few tongues, if you have them to spare,) cattle, horn tips, and hides; wool, as much as you please; in short, any thing you grow or raise, and you shall have cotton shirts, checks, and prints, quantity and price to your heart's content. Turn your attention to raising madder; the growth of it is well adapted to your soil and climate; you will find it a profitable culture, and it will always command a good price in the market. Much is now used, and more is wanted. All that we have is imported from Europe; I believe mostly from France and Holland.

Sir, we have heard something of free trade, of the free trade of Great Britain. It has been so long asserted, that many persons do verily believe that the ports of all her possessions are open to all the world, duty free; that she takes beef, pork, grain, whiskey, and flour, for her productions, at all times. Whatever we may think here of her free trade, the practical merchant and navigator know it is otherwise. What was the practice of England in the infancy of her manufactures? Did she open her market to all the world, and admit, duty free, goods similar to those of her own manufacture, at a time when they were struggling for existence? No, sir; she secured

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and protected them against foreign competition until she excelled the world in the art of manufacturing, and, by the system of protection, she arrived at her present state of perfection. Does she, even now, extend the system of free trade? Does she not tax all silk stuffs imported into her dominions thirty per cent., and cottons twenty per cent., and to many of her colonies to the amount of prohibition? Is this free trade? Will she at this time sell her best machinery, and permit it to pass out of her dominions? She knows she excels in this, and, by that excellence, she is able to compete with the world in her manufactures. Sir, we have, by numerous experiments, much cost, great labor, and long practice, rivalled her in a few articles, under the fostering care of the Government; and without that fostering care, we never could have succeeded. Our enterprising citizens would have fallen beneath the skill, capital, and cupidity of a foreign rival. Extend your protection to other branches of industry, and we shall experience similar results. What has been done in the most ingenious and intricate branch of manufacture, can be accomplished in a more simple and less complicated form. Skill, capital, and enterprise exist in abundance, and need only the aid of the Government to give them life and action. This has been the policy of Great Britain, and is her policy now, in regard to all manufactures in which she does not excel so as to rival the world.

Sir, what is the system of France? Bonaparte, by prohibitions and premiums, gave activity to manufactures; the consequence is, that, instead of importing from Great Britain, and becoming subsidiary to her, she now manufactures for herself. Although her machinery is imperfect, when compared with Great Britain, yet France supplies her own countrymen with the articles they need. She imports cotton to Havre, thence it is conveyed over land to Amce, 440 miles, there manufactured, and sent in caravans to Paris, upwards of 400 miles. (A canal, part of the way, has, latterly, I believe, been made.) Notwithstanding all these obstructions and inconveniences, she still believes it for her interest to manufacture for herself, and will continue to do so, notwithstanding she might purchase at a less price of her neighbor. Then why should we not pursue the same policy other nations have deemed wise and good for them? Are we so much wiser than our contemporaries as to believe they do not manage their concerns for their best interest, and that a contrary policy would be better for us? Should we be of that opinion, we may find, perhaps, when too late, we have been under a fatal delusion; that the system of encouraging the industry of our own people, in preference to that of foreigners, is the true American system, and should not be abandoned.

Sir, this system has caused many improvements in the mechanic arts with us. Most of the improvements in machinery in England, as well as in this country, have been made by mechanics and those who superintend its operations. Perceiving faults, they have invented means of correcting them. Great improvements in the power loom have been made in this country; the adaptation of it to the weaving of bed tick, the great desideratum with manufacturers, was first successfully applied here, which has reduced the article to nearly the price that was formerly given for weaving it. It is now sold at a less price than it ever was before, or ever could have been without the aid of the power loom. The rolling temple, almost a self-moving machine, was lately invented here, and is unknown in England. The dresser and finisher, a machine of great utility, and indispensable in a modern factory, and now used, not only in this country, but in England, was invented and made here. The cotton picker, also, is of our invention, a great labor-saving machine, and performs the work of a hundred hands. The machine for making nails, unrivalled in usefulness, was also

invented in this country, and has reduced the article of nails more than fifty per cent.

Sir, another machine, for making hats, of great utility, simple in its form, was unknown and unthought of until the ingenuity and invention of a practical mechanic first conceived, matured, brought forth, and ushered it into the world for the benefit of man. So great is its power and efficacy in the saving of manual labor, that the price of the article on which it operates has been reduced fifty per cent., and, in a short time, when the patent right shall cease, will still be lower. This machine has also stolen its way to the British empire, and is now sending forth hats of English wool and manufacture, which are shipped to this country in an unfinished state, and sold here to the great injury of our wool growers and manufacturers, and in violation of the patented right of the inventor. Sir, if the Government had not encouraged, and in some degree protected, manufactures, is it probable that these improvements would have been seen or known by us. At least, they would never have been in use here. But, fortunately, other councils prevailed; they were encouraged; they were protected; and we are reaping the benefits of their wisdom. Sir, this is an age of improvement; we see it around us in every form; and shall we stand idle, shut our eyes, fold our hands, and not participate in it? I hope not. I trust not. But that the work, so gloriously begun, will go on, and that the time may come when the representatives of Virginia, here upon this floor, shall be willing to confess that on yonder hills our father feeds his flock, and that the shuttle and the loom shall be heard from the majestic Ohio, along the banks of the Shenandoah, even unto the Atlantic.

Mr. GRUNDY expressed an intention of following in the discussion; but, as the hour was late, he moved that the Senate take up, informally, the joint resolutions just received from the House of Representatives, respecting the approaching removal of Washington's remains.

Mr. TAZEVELL, before this motion was put, begged leave to make some inquiries of the gentleman from Rhode Island, who had last addressed the Senate, as to the source of some statistics referred to in his remarks. He wished to learn from what source the information was obtained, by the Senators from Rhode Island and Kentucky, of the amount and descriptions of products imported coastwise into Providence from North Carolina. He could, then, from the same source, perhaps, learn what products were brought into North Carolina, from Rhode Island. There were no papers before him where such statistical facts could be found.

Mr. KNIGHT referred, for the source of this information, to a certificate in his possession, from the collector of the port of Providence.

Mr. CLAY said that authentic mercantile records had been kept in some of the principal ports, which he had used as authority, finding them in the newspapers.

Mr. TAZEVELL said that the information he sought, could not be obtained from these sources.

WASHINGTON'S REMAINS.

On motion of Mr. CLAY, the Senate proceeded to the consideration of the following joint resolutions from the House:

Resolved by the Senate and House of Representatives, That the President of the Senate and Speaker of the House of Representatives be hereby authorized to make application to John A. Washington of Mount Vernon, and to George W. P. Custis, grandson of Mrs. Washington, for the remains of Martha Washington to be removed and deposited in the capitol at Washington city, at the same time with those of her late consort, George Washington, and, if leave be obtained, to take measures accordingly.

Resolved by the Senate and House of Representatives, That the President of the United States, the judges of

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the Supreme Court, Charles Carroll, of Carrollton, James Madison, the Secretaries of State, of the Treasury, of War, and of the Navy, the Postmaster General, the Attorney General, and the relatives of the family of George Washington, be invited to attend at the ceremonies to be performed on the 22d of February instant, in honor of the memory of George Washington; and that the President be requested to superintend the deposit of the remains of the deceased in the place which has been selected for that purpose.

As to the joint resolution, Mr. CLAY said there could be no objection, unless it was to the second name inserted in it. He did not think the application should be made to any but the resident proprietor of Mount Vernon, who was the representative of the family. Mr. Custis was only connected with the family by marriage; and if the application was made to him, it should, for the same reason, be made to others, of the same branch of the family. He moved to strike out the name of George W. P. Custis.

Mr. FORSYTH remarked that the object of the resolution was to obtain the assent of the family to the proposed removal, and that Mr. Custis was the only living male descendant of Mrs. Martha Washington.

Mr. CLAY withdrew his motion; and, after some remarks from Mr. TAZEWELL against, and by Mr. CLAY, in favor of the resolution, it was agreed to.

The second resolution, inviting Mr. Madison and others to be present at the commemoration, was taken up.

Mr. POINDEXTER, intending, he said, to vote against the resolution, called for the yeas and nays on the question of agreeing to the resolution. He would not object to the distribution of invitations by the committee, but it was a novel and extraordinary measure to issue cards of invitation by a joint resolution of Congress.

Mr. CLAY was of the same opinion expressed by the Senator from Mississippi; but, as the resolution was before us, he hoped he would withdraw his objections to it.

Mr. BIBB offered an amendment, which he regretted was not offered by some other person, as it was his intention to vote against the resolution. There was another Ex-President besides the one named in the resolution, to whom it was proper that the invitation should be extended; and he moved to insert the name of J. Q. Adams.

Mr. POINDEXTER moved that the resolution be laid on the table—agreed to by a vote of 14 to 13.

WEDNESDAY, FEBRUARY 15.

WASHINGTON'S REMAINS.

On motion of Mr. FORSYTH, the joint resolution from the House, yesterday laid on the table, inviting certain distinguished persons to attend the celebration of the 22d of February next, was taken up, and read as follows:

Resolved by the Senate and House of Representatives, That the President of the United States, the Secretaries of State, of the Treasury, of War, and of the Navy, the Postmaster General, and the Attorney General, be invited to attend at the ceremonies to be performed on the 22d of February instant, in honor of the memory of George Washington; and that the President be requested to superintend the deposit of the remains of the deceased in the place which has been selected for that purpose.

Mr. FORSYTH said that the objection to the resolution, made yesterday, was, that it was improper for Congress to give invitations; he thought differently; but as he did not wish to revive the question, he would submit the following substitute:

Resolved, That the President of the United States be requested to superintend the deposit of the remains of George Washington, in the place which has been selected for that purpose, on the 22d February instant.

Mr. JOHNSTON moved to strike out all the names except those of Madison and Carroll. He thought the family

of Washington should be invited by the committee. The connexion of the names of Madison and Carroll with the history of the country, distinguished them from all others, and he thought they should be specially invited to attend by a resolution of Congress. He understood yesterday that the Senate objected to invitations by resolution; the object of his motion was to ascertain whether the Senate was willing to retain the invitation to Mr. Carroll and Mr. Madison.

Mr. KING had understood that the committee were authorized to invite the attendance of those gentlemen and many others.

Mr. JOHNSTON wished to include in the invitation the name of the ex-President Adams, but he had understood that that gentleman had expressed upon the same proposition, when made in the other House, an unwillingness to accept any mark of distinction from other members of the same body to which he belonged.

Mr. POINDEXTER said, if invitations were to be given at all, he would be perfectly willing to retain the names mentioned, but he objected to the form and principle of the invitation. It should be extended, if given at all, to the venerable Sumpter, and to the biographer and friend of Washington, the Chief Justice.

Mr. JOHNSTON having withdrawn his motion, the question recurred on Mr. FORSYTH's motion.

Mr. CLAY remarked that the presiding officers of the two Houses were invested with the power to make all the arrangements proper for the occasion. The plan originated in Congress. It was the work of Congress from the adoption of the resolution, in 1799, to the resolution now adopted for carrying it into effect. It had been thought proper, therefore, to leave the arrangements with the presiding officers of the two Houses, as the manner most respectful to the family and the memory of the deceased. The joint resolution reported from the joint committee had vested the superintendence of the removal with the presiding officers of Congress.

Mr. FORSYTH thought that the proposed amendment carried out the original intention of Congress, which assigns the duty of the removal to the Chief Magistrate. He did not think that there would be any incongruity between this amendment and the resolution assigning the arrangements to the President of the Senate and the Speaker of the House.

Mr. KING said there was no incompatibility between the proposition of the gentleman from Georgia and the resolution adopted.

The amendment was then adopted, and the resolution, as amended, was agreed to.

COMMERCIAL STATEMENTS.

Mr. HOLMES rose to offer a resolution calling for information, according to the act of Congress, of 1820, requiring the Secretary of the Treasury to lay before Congress, at the opening of the session, a statement of the commerce of the United States with all countries. Mr. H. said that as the provisions of the act have been made particularly to enable Congress to obtain information that would enable them to act understandingly on questions which might arise relative to commerce, the importance of the resolution would be seen at once. By the act, the Secretary was requested to make the return as soon as possible after the 1st of December, at each session. The returns were to be made quarterly, near the 1st of September, December, March, and June. The last year, this document, which should have come in early in December, was withheld until after the close of the session; and at the 1st of March the Senate were informed that the Secretary would not be able to make it out during the session of Congress; and it was not until eight weeks after the members had returned home that the statement made its appearance. It was very extraordinary that the statement was not made out on

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the 1st of March. We know that it was not received until eight weeks after Congress adjourned, and the Senate will see that it is important to ask the reason why the statement was not given before the close of the session, in order to apply the proper remedy, if there was in fact any reason why this could not be done. We are now far advanced in the present session; the subject of our commercial relations with the British colonies has come up before Congress under peculiar circumstances: information has repeatedly been sought for from the Executive, and yet this document is withheld, which all must see to be important and necessary to enable Congress to act understandingly upon this question.

The document referred to should have been communicated to the Senate near the 1st of December; and more than two months have elapsed since the time which the Secretary is required by the act of Congress to present it, and yet nothing has been seen or heard of it. The request might be made, and the returns given, all within the space of six days, and yet for seven weeks it has not been done, and the duty has been neglected. He wished also to know what had become of the answer to the resolutions that were long since submitted by himself and his colleague relative to the trade between the United States and the British West India colonies, calling for important information, most of which could have been given long before now. Some of it might not have been obtained at that time; but can it have been necessary to spend two months in collecting it? In order to know the reason why this information had not yet been received, and why documents so important to the Senate were withheld, Mr. H. submitted the following resolutions:

Resolved, That the Secretary of the Treasury be directed to inform the Senate why the statements of the foreign commerce of the United States, required by the act of the 10th February, 1820, have not been transmitted to Congress; and, if there is any impediment to a compliance with the provisions of that act, what legislative provision is necessary to remove it.

Resolved, That the Secretary of the Treasury be directed to inform the Senate why he has not reported in answer to their resolution of 22d December, 1831, calling for information in regard to the British colonial trade; and when the answer is to be expected.

These resolutions lie on the table one day.

THE TARIFF.

The Senate resumed the resolution of Mr. CLAY relative to the tariff.

Mr. GRUNDY rose, and said he was aware that he could contribute but little of talent or information upon the subject now under discussion; and that most of what he should say would be a dull, cold repetition of that which has been said by others. Notwithstanding this, said Mr. G., I have no apology to offer for consuming the time of the Senate. Sir, we ought to consume time; we ought to consult long together, nor should we ever separate until this whole matter is adjusted. Our constituents expect it; the Executive has recommended it; duty demands it; and the fault is ours if it be not accomplished. When it is recollected that the people of the United States have borne adversity of every kind, both in peace and in war, with courage, fortitude, and perseverance, shall we so act as to exhibit to the world the strange but melancholy spectacle of discords and strifes, arising out of the very success of our Government and the prosperity of our country, which shall endanger our existence as a nation? We are at peace with all nations, and, from present appearances, are likely to remain so; the public debt is extinguished for all practical legislative purposes; and at this time, when gladness should pervade the land, and every American heart rejoice, there is more discontent than at the most gloomy and distressing periods of our history.

Are the causes of the complaints which we hear feigned and unfounded, or are they real? and is the hand of oppression bearing heavily upon that portion of our countrymen who are now urging their claims for relief? They believe a system of taxation, unjust, unequal, and oppressive in its operations, is to be continued and fastened upon them—not for the support of the Government, which is the only legitimate object of taxation, but in order that a particular class of men may be benefited by their labor; that their prosperity is to be checked, and their labor rendered unproductive to them, that capital vested in manufactories may be rendered more profitable to the owners. Entertaining this opinion, they are surely right in requiring Congress now to take this subject into consideration, and to grant relief so far as they are entitled to it. No time can be so proper as the present, when we are about to establish a system of finance suitable to a nation free from debt and all incumbrance. It seems to me that it is likewise the interest of the manufacturers that this controversy should be brought to a close. There is one kind of protection which they certainly need; that is, some security against frequent legislative changes on this subject. Stability and permanency in the system is of more importance than any protection you can extend to them, when that protection is held by an uncertain and precarious tenure. In order to give this security, the taxes upon the community must be reasonable; if they be not, nothing can be more certain than that a period will arrive when a change will be effected, and under circumstances and feelings least favorable to their interests. If the community, or any great portion of it, be oppressed, and no disposition be manifested by those who profit by that oppression to alleviate their sufferings, but little regard will be paid to their welfare. This is the natural course of things, and no class of men can claim an exemption from it.

To the argument that Congress ought not to reduce the taxes on protected articles, because existing laws have induced men to employ their capital in these establishments, the answer is a plain one. Every man who has thus invested his money, must have looked to the probability of a reduction of taxes and imposts whenever the public debt should be discharged, and the Government should no longer need the money accruing from high duties. In addition to this, those upon whom this taxation has operated with most severity, have, at all times, insisted upon its injustice, and avowed their determination never to relax their efforts until they obtained redress. This argument, therefore, loses much of the force to which it would be entitled under different circumstances. I cannot, myself, consider the manufacturers as authorized to claim a continuance of the present duties, on the ground of any pledge, expressed or implied, given by the Government. Still these establishments exist, and should be regarded as a portion of the public interest; and, of course, the same attention should be paid to them as to the other great interests of the country, in any adjustment which may be made upon the subject.

Being desirous to present an entire and unbroken view of the opinions I entertain in relation to the tariff, the Senate will indulge me, before I do so, in disposing of, and putting out of the way, some remarks not bearing directly upon this subject, which I regretted to hear advanced in this discussion. I regretted their introduction, not because they were not susceptible of a satisfactory reply, but because the subject before us was of magnitude sufficient to require our individual attention, and because I was unwilling that party politics should provoke one unkind feeling in this debate. Others, however, have thought and acted differently, and have thereby made it the duty of the friends of the administration to meet their assailants upon the ground they have selected. At the same time I wish it to be understood that neither retort

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nor recrimination form any portion of my design. I will only endeavor to do justice to those who have no opportunity of being heard or defending themselves upon this floor.

I understand the Senator from Kentucky [Mr. CLAY] as saying that, owing to some cause, (and he left it to be inferred,) most probably from the equivocal course pursued by the present Chief Magistrate, his opinion, on the south side of Mason and Dixon's line, was understood to be in opposition to the tariff, or at least to the principle of protection; while, on the north side of that line, a different opinion is ascribed to him. A charge of this kind I never expected to hear. I did suppose the whole American people had understood him in the same way. Upon this, as upon all other subjects, when occasions have presented themselves, he has fearlessly and independently advanced his opinions, regardless of the consequences to himself. He is not one of those who change their opinions from day to day, as some politicians do, who snuff the popular breeze, and obey its inspiration. On great political questions he forms his opinions upon reflection, and he abides by them until his judgment instructs him that he ought to change them. Upon the subject now under discussion, his opinions were made public so early as the month of April, 1824; and I defy any man, in or out of the Senate, to show that he has ever written or uttered one word inconsistent with the sentiments then expressed. I differ from him in opinion upon this subject; but that difference is no reason why I should not place his opinions fairly before the Senate and the nation. His letter to Dr. Coleman, of North Carolina, of the 26th April, 1824, contains a true exposition of his sentiments in relation to this subject. Since that letter was written and published throughout the United States, two presidential elections have taken place; and the result of them we all know. I will now read to the Senate an abstract from that letter, containing all that relates to this matter.

Mr. G. then read the following:

"Providence has filled our mountains and our plains with minerals—with lead, iron, and copper, and given us soil and climate for the growing of hemp and wool. These being the grand materials of our national defence, they ought to have extended to them adequate and fair protection—that our own manufactories and laborers may be placed on a fair competition with those of Europe, and that we may have within our country a supply of those leading and important articles so essential in war. Beyond this, I look at the tariff with an eye to the proper distribution of labor, and to revenue, and with a view to the discharge of our national debt. I am one of those who do not consider a national debt a national blessing, but rather a curse to a republic, inasmuch as it is calculated to raise around the administration a moneyed aristocracy dangerous to the liberties of the country. This tariff, I mean a judicious one, possesses more fanciful than real danger."

I now submit to the Senate, whether what I have read does not contain a clear, explicit, and unequivocal expression of the opinions of the writer upon the subject now under consideration; and whether we cannot as distinctly understand the kind of tariff which he advocates, from the few lines I have read, as we can the opinions of the Senator from Kentucky, from his three days' speech on the same subject. The President declares himself in favor of the principle of protection; and that protection in the articles mentioned, and some others, may properly form the primary considerations of a tariff. In this, the opinions of the President, and the Senator from Kentucky, [Mr. CLAY,] agree; nor can I discover any difference between them, except it be in the use of the term "judicious," with which the Senator from Kentucky seems to find fault.

If in this they differ, I should infer that the President

is in favor of a reasonable and judicious tariff, and that the Senator from Kentucky is in favor of an unreasonable and injudicious one. For my own part, I think them both wrong in principle. Revenue, in my judgment, should in all cases be the primary object in the imposition of duties, and protection should only be incidental and subordinate.

The description given by the Senator from Kentucky of the proceedings on the 4th March, 1829, and the character given to that vast assemblage of citizens collected in this place, was altogether different from what I had supposed. I was not here, and, therefore, can only speak from what I have heard and read. Taking that for my guide, I thought that the thousands and tens of thousands had assembled here for gratulation and congratulation, and to see that man clothed with the robes of office "who had filled the measure of his country's glory." That gentleman [Mr. C.] I know did not participate in the general joy; but he was neither intimidated nor dispirited; for, although he left the city, so soon as he reached the heights of Georgetown he raised the standard of opposition, and with a loud voice called upon his scattered legions to unite and stand ready for the ensuing conflict; and, amidst the roaring of artillery, he carried defiance even to the cannon's mouth, although then under the control of the "military chieftain."

I was pleased with the highly painted picture of the prosperity of the West, exhibited by the Senator from Kentucky. I knew it was a mere fancy-piece, far exceeding the reality. I should, however, have been more gratified, if, in putting down the flourishing cities, towns, and villages of the West, he had inserted the city of Nashville. It would have been no disadvantage to the picture; for we there have some wealth and prosperity, likewise—mostly growing, however, out of agriculture and commerce, and ordinary mechanical labor. We are not much indebted to manufacturing establishments. When that Senator is informed, as I now inform him, that he has in that place a number of respectable friends, I hope, in the next picture of the kind with which we are favored, Nashville will have a place; and if the neighboring Hermitage should be offensive to the eye of the painter or his friends, it can be omitted. Notwithstanding the omission of this flourishing city, and although I think the whole description too poetical and overwrought, still I am gratified with the reflection that we now have an assurance that neither "war, pestilence, famine, nor any other direful scourge" has visited the country since the 4th March, 1829.

I little expected, in a debate upon the subject of the tariff, to hear the old and well known cry of proscription sounded in our ears. But, "from the abundance of the heart the mouth will speak;" and this subject is now revived by the Senator from Kentucky. I had supposed that the resolution introduced by the Senator from Ohio, [Mr. EWING,] was intended to hang anti-proscription speeches upon; I will, therefore, not go into that subject. An ample opportunity will be afforded to do so when that resolution shall be taken up, unless, indeed, the Senator from Ohio, upon reflection, shall change his opinion, and permit his resolution to sleep the sleep of death. Although I am no advocate, nor ever have been, for turning men out of office for a full and frank expression and exercise of political opinions, yet there is one thing worthy of great consideration. The people of the United States believed a change in those who administered the Government proper and necessary. Whether they decided right or wrong, I shall not now inquire; but I submit to the Senate whether the just expectations of the country can ever be realized when the public believe the hand of reform should be applied, by a change of the Chief Magistrate only. It is true that, in such a case, the first office of the Government is placed in different hands; but if all the subordinate officers remain, no material alteration in the administration of the Government will be effected,

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and the Chief Magistrate will find his intentions and views constantly thwarted by those who are opposed to his opinions. I will state one fact, of which the country is not apprised, and the evidence of which I have before me, furnished from an authentic source. Here is a list of all the clerks in the different offices in this city, distinguishing those who belong to the different political parties; and it appears that a large majority, a very large one, are on the side of the Senator from Kentucky, and opposed to the present administration; and although I will not publish their names and proclaim their political opinions to the Senate, yet, if that gentleman has any desire to know who his friends are, I will furnish him with the information, although I presume he knows his friends better than I do.

Mr. Gallatin, yes, Albert Gallatin, has been charged by the Senator from Kentucky with possessing feelings alien to this country, and has been told to go home to his native land, and teach there lessons of political economy, before he undertakes to teach us upon these subjects. Let us see who this Mr. Gallatin is, that has thus fallen under the displeasure of that honorable Senator. He is an older citizen of America than either that Senator or myself, although we were both born here. He was here during the war of the revolution; he was here at the adoption of the federal constitution; and in the great political conflict which terminated in the expulsion of the elder Adams from office, he literally headed the van of the republican forces. When Mr. Jefferson came into power, and cast his eyes over the whole United States, for the purpose of calling to his aid, in the administration of the Government, the ablest, wisest, and most patriotic men, he selected Mr. Gallatin as one of his chief counsellors. During the eight years of his administration, Mr. Gallatin superintended and conducted the financial department of the Government. When Mr. Madison came into office, Mr. Gallatin was continued in the same station until it became necessary to send ministers abroad to negotiate a treaty with Great Britain, and then Mr. Gallatin was associated with that honorable Senator and other distinguished citizens to whom that high duty was assigned. Under Mr. Monroe's administration, he was our minister at different periods, at both the courts of Great Britain and France. Under the last administration, of which the Senator from Kentucky [Mr. CLAY] was a distinguished member, when a delicate and difficult negotiation respecting the colonial trade was to be opened with Great Britain, Mr. Gallatin was selected as the most suitable character to whom could be entrusted that responsible duty; and he carried with him abroad instructions prepared and signed by that gentleman himself. Further, when an exposition and argument was thought necessary to be laid before the arbiters, the King of the Netherlands, by the last administration, vindicating our claim to the territory in dispute between the State of Maine and Great Britain, Mr. Gallatin was selected to prepare it. This was not finished at the late change of the administration; and, by our present Chief Magistrate, Mr. Gallatin was requested to complete it.

You, Mr. President, remember that, in 1811 and '12, this same Mr. Gallatin was looked to, by the politicians of that day, as a political Mentor; and that, next to Mr. Madison, no man in the councils of the country contributed more to the success of the United States in the great struggle in which they were then engaged. Sir, of what offence has Mr. Gallatin been guilty? He has ventured to differ in opinion with the honorable Senator from Kentucky upon the subject of a tariff of duties, and this is the sin for which he can find no forgiveness. Others may condemn him; I will, however, take the liberty of considering him one of the wisest, best, and most patriotic men that was ever engaged in the public affairs of this country. He has been trusted oftener and longer, and by more administrations, in high and important stations,

than any other American statesman, and has always been found faithful. Such is the man, trusted by all, and always found faithful, resorted to in difficult cases by the Senator himself, devoted to his country, and knowing no other, who, we are now told, is a "heartless foreigner, without American feelings."

I will now say a few words upon the subject of the balance of trade, which is urged as an argument against enlarging the commerce of the United States. The argument is, that if a nation exports less than it imports, the difference is a loss, and the balance of trade is against such nation. Upon these premises, it is argued that, as the importations into the United States, taking several years in succession, exceed the amount of the exportations, our foreign commerce is disadvantageous and unprofitable. The great error, in my opinion, in this mode of reasoning, is, that the gain or commercial profit is charged as a loss. There is nothing more true in the commercial world, than that the exports and imports of a nation are regulated by each other, and that commerce cannot exist and be carried on by two countries when this is not the case. In regular commerce, each country may be profited and grow rich by an interchange of commodities, and the balance of trade, according to this reasoning, be against both. I will illustrate this in a way familiar to the Senator from Kentucky and myself. Suppose a citizen of Kentucky shall take his drove of horses, costing, at home, two thousand dollars, to the State of Alabama, and there exchange them for cotton worth three thousand dollars, after paying all expenses, and shall return to Kentucky, bringing with him his three thousand dollars worth of cotton. In this case, Kentucky has exported two thousand dollars worth of her property, and three thousand dollars worth of property has been imported into Kentucky. Now, according to this balance of trade doctrine, Kentucky has lost one thousand dollars, when, in fact, she has gained precisely that amount. Nor has Alabama lost any thing; for the horses may be worth in Alabama one-half more than they are in Kentucky. They may even be so valuable as to command four thousand dollars to the purchaser in Alabama, so that four thousand dollars worth of property has been obtained for three. Thus each State has gained a thousand dollars worth of property by the exchange, and yet the balance of trade is against both. The same principle applies between the United States and foreign nations. If we export to the amount of seventy millions, and import to the amount of ninety millions, there is a gain of twenty millions, with the deduction of the whole cost of carriage, or producing the interchange of the articles of commerce. A ship may leave Boston, with trinkets worth two thousand dollars, may barter them with the Indians on the Northwest coast for furs, may exchange those in China for silks and teas, and return with a cargo worth fifty thousand dollars. By this process, the owners and the country are enriched; and yet the balance of trade, of which gentlemen talk, is largely against the United States. Indeed, according to this theory, the more profitable the voyage, the more is the balance of trade against us; and if we could obtain foreign commodities for nothing, it would be altogether against us. Yet, would not our country be enriched by presents of rich cargoes from abroad? Would any citizen of the United States think himself or his country made poor, if a friend in England should send him a ship load of the most valuable British fabrics as a present? Would he send them back because they caused this balance of trade to be against the country or himself?

Reverse the picture. Send fifty thousand dollars worth of your wealth abroad, and exchange it for two thousand dollars worth to be brought back. Here the balance of trade is largely in favor of our country; but is any body enriched by it? On the contrary, are not all concerned in such commerce made poor? If we were to give away

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our produce and merchandise, "the balance of trade," on this theory, would be altogether in our favor.

The best trade is, when, for every little you send out, much comes back. Then are our citizens and our country flourishing and getting rich. The farmer will tell you that it is better to get ten pounds of sugar for a bushel of corn than five pounds. He always likes the balance of trade against him in that way, and it is just so with the nation.

When gentlemen say that commerce is not encouraging American industry, I answer that the articles exported are the products of American labor; that the ship is of American manufacture, and made of American timber; that the sailors who navigate the vessels are Americans, and their labor is American labor. The whole is an American transaction, and encouragement to American industry. Foreigners have nothing to do with it, except that they furnish our citizens with favorable contracts, by an interchange of articles, the products or manufactures of their respective countries, by which the wealth and prosperity of the United States are promoted and enlarged.

Mr. President, why is this protection through the medium of high duties claimed by the American manufacturers? It must be owing to one of two causes. Either the articles can be manufactured much cheaper in other countries, or the American manufacturers desire unreasonable profits. That many articles can be made cheaper abroad than in this country, there is no doubt. Labor is cheaper. In Russia and Sweden, the wages of an able-bodied laborer are only six or seven cents a day; in Great Britain, the price is very little higher. In the latter country, with a population of one hundred and sixty-five to the mile square, more people are found ready to starve, and of course are willing to work for a bare subsistence, than in the United States, which does not contain seven for each mile square. This inequality in the price of the production of articles, arising from the difference in the price of labor, can only be obviated in one of two ways. You must either reduce the price of labor, by degrading the people of this country, so far as to compel them to labor for a bare subsistence, or you must tax the community to make up the difference in favor of the American manufactures. The first mode, I hope, has no advocates here or elsewhere. The second mode is unjust and oppressive, as I will now endeavor to show.

It is unjust. The Senate will indulge me in illustrating this in a plain way, which is my habit of conducting arguments on all subjects. Suppose ten men engaged in agriculture, and you, by your enactments of your laws, cause five of them to abandon that, and adopt some other pursuit—manufactures, if you please; and you, at the same time, require that one-third of the products of the five remaining agriculturists shall be given to them; all men would at once exclaim, this is plain, open, palpable injustice. Now, sir, where is the difference between this and compelling the agriculturists to give one-third more for all the articles for which they exchange the products of their farms; or, when you compel them to give one-third more in the money for which they have sold their crops, and this for the benefit of those who have abandoned their former pursuits? For instance, a planter, in the neighborhood of Nashville, where I live, sends his three bales of cotton to New Orleans to purchase or exchange for imported articles for the consumption of his family. Now, the Government takes no part of his cotton from him, his agent exchanges the whole of them for the articles ordered; but, in fixing upon the price of the articles received in exchange, one-third is added on account of the duties imposed. It seems to my mind very evident that one-third of the man's cotton is gone as certainly and effectually as if the Government had taken it in the first instance, and then permitted him to purchase the articles one-third cheaper.

What is the common practice which prevails in most

parts of the cotton-growing country? The planter does not himself export his own cotton, but sells it to his merchant in discharge of his store account. Now the merchant pays him for the whole of his cotton; but, in the articles purchased, there is one-third charged on account of this tax. This is plain and manifest to every one who reflects upon this subject. The importing merchant, when he arrives with his merchandise at the city of New York, Philadelphia, Boston, or Baltimore, is charged by the Government with forty or fifty per cent. as an import duty upon the articles imported by him. He, of necessity, adds that to the price, and then sells to the Western merchant, with a profit added to both. To the Western merchant the original cost, the import duty or tax, and the wholesale dealer's profit, constitute the cost of the article; and upon all these, added together, he lays his profits.

The statement I am now about to make will show something of the operation of the tariff upon the Western farmers and mechanics.

Cost of merchandise in Europe,	- - -	\$100 00
Expenses of importation,	- - -	10 00
Value at the warehouse,	- - -	110 00
Add an ad valorem duty of forty per cent.,	- - -	44 00
Actual cost to the importing merchant,	- - -	154 00
Add importing merchant's profit, say ten per cent.,	- - -	15 40
Actual cost to the Western merchant,	- - -	169 40
Add Western merchant's advance to cover transportation and profits, 25 per cent.,	- - -	42 35
Actual cost to the farmer and mechanic,	- - -	\$211 75
The increase of the price to the farmer and mechanic in the Western country, in consequence of the tax, may be shown thus:		
The import tax itself is	- - -	\$44 00
Importing merchant's profit on it,	- - -	4 40
Increase to the Western merchant,	- - -	48 40
Add to the Western merchant's profit,	- - -	12 10

Making the increased price to the Western farmer and mechanic, - - - \$60 50

Upon every hundred dollars worth of goods bought in Europe and carried to the West, our people pay a tax, in consequence of the tariff, of more than sixty dollars. This tariff tax is higher on the Western people than on any other, because on account of their distance from the seaboard, and the greater number of dealers through whose hands the goods pass: each adding his profits, and the time occupied in the transactions, making the profits higher, they are made to pay a sort of compound tariff. In this statement, a duty of forty per cent. ad valorem has been assumed as the average amount of duties, although it is believed that a higher rate of duty is actually paid on most articles consumed in the Western country. Upon presenting this view of the subject, no one can fail to perceive that the duty does enter into the price of the article to the consumer, which refutes at once the fallacious idea that high duties have a tendency to reduce the price of imported articles. To say to a plain minded man that the owner of an article worth ten dollars could afford to sell it cheaper by compelling him to pay five dollars as a tax before he sold it, would be to him a very unreasonable suggestion. He could not believe it; and yet it would be just as rational as the arguments we hear upon this subject. I admit that a strong and ardent competition between domestic and foreign manufactures will reduce articles to the lowest price at which they can be produced and brought into the market; and, therefore, I am not in favor of taxing out the foreign manufactures, which must be the effect of

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high duties, and of placing ourselves wholly in the power of the domestic manufactures. Rather than see this state of things, I would say to all the nations of the earth, come and trade with us; bring us the production of all soils and climates, bring us the articles produced by your industry, ingenuity, and skill, and receive in exchange the superabundance of the products of our country. Then, sir, you would see competition; then you would see prosperity return to every portion of the United States, and more especially to that which, under the withering influence of this high tariff system, has almost become desolate.

It is urged that the prices of articles have fallen since the adoption of the tariff of 1828; and this is ascribed to the introduction of the system. If the gentlemen could show that the price of protected articles only had fallen, or that the fall had been confined to this country only, there would then be some plausibility in what they say. But the unprotected articles have fallen in a still greater degree; and the fall is co-extensive with the commercial world. We must then look to other causes for the declension of prices, than our home competition. These can be found, in the first place, in the depreciation of our money. Money in the United States is now of one-third more value than it was a few years since. The amount of the circulating medium has been greatly reduced, in the re-establishment of a sound currency; the price of lands and all other property has fallen about one-third; and the same causes which have reduced their value, or price, must have a similar influence upon articles of merchandise. The improvement of machinery, also, has contributed greatly to diminish the price of production in manufactured articles. Another cause which has had great influence upon this subject, is, that almost all Europe is now in a state of peace, and, consequently, laborers have become plenty, and labor cheap.

The prosperity of a nation depends upon the wealth and prosperity of its citizens; and that policy, which is calculated to impoverish the great mass of the community, must operate to the prejudice of the national welfare. If an individual is compelled to give a hundred and fifty dollars for articles which, without the tariff, he could have purchased for one hundred dollars, he is certainly worth less by fifty dollars than he would have been without this tax. This operation is going on continually throughout the country; and, therefore, I believe Southern Senators when they say that, with the same industry, and quantity of labor applied as formerly, that whole region of country is becoming poorer and poorer every day. Why should I not believe them? Can I give credit to the opinions of those who are strangers to the condition of the people in that section of the United States, when they tell us that the South is in a prosperous and flourishing condition, rather than to those Senators who come from those States, and have their interests especially committed to their charge? The Senator from Maine, [Mr. HOLMES,] who resides so far to the Northeast that his State runs into a British province, or a British province into it, which, I am not able to say, for I have not yet sufficiently examined the subject; a Senator from Rhode Island, [Mr. KNIGHT,] skilled in arithmetic, who can count the profits upon his fingers' ends, that his constituents are making by this system; and a Senator from the West, far beyond the mountains, come forward and attempt to prove that those who represent them do not understand their true interests! Mr. President, has the land of Washington, Henry, and Jefferson; has the land of Iredell and Davie; has the land of the Pinckneys and the Rutledges; has the land of the Baldwins and the Waltons, all—all lost the breed of noblemen? Are their political descendants the degenerate sons of worthy sires? We know, sir, that this is not so; that, for intelligence and patriotism, they are not excelled by the men of any other clime or country. Already, we have heard the sentiments of South Carolina ably proclaimed

upon this floor. She stands not alone; North Carolina and Virginia have firmly and eloquently declared the same opinions; and Georgia has given certain and unerring indications that she will denounce the inequality and injustice of this system. When I see such a union of feeling and sentiment prevailing among those who have the best means of judging of the effects produced upon their constituents, I must be excused for paying but little regard to the theories and opinions of gentlemen who live remote, and do not possess the means of forming a correct judgment. These gentlemen could as well succeed in convincing him who is badly clad, and is shivering in the winter's blast, that he was well clothed, and warm, and comfortable, or him, who is perishing for want of food, that he suffers not from hunger, as to satisfy the people of the South that this system is not the cause of their depression and grievances.

In regard to the Western country, and every portion of it, I have always considered this system injurious. It is true the fertility of our soil redeems us from that state of suffering which is felt in some other parts of the country; but it checks and retards the prosperity and growth of the West. There is the largest body of rich land, of which we have any knowledge, inviting to agricultural pursuits; and you do violence to nature, whenever you so regulate society by your laws, as to prevent its improvement and cultivation. Bread stuffs, horses, mules, cattle, and hogs, have been and can be produced and reared in the greatest abundance. Now, the true interest of the Western farmer lies in obtaining a good market for these articles in the cotton-growing States; but the policy which has been pursued, has impoverished these States; they are rendered unable to buy, and are compelled to raise the means of their own subsistence at home, although their soil and climate are ill adapted to the production and raising of them. The effect of this system has been to destroy the beef market of the Western country.

I should like to know what benefit has arisen to any great class of the community in that section of the Union. It is true the manufacturers of rope and cotton bagging have found a readier market by the high duty on these articles; but the cotton growers, corn growers, and raisers of stock, have lost by taxation more than the manufacturers have gained; and this is the general effect of this system. One man is compelled to give more for an article than he would otherwise do, that the favorite of legislation may thereby obtain profits. In order to show more clearly the inequality and injustice of the system, let it be remembered that about two-thirds of all the exports of the United States consists of articles grown or raised in the Southern States. How, then, does it happen that New England, the exports from which are small, should, since the introduction of this system, have grown in wealth and prosperity beyond all former example, while that portion of the country most favored in soil and climate, producing more abundant crops than in former years, has experienced less prosperity than at any former period, and has sunk almost into poverty and despair? The cause, to my mind, is quite manifest. By the operation of this tariff, the products of the labor of one portion of the Union is transferred to another. That operation is effected in this way; the grower of articles for exportation is not permitted to interchange them, how and where he can, so as to be most advantageous to himself; but, by the high duties, he is compelled either to purchase his foreign articles at the increased price occasioned by those duties, or he must purchase the articles from New England at such price as the manufacturers may choose to affix to them; equal, at least, to the price of the foreign articles, with the duties added to it. This, sir, is the great object of the system. It is to prevent the citizens of the United States from carrying on commerce and exchanges in that way which may be most profitable to them, and constrain them to

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purchase all their articles of convenience and necessity from the capitalists and manufacturers of the Eastern States, at enhanced prices. This constraint I consider inconsistent with the genius of our Government, and as savoring strongly of tyranny and oppression. It is an encroachment upon the rights of the citizens, and should meet with no favor here. The great principle of protection in this Government should be to give to labor its whole earnings, and not permit any portion of it to be transferred to others. If an individual, by his labor, earns a dollar, let him have the whole of it; and let no law exist in the statute book, which will transfer one-third of it to others.

In relation to Tennessee, we have a greater abundance of iron ore than is to be found in any other part of the United States; and we are manufacturing it successfully and profitably. On account of the goodness of its quality, and cheapness of its production, we are underselling the manufacturers of iron in Pennsylvania, in the city of Pittsburgh, the Birmingham of the West; but I cannot tell how long we shall be permitted to enjoy the benefit of that market; for if gentlemen are so enamored with this tariff system, as to exclude us from foreign commerce, I should not feel much astonished at seeing an effort made so to construe the constitution of the United States as to prevent the iron masters in Tennessee from competing with the Pennsylvania manufacturers in their markets. Although Tennessee possesses great advantages in the article of iron, and has much capital employed in manufacturing it, I can see no justice or propriety in looking to the interest of these iron masters alone, regardless of the interest of the rest of the community. I cannot consent to favor them at the expense of every man who uses a plough, a hoe, an axe, a kettle, or a pan. Therefore I will consent to a reasonable reduction of the duty on iron, agreeably to the principles of compromise, which I shall lay down before I take my seat; and, in so doing, I have no fear of injuring any manufacturer of iron in the United States.

I have hitherto treated of this subject as it operated upon different sections of the country. I will now say something in relation to its effect upon the people of the States most favored by it. I do this with diffidence, because my personal observation does not enable me to speak with confidence. When I have spoken of the prosperity of New England, I only mean she is prosperous, when compared with other portions of the Union. My opinion is, that no State, taking the whole population together, has been benefited by this system. It is advantageous to the capitalists who own the manufactories, and it may afford a better market to those who live in the immediate neighborhood of them, and produce articles consumed by the laborers employed in them; but to all others living in the neighborhood, the price of provisions is rendered dearer; and even to the laborers themselves, who have families, the price of the means of supporting them is enhanced, and a portion of their wages in this way lost to them. In addition to this, the price of all articles of clothing is advanced; because the manufacturer will not sell at a lower rate than will barely enable him to keep out the competition of the foreign articles of the same kind. This is the effect in the vicinity of these establishments; but as soon as you go beyond the immediate neighborhood, the evils are unmingled with good. All the disadvantages of the higher priced articles are felt without any corresponding benefit. Notwithstanding the boasted advantages of this system to New England, we hear, as the Senator from Kentucky [Mr. CLAY] denominates it, "a still, small voice" raised in opposition. Yes, sir, we have heard the still, small voice of justice, and truth, and patriotism, from the granite State, proclaiming the injustice and impolicy of the system. The Senator from New Hampshire [Mr. HILL] has frankly told us that he has a large interest in a cotton manufactory, and that he neither needs nor desires the protection of high duties. Sir, I rejoice that we have

one manufacturer upon this floor, who comes forward and says he does not wish the interest of the country sacrificed for private emolument and gain; and I have no doubt there are many others who would do the same, if they had seats here. I thank that honorable Senator for the information he has imparted to his country upon this subject. He has shown that the agricultural State of Vermont has, within the last ten years, gained 20,000 in population upon the manufacturing State of New Hampshire; that agriculture has decreased; that there is now more cleared lands than hands for its cultivation; and that the price of land has fallen, and the whole agricultural capital been much depressed in value. He has also told us of that system of smuggling which is so successfully carried on between the British provinces and the United States.

Mr. President, according to the last annual report from the Treasury Department, the people of the United States now pay in taxes on imported articles twenty-six million five hundred thousand dollars. This is the sum which will be paid into the treasury for the present year, from that source of revenue. From other sources, that is, the sale of public lands, bank dividends, and incidental receipts, four million one hundred thousand dollars, amounting, in the whole, to thirty million one hundred thousand dollars. I know of no reason, I have heard none assigned, which would authorize an opinion that there will be a diminution of revenue, provided the duties remain at the present rates. I admit that, upon the item of incidental receipts, no great reliance in making an estimate for the future ought to be placed. Therefore, strike off one hundred thousand dollars from this item, and only retain ten thousand dollars, which will, no doubt, be collectable from old debts for many years to come. You will then have a revenue of upwards of thirty millions. The estimated expenditure of the Government (exclusive of the public debt) is thirteen million three hundred and sixty-five thousand two hundred and two dollars. Deduct from this sum three millions of revenue from the public lands, four hundred and ninety-six thousand dollars, the dividends of the bank stock, and the ten thousand dollars for incidental receipts, and you need only the sum of nine million eight hundred and sixty-five thousand two hundred dollars, to meet the exigencies of the Government. This is the sum Government needs; nor is one dollar more necessary for its support. There would, then, remain sixteen million six hundred and thirty-four thousand seven hundred and ninety-eight dollars, over and above all the demands of the Government. Another thing is certain, that, upon a reduction of duties, the imports will be increased; and in this way a larger sum will be produced, than any estimate founded upon the present amount of importations.

Mr. President, let us now present the question fairly. Shall the people of the United States be taxed upwards of sixteen and a half millions of dollars annually upon imported articles, for the purpose of enabling the domestic manufacturers to tax them in the same degree upon all the articles manufactured and sold by them? This is the very object the manufacturers have in view, in pressing this subject on Congress. Their language to us is plainly this: we want to make your constituents, one and all, pay us a higher price for all the articles we manufacture: this we cannot do, so long as they are permitted to buy the same kind of articles made in foreign countries; therefore, we insist that you, by taxation on foreign articles, shall so increase the price, that your constituents will be constrained to buy of us at prices which will enrich us. Disguise this matter as they may, this is the true cause of all that anxiety and solicitude which they have manifested from the commencement of this system. For myself, I am unwilling to indulge them at the expense of those whose interests are in part confided to my care. I will here remark that if the duty on protected imported articles shall amount

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to twenty millions of dollars, and the imported article shall constitute one-half of the amount consumed in the United States, and the other half shall be supplied from the domestic manufactories, the people of the United States will be taxed to the amount of forty millions: of which, the one half arising from the duty on foreign imported articles goes into the treasury, and is of some public benefit; the other half goes into the hand of the domestic manufacturers, and is of no further advantage, than as it increases the wealth of a few of the capitalists of the country.

Gentlemen say that most of the protected articles can be manufactured as cheap in this as in foreign countries. If this be so, they need no protection. The cost of transportation and a reasonable revenue duty will give the domestic articles a great advantage in our market over the imported articles, and therefore this tax on the community is wholly unnecessary, so far as relates to such articles. It is stated by the advocates of the tariff that certain cotton goods manufactured in the United States are exported to foreign countries, and are there competing successfully with articles of the same kind manufactured abroad. Will gentlemen be so good as to tell me how it happens that the Americans can compete successfully with the British fabric in another country, and cannot do so in this, when the price of transportation and a revenue duty shall be placed upon the British article? Sir, we cannot be mistaken upon this subject. These articles can be manufactured here as cheap as elsewhere; this is proved by their exportation and sale in foreign countries. But the retention of the duty enables the domestic manufacturers to keep out of our markets the foreign articles which might compete with theirs, and thereby enables them to secure a monopoly, and place a higher price upon the domestic manufactures. The tariff of 1828 is the law now in force, and it is surely the most unfortunate law I have ever read or heard of; I have never heard it commended by any one, in or out of the Senate. No one owns it, or acknowledges its paternity; or admits he had any agency in making it. It is thrown upon the wide world without a friend or patron. All admit that its passage was attended with circumstances unfavorable to a fair and equal adjustment of a system of taxation. Yet this law constitutes the sacred ground on which the unallowed foot of legislation is not to be permitted to tread. We are told not to touch it lest the whole system should be endangered. Sir, I have no desire to touch it, from what I learned from the Senator from Massachusetts, [Mr. WEBSTER,] two years ago, in the debate on this subject; I wish the tariff law of 1828 to be among forgotten things. My wish is now to see a bill presented by the Committee on Finance, containing a list of the articles imported; then upon each article, separately, we can determine what reduction can be made, without endangering the manufacturing interests. I am prepared to show what reduction can be made upon cottons, woollens, sugar, iron, and salt; but I forbear to present them to the Senate at this time, believing that this can better be done, and with more effect, when the bill upon this subject is under discussion, and each article is considered separately. If nearly ten millions of dollars, needed for revenue, fairly and justly apportioned upon all imported articles, (exclusive of those now free of duty,) and the cost of transportation of foreign articles, will not afford sufficient protection, I fear we are forcing this system beyond the age and condition of this country. My principle of protection would go thus far and no farther, except upon the ground of compromise. Tax the people to the full amount of the exigencies of the Government, and apportion that sum upon imported articles, and especially on those which come in competition with articles which are manufactured, and which it is of national importance should be manufactured in this country. I cannot believe the people of the United States will, for any great

length of time, submit to high taxation, merely for the purpose of protecting manufactures. No man, not interested in these establishments, will consent that a large portion of his earnings shall be applied to the profit of any class of our citizens, when the public exigencies do not require it. The wise course for every Government to pursue, is to look to its true condition, and, by consulting all its interests, attempt to cherish those employments only in which capital and labor will find a sufficient reward. Our nation is young; our land is fertile; with us, a laborer can earn his fifty cents a day; in old countries, the laborer can earn only from six to ten cents a day. Although I have no wish to favor the poor of other countries at the expense of this, so long as we can obtain the profits of their labor, and do them no injury by doing so, and at the same time do nothing to the prejudice of the laborers of our own country, I can see nothing objectionable in it. On the contrary, if we can obtain their labor at so low a price, we can derive considerable profit from it, and the laborers of the United States can follow pursuits more advantageous to themselves, and profitable to the country.

The resolution of the Senator from Kentucky proposes to abolish the duties entirely on all articles of a kind not manufactured in the United States, except silks and wines; and to reduce them on these articles. So long as duties are paid on imported articles, for the purpose of raising revenue, I cannot consent to this proposition. The true principle of taxation is to impose it on those who are best able to bear it. The resolution on your table proposes a total abandonment of this principle. The articles to be released from taxation are luxuries used almost exclusively by the rich, while the burdens are left with all their weight upon the poorer portion of the community. This would be no alleviation of the evils complained of; and I will not unite in holding out to the poor man the delusive hope that he is to be able to clothe his family in silks, and regale himself on wine every day; while all the articles of dress he purchases, his salt, his sugar, his plough, his axe, and his hoe, and all other utensils with which he earns his daily bread, are so taxed as to render him unable to raise his family. No, sir, give him his necessities of life untaxed, or taxed lightly; let his labor have its full reward, and he will then increase in his means, and in time be able to indulge in luxuries if he shall please to do so.

The object of the capitalists engaged in manufactures, in consenting to take off the duties on articles they do not make in their establishments, cannot be mistaken. It is to concentrate the whole taxation of the country upon those foreign articles which come in competition with theirs. The operation of such a system will be doubly in favor of the rich capitalists. It will enable them to obtain all foreign luxuries free of taxation, and at the same time to tax the poor as well as every other class of citizens, through the necessities of life consumed by them, for the augmentation of their profits. These men are a privileged order in our country. They have formed, and seek to perpetuate, a kind of partnership with the Government in taxing the people; and the present struggle is to abolish, or much reduce, every tax in which they have not some share of the proceeds. They conspire to raise the price of all necessities of life, giving part of the increase to the Government, and taking part to themselves.

After all I have heard as to the management of these establishments, I am still inclined to the opinion that they are not calculated to improve the moral and political condition of the country. I am gratified to learn that great care is taken of the morals of those who are placed in some of the manufactories; and that moral and religious instruction is imparted to them. Notwithstanding this, home is the proper place for the tender female. Advice, admonition, and gentle reproof from a mother's tongue, will sink deeper into the heart of the daughter, than all

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the lectures that can be delivered by strangers. As to their political effect upon the country, I can entertain no doubt. The men employed in them have abandoned all other pursuits; by continuing in this business, they render themselves unfit for all other employments, and they hold their livelihood at the pleasure of their employers, and must vote according to their will; they become mere dependents, and lose that spirit which should be possessed by every American citizen. We have seen, in other countries, riots and disturbances produced by this class of the community, when their wages were reduced so low as to be insufficient for their sustenance. Instead of men cooped up in manufactories, and subject to taskmasters, what kind of citizens are we able to have? We can make freeholders of them. Reduce the price of the public lands; put it in the power of each laborer to procure his forty, eighty, or one hundred and sixty acres. When seated upon that, he feels his independence, and he knows he is at home. These are the men who constitute a State, and make it prosperous, great, and glorious. They feel an attachment to their country; and when its rights are invaded, they will fly to its standard. Sir, I have seen this tried. When our country was invaded, during the late war, the men of the mountains descended like torrents, and the men of the valleys came up; and there was no controversy who should go to the field of danger, but who should be forced to remain at home. In regard to the exercise of the right of suffrage, should any man attempt to influence one of them by affecting a superiority over him, he would certainly find himself insulted, and he would be most fortunate if he escaped at that.

Let us now see, Mr. President, what effects have been produced by this system of taxation upon the other great interests of the country. In 1817, when it commenced, the tonnage of the United States engaged in foreign commerce was 809,724 tons. In 1829, it was 650,142 tons, a decrease of 159,582 tons. In 1817, there were 519,186 tons engaged in the coasting trade. In 1829, there were 610,654 tons, to which should be added something for the improved manner of constructing vessels. From this, it appears, that, taking the whole tonnage of the United States that is engaged in foreign commerce, and also that engaged in the coasting trade, the navigation of the country has decreased under the influence of this system, which gentlemen say has imparted its benefits to every other interest of the country. What influence has it produced upon commerce? Prior to the embargo of 1807, with a population of only six millions of inhabitants, our exports amounted to about eighty-four million five hundred and sixty-four thousand five hundred and thirteen dollars. In 1817, it amounted to eighty-seven million six hundred and fifty-one thousand five hundred and sixty-nine dollars. In 1830, it amounted only to the sum of seventy-three million eight hundred and forty thousand five hundred and eight dollars. In the intermediate years, it will be seen by the annual reports from the treasury, there has been an almost regular diminution of the exports and imports of the country. In answer to the argument that the demand for our products cannot be enlarged, I answer, that if we use more of their articles, other nations can and will consume more of ours, and this will be beneficial to both parties, because each will receive in exchange a greater value than at present. They will receive our agricultural products at a cheaper rate than they can now purchase or can produce the same articles, and we shall receive their manufactures at a lower price than we now pay for them. From the foregoing statement of our navigation and commerce, it appears these great pillars of our prosperity have not been strengthened, but weakened, by this system of restrictions; and when it is remembered that our naval power and glory, and our ability to defend our shores against invasion, are intimately connected with

the navigation of the country, we ought not rashly to promote measures calculated to destroy it. The agriculture of the country is closely connected with its commerce; and that which is calculated to depress the one, has an injurious influence upon the other.

Still it is said that this nation is increasing in wealth and power. I admit it. It is young and vigorous, and will go on in despite of the most blundering legislation that can be pursued. Politicians may adopt the most absurd theories; in the madness of their legislation, they may heap Pelion on Ossa, and Ossa on Pelion, and the country will still go on, checked and retarded in its prosperity, but not destroyed; such is the vigor, energy, and enterprise of our citizens, and the fertility of our soil. But when we look at our navigation and commerce, cannot every man discern the impolicy of the measures we have pursued? With a population increasing at the rate of three per cent. per annum, the annual increase of which, at this time, amounts to four hundred thousand, having more than doubled itself since the year 1807, our navigation and commerce have actually declined. I hear it often repeated, that the Southern States have introduced this system, and this is urged as a reason why we should not relax it. This is denied by them. For my own part, I have never thought it material to ascertain how that fact was. If the system be a good one, we ought to retain it, come from where it may; if it be a bad one, we ought to get rid of it, whether it were introduced by the North, South, East, or West.

It is sometimes urged that the protecting system ought not to be abandoned, because New England, now most interested in its preservation, was originally opposed to its introduction. It is creditable to the statesmen of that section of the republic, that they saw and opposed the injustice and impolicy of the system to which Southern and Western men were measurably blind. It is not disreputable that they have availed themselves of our errors to gather riches at our expense. But when they embarked in these speculations, they had good reason to believe that experience would teach the rest of the Union the wisdom which they had learned, and that the existence of the system would only be commensurate with the blindness which gave it birth. We now see and feel its evils. Their weight is intolerable, and we must have relief. They cannot expect us to travel onward in the path of ruin, with our eyes open. We have suffered for our blindness; and if they shall suffer a little for departing, in their practice, from the justice and beauty of their theory, they will have no great cause to complain.

I have now, Mr. President, finished what I intended to say upon the injustice, inequality, and oppressiveness of this system of taxation, and have also pointed out the injurious effects which it has produced, in my opinion, upon the general welfare of the nation. I will now state the terms upon which I would be willing, under existing circumstances, to see this matter adjusted. I know I am in a minority; but I appeal with confidence to the justice of those with whom I differ. They say they only want a fair competition with foreign articles; let them have it. — I am willing to meet them upon that ground; and I propose the following rule by which to place them in that situation. Let us ascertain what articles can be manufactured in this country successfully; then ascertain the original price of similar articles in foreign countries; add to that price the cost of transportation to our seaport towns, New York, Philadelphia, Baltimore, or Boston; then ascertain the cost of the domestic article of the same kind and quality; then add so much upon the foreign article, by way of duty, as will place it upon an equality. We will then have a fair competition, and low prices. All beyond this is monopoly in favor of domestic manufactures, and injustice to the community. I cannot, myself, see how those who tell us that all they desire is to prevent the destruction of their

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establishments, can object to this mode of settling this controversy. Adopt this rule, and abolish the credit system in our import revenue, and our manufacturers will have all the protection which they profess to ask; without having a monopoly of our markets, they would yet enjoy advantages which would enable them to carry on a successful competition with articles of foreign production; and an adjustment, upon the principle I have named, would greatly reduce the taxation which is now oppressing the community.

But if this be not acceptable, I, as one of those opposed to this system, will agree to any moderate periodical reduction which will give the manufacturers time to accommodate themselves to the altered circumstances, and, at the same time, present a sure prospect of ultimate justice to the balance of the community. As much as the South and Southwest are conscious of being oppressed by this system, their patriotism would induce them to suffer much longer, if they could have a gradual amelioration of their burdens, and a prospect of final relief.

I would not confine my views of relief to the tariff laws exclusively. I would extend them to a class of citizens particularly entitled to public consideration. I mean the purchasers of public lands. While removing oppression from others, I would reduce the price of the public lands. I would put it in the power of every industrious man to become a freeholder. He should have his forty, eighty, or one hundred and sixty acres at a low rate. If he would reside on it a reasonable time, say five years, I should not object to his having it without paying any thing. This turning of day laborers and tenants into independent freeholders, is a kind of legislative manufacturing I am willing to encourage; and when those gentlemen engage in that, I will not lag behind; but I know who will—those who wish to retain their present political power, and are unwilling to see the sceptre depart from them.

Before I proceed to the discussion of the constitutional question which has been introduced into this debate, I will say a word or two to the Senator from Maine, [Mr. BOWEN.] He says that, twenty years ago, he was an advocate for the constitutional power of the General Government, and now he finds himself on the same ground. I congratulate the gentleman upon his return; that, after wandering about through time and space for so long a period, he has at last found himself within the orbit of the constitution. From the best observations I have been able to take since he last became visible at this place, I should think, in his next transit, he will approximate very near to State rights. Whether this will be owing to their power of attraction, or to the propelling power of the King of the Netherlands, or to both causes combined, I will not undertake to determine.

Are the existing tariff laws constitutional? It is my opinion that they are. I advance it with some diffidence, because I know there are many learned men, both in and out of this Senate, whose views upon this subject are in direct opposition to mine. I can discover but little practical good that can arise from a discussion of this subject; but as it has been introduced, and my mind is satisfied upon it, I can have no objection to declaring the opinions I entertain. I shall deliver no philological dissertations upon the subject, as the Senator from Maine has done; but attempt to show to the Senate that this power exists, not only by virtue of the constitution, but from necessity. The power to regulate commerce and impose duties on imported foreign articles, is given to the Federal Government expressly by the constitution; and it has at all times been considered as an attribute of sovereignty possessed by every State or nation. All nations have exercised it; and had this confederacy never been formed, each State, as a sovereign, independent Government, would have been at liberty to exercise it without any restraint, and for any purpose it might judge proper. The States dis-

covered that this was one of the powers which they could not exercise separately to advantage; and this was one of the strongest reasons which operated to produce the Federal Government. It was foreseen that, if each State retained this power, it would be exercised variously, and constant jealousies and collisions would arise among them; and foreign nations, availing themselves of this state of things, would succeed in destroying their independence. It was then agreed in convention that this power of regulating commerce and imposing duties, whatever it might be, should be surrendered by the States to the General Government. This surrender or transfer was made without restriction or limitation. It certainly was not designed by the framers of the constitution that the State Governments and the Federal Government together should possess less power upon this subject than the States then possessed, and would have continued to possess, had each State remained separate and distinct. Unless, then, it can be shown that, in the transfer of this power, (which at one period unquestionably belonged to the States,) some diminution was produced, it is a fair conclusion to say that it properly belongs to this Government, for all the purposes and objects for which nations have been in the habit of using it. It must be admitted that no portion of this power remains with the several States, because they are expressly prohibited from imposing duties. What, then, has become of it, if it does not appertain to the General Government?

I will here remark, that, prior to and at the adoption of the federal constitution, this power had been exercised by Great Britain, France, Spain, and all other nations with whom we had intercourse; all of which was known to the framers of the constitution. We are, therefore, as it seems to me, not at liberty to suppose that it was intended by them that less power should be possessed by that Government to which they confided this subject, than was possessed and exercised by those nations with whom we had commercial intercourse. This power is indispensable; and without its existence in the Federal Government, there is no power in this country by which the regulations of foreign nations, injurious to our commerce, can be counteracted. From 1789 down to the present moment, it has been exercised, and, until a few years past, has never been questioned. It seems to me that gentlemen fall into an error, by mistaking the abuse of a constitutional power for evidence of its unconstitutionality. The States have no power to declare war; the war-making power is transferred by the constitution to the General Government; if Congress shall wantonly and unnecessarily declare war, it cannot be said that the act is unconstitutional, or that Congress has transcended its authority. They have abused a power committed to them; Congress has acted upon a subject confided to it by the constitution; and for the improper exercise of its discretion, the members are responsible to the people, who can apply the proper corrective by the exercise of the elective franchise. Further, a law must be constitutional or not, when made; the makers of it violate that instrument in the enactment of the law, if it be violated at all; hence the law is inoperative and void from its origin, on account of its repugnance to the constitution, which is the supreme law of the land.

But, in regard to the tariff laws, it is admitted they are constitutional as long as the money is needed to pay the public debt, or to supply the exigencies of the Government. It is insisted that they become unconstitutional when the debt is paid, or the revenue arising from them is no longer needed. According to this argument, Congress may not violate the constitution when a law is passed, but circumstances occurring afterwards make it unconstitutional. This would be an unsafe and dangerous ground on which to place the power of Congress, because they could prevent the law from becoming unconstitutional, by indulging in extravagant expenditures, and creating a ne-

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cessity for all the money arising from imposts. The truth is, the motives of the Legislature have nothing to do with the constitutionality of a law. The true mode to test that question, is, to compare its provisions with the constitution; and if no repugnance to that instrument can be discovered in the law, it is constitutional, whatever were the motives of the legislators, and it must stand until repealed by the same power which enacted it. The motives of men are so various, and the causes which influence their judgments and actions so different, that no safe rule founded upon them can be established, by which to determine upon the constitutionality or unconstitutionality of laws. One member of Congress may vote for a particular import duty, with a view solely to revenue; another, with a view to protection; and if the constitutionality of the duty depends on the motive of the Legislature, it is constitutional and unconstitutional at the same time. Because our constitution is an excellent one, gentlemen appear to think that no oppression or injustice can be practised without a violation of it. They seem to forget that no set of men can be clothed with the authority to do good, without possessing the power to do evil. Congress is clothed with powers to render much beneficial service to the people of the United States; but it also possesses the power to adopt measures highly injurious to the community; and it is to prevent or correct this, that the responsibility of members to their constituents is provided, and hence the frequency of elections. Suppose Congress should, regardless of the public interest, proceed, by the imposition of internal taxes, to raise large sums of money for the purpose of doubling the military fortifications of the country, and to increase the navy to double its present force in two years. This would be very indiscreet legislation, and the members who voted for it would certainly not be returned to the next Congress; but still they would not justly incur the charge of violating the constitution. The true rule to be observed, in deciding upon the authority of Congress to pass a law, is, to inquire, has Congress the power to act on this subject? Is it one of those confided to it by the constitution? If so, Congress may constitutionally act; but in that action they may greatly abuse their constitutional powers.

That the subject of duties is one within the powers of the General Government, is made still more apparent to me by the consideration that the amount of duties is the principal subject of all commercial treaties between this and foreign Governments. We have, but a few days since, ratified a treaty with the French Government, in which duties on imported merchandise formed an important article. If it shall ever be determined that the regulation of a tariff is not under the control of the General Government, the power to make commercial treaties will be impaired. Although I disapprove and condemn the tariff laws as inflicting great injustice upon a large portion of the community; and although I am willing to join with those who differ with me upon the last point discussed, in the reduction of duties and public burdens, I cannot unite with them in pronouncing these laws unconstitutional.

Mr. President, I have submitted to the Senate the views I entertain upon the great questions involved in this debate. My conviction is that the present tariff laws are unjust, unequal, and oppressive; still I am of the opinion Congress had the power to enact them. I have also stated the principle upon which we ought to meet and adjust a subject which is now agitating and distracting the whole country. I entreat the Senate to consider that our Government is not only a great political but moral structure, and whatever alienates the affections of any portion of its citizens, weakens its strength. Although all feel and acknowledge their attachment to the Union, we cannot tell what may be the effect of injustice and oppression long continued. Should they who complain even be mistaken

in a great degree as to the causes of their grievances, they should be indulged in a relaxation of this system; they are asking nothing of the Government only to be let alone. The very nature of this controversy entitles them to favor. The manufacturers have obtained the interference of Congress in their behalf. In every case of this kind, where there is doubt whether the action of the Government, when employed in behalf of a portion of its citizens, may be injurious to others, it is the duty of the Government not to act, or, should it have acted, to retrace its steps, placing all its citizens upon an equal footing, and letting them rely upon their own industry and enterprise, rather than on governmental aid for their wealth and prosperity. If those who advocate the manufacturing interests on this floor, shall decline to accede to the terms of compromise I have suggested, will it not be apparent to all the world that a fair and reasonable protection is not all that is desired; but that extravagant profits is their object, and that, too, at the expense of justice and right? That spirit, if it exists, will not long be indulged by a high-minded, just people. The reaction which always, sooner or later, takes place against injustice, will shake the whole protecting system to its foundation; and they may in vain ask that compromise which they now reject. I ask Senators if they will not yield something, in order that strifes and contentions may cease, and good will and brotherly love prevail throughout this great American family. Sir, inauspicious and unfavorable as appearances are, I will still indulge the hope that the same spirit of concession, amity, and concord, which presided in the councils of our fathers when they framed and adopted our constitution, may likewise influence our deliberations, that it may descend and abide with those who are to fill our places, in all future times, so that this Government and this Union may be perpetual.

THURSDAY, FEBRUARY 16.

Mr. CHAMBERS laid on the table a proposition from Richard Peters, reporter of the Supreme Court, to publish an edition of the laws, treaties, &c. of the United States, with certain commentaries and judicial decisions; which was referred to the Committee on the Library.

The following resolutions, submitted yesterday by Mr. HOLMES, came up for consideration:

Resolved, That the Secretary of the Treasury be directed to inform the Senate why the statements of the foreign commerce of the United States, required by the act of the 10th of February, 1820, have not been transmitted to Congress; and, if there is any impediment to a compliance with the provisions of that act, what legislative provision is necessary to remove it.

Resolved, That the Secretary of the Treasury be directed to inform the Senate why he has not reported an answer to their resolution of the 23d of December, 1831, calling for information in regard to the British colonial trade; and when the answer is to be expected.

Mr. FORSYTH went into a particular statement of the periods at which the report referred to had been received in former years, to show that no unusual delay had occurred in sending it in at the present session; that, therefore, the resolution was uncalled for, and its implied censure undeserved; and, moreover, the document was prepared by the Register of the Treasury, not the Secretary, it being merely transmitted through the hands of the latter.

A considerable debate followed. Mr. HOLMES and Mr. WEBSTER replied to Mr. FORSYTH, and advocated the resolution, on the ground that the original purpose of the act of Congress requiring this important report to be laid before the two Houses at the commencement of every session, was defeated by the delay, as it left Congress no time to profit by the information it communicated—infor-

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tion which was of great importance to the public, and was looked for with interest every year; that no blame was imputed to the Secretary for the delay; but, as the bill existed, it was proper Congress should know where to lay, that it might be remedied. Last year the report did not reach the members before September; and if it was not received in time every session to allow such legislative action as the information might suggest, it was of no use.

Mr. FORSYTH moved to lay the first resolution on the table; which motion was decided in the negative, as follows:

YEAS.—Messrs. Benton, Buckner, Dallas, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hill, Kane, King, Mangum, Marcy, Poindexter, Robinson, Smith, Troup, White, Wilkins.—19.

NAYS.—Messrs. Bell, Chambers, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Miller, Moore, Prentiss, Ruggles, Seymour, Silsbee, Sprague, Tazewell, Tomlinson, Waggaman, Webster.—19.

The yeas and nays being equally divided, the Chair decided the question in the negative.

The question then was taken on laying the second resolution on the table, and it was decided in the affirmative by the following vote:

YEAS.—Messrs. Benton, Buckner, Chambers, Dallas, Dickerson, Dudley, Ellis, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Prentiss, Robbins, Robinson, Silsbee, Smith, Tipton, Tomlinson, Troup, Webster, White, Wilkins.—32.

NAYS.—Messrs. Bell, Holmes, Ruggles, Seymour, Tazewell.—5.

Mr. DICKERSON said he had found some inconvenience from the want of the commercial statement referred to in the resolution, and he had in consequence inquired of a person, at the Treasury Department when they might be expected to be sent to Congress. The answer he received was, that the returns of the collectors of the great commercial ports of Boston, New York, and Philadelphia, had not yet been made; that these might be expected in a few days, when the statements would be immediately prepared. Mr. D. said that, being convinced from this information that the inquiry was unnecessary, he should vote against the resolution.

Mr. CHAMBERS was certainly under a very great mistake, or the gentleman from New Jersey had given the very reasons why the resolution ought to be adopted. That gentleman had been informed at the department that it was because the collectors of three great ports had not made their returns, that the annual statement was not furnished to Congress. Now, said Mr. C., we want to know the cause of this delay, that we may apply the remedy by legislation. He was surprised that the inquiry should meet with any opposition.

Mr. TAZEVELL said he had voted against laying both resolutions on the table, and he had done so in case of every call made by a Senator on one of the departments for information. The very argument of the gentleman from New Jersey [Mr. DICKERSON] was the one he relied on in support of the resolution. The gentleman tells you that he wants the information to be contained in the annual statement, and he cannot get it because the collectors have not made their returns. The gentleman from New Jersey was satisfied, and he would be satisfied also, if he had the same information. In voting for the inquiry, he had anticipated that some good and sufficient reasons could be given for the apparent non-compliance with the provisions of the law. He had not the least doubt, from the practice of ten years past, there were difficulties in the way; and it was for this reason that he wanted to know, in some official, tangible shape, what they were, in order that the remedy might be applied. The fiscal year ended

on the 30th of September, and the returns were to be made up to that time. Now, if this were the reason why the statement could not be furnished to Congress in time, the law might designate a more convenient period for the close of the year. Whatever the difficulties might be, it was necessary to see and know them before they could be surmounted.

Mr. WEBSTER thought that the gentleman from Maine had rendered a considerable service to his country by originating this call. Every gentleman who would turn his attention to the subject would see that the delays in the transmission of the statement defeated the objects of the law. He was not at all disposed to find fault with the department. A difficulty existed, and he wanted to know what it was. The fact was, that the session of Congress was nearly over before the commercial information on which it was intended they should rely was received; and this difficulty was increased in the short session; for the members had all returned to their homes before the statement was received by the Secretary of the Senate. So far, then, as the law was designed to assist the legislation of Congress, its benefits, were, in a great measure, lost. The reasons of the gentleman from Georgia were in favor rather than against the adoption of the resolution. He had stated, he thought, that the subject was before the other House; and if so, said Mr. W., it must come here, and we ought to have the information required by the resolution to enable us to act on it.

After some further remarks from Mr. WEBSTER, Mr. FORSYTH, and Mr. HOLMES,

The question was taken, and the resolution was adopted.

WASHINGTON'S REMAINS.

The VICE PRESIDENT laid before the Senate the following correspondence:

WASHINGTON, February 14, 1832.

SIR: The Senate and House of Representatives have passed a joint resolution to celebrate the centennial birthday of George Washington, authorizing the President of the Senate and the Speaker of the House of Representatives to make application to you for his remains, to be removed and deposited in the capitol, at Washington, in conformity with the resolution of Congress, of the 24th of December, 1799.

They have passed another joint resolution, authorizing us to make application to you, and to Mr. George Washington Park Custis, for the remains of Martha Washington to be removed and deposited at the same time with those of her late consort, George Washington.

We herewith enclose copies of these resolutions; and, in the discharge of the duty imposed on us, have to request that you would give as early an answer to this application as may be practicable.

We have the honor to be, with great respect, your obedient servants,

JOHN C. CALHOUN,
President of the Senate and Vice President
of the United States.

ANDREW STEVENSON,
Speaker of the House of Representatives.

Mr. J. A. WASHINGTON,
Mount Vernon.

MOUNT VERNON, February 15, 1832.

To the honorable the President of the Senate and Speaker of the House of Representatives:

GENTLEMEN: I have to acknowledge the receipt of your letter, and the resolutions of Congress to carry into complete effect that which was adopted in December, 1799, for the removal of the remains of General Washington to the seat of Government.

I have received, with profound sensibility, the expres-

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Apportionment Bill.—The Tariff.

[Feb. 17, 1832.]

sion of the desire of Congress, representing the whole nation, to have the custody and care of the remains of my revered relatives; and the struggle which it has produced in my mind between a sense of duty to the highest authorities of my country, and private feelings, has been greatly embarrassing. But when I recollect that his will, in respect to the disposition of his remains, has been recently carried into full effect, and that they now repose in perfect tranquillity, surrounded by those of other endeared members of the family, I hope Congress will do justice to the motives which seem to me require that I should not consent to their separation.

I pray you, gentlemen, to communicate these sentiments and feelings to Congress, with the grateful acknowledgments of the whole of the relatives of my grand uncle for the distinguished honor which was intended to his memory, and to accept for yourselves assurances of my gratitude and esteem.

JOHN A. WASHINGTON.

ARLINGTON HOUSE, *Tuesday night,*
February 14, 1832.

GENTLEMEN: The letter you have done me the honor to write me, requesting my consent to the removal of the remains of my venerable grand parents from their present resting place to the capitol, I have this moment received.

I give my most hearty consent to the removal of the remains, after the manner requested, and congratulate the Government upon the approaching consummation of a great act of national gratitude.

I have the honor to be, with perfect respect, gentlemen, your most obedient servant,

GEORGE WASHINGTON P. CUSTIS.

To the honorable J. C. CALHOUN, *Vice President, &c.* and
ANDREW STEVENSON, *Speaker of the House of Representatives.*

THE TARIFF.

Mr. CLAY's resolution relative to the tariff was then taken up, and Mr. GRUNDY concluded his remarks in opposition to the resolution. [Reported entire, with the remarks of the first day.]

Mr. EWING stated his intention of addressing the Senate on the subject to-morrow, and moved an adjournment. The Senate then adjourned.

FRIDAY, FEBRUARY 17.

APPORTIONMENT BILL.

The bill from the House for the apportionment of representatives among the several States according to the fifth census, was read the second time; when

Mr. WEBSTER moved to refer it to a select committee of seven members.

Mr. HAYNE observed that the practice of referring subjects to select committees had been found often inconvenient. There were particular cases, he admitted, in which reference to select committees was necessary, but this he did not consider one of them. In general, he thought, a reference to one of the standing committees was preferable. He would name the Committee on the Judiciary.

Mr. WEBSTER said he never had, before, moved the reference of any subject to a select committee; but as there was no standing committee of the Senate to which the subject could be appropriately referred, and considering the interests of the various sections of the country involved, he thought a select committee necessary. The gentleman from South Carolina had a right to have the question taken first with regard to the Committee on the Judiciary. He should vote against it, with the hope that his own motion would finally prevail.

After some remarks on the subject by Messrs. CHAM-

BERS, SILSBEE, POINDEXTER, and BUCKNER, in favor of a select committee; and Mr. GRUNDY against it,

The question on a reference to the Committee on the Judiciary was decided in the negative—yeas 20, nays 22.

The question was next taken on a reference to a select committee, and carried without a division, and a committee of seven, on motion of Mr. WEBSTER, ordered.

The following members were appointed by ballot to compose the committee, viz.

MESSRS. WEBSTER, BUCKNER, HAYNE, MARCY, TIPTON, DALLAS, and FORSYTH.

THE TARIFF.

The Senate then resumed the consideration of Mr. CLAY's resolution on the tariff.

Mr. EWING, of Ohio, rose in support of the resolution. He said he was deeply impressed with the magnitude and importance of the subject under consideration. Aware, too, that it had received an extended and most able discussion, by men of wisdom, experience, and eloquence, I can, therefore, said Mr. E., scarcely hope to elicit any new truth, or present, in a new or more striking light, any known fact or argument which bears upon this much controverted question. Still, sir, I have thought it due to myself, and the State which I have the honor in part to represent, that I express on this floor the views which I entertain on a subject in which that State has, also, in common with the whole extended West, a deep and all-pervading interest.

I regret that gentlemen, opponents of the protecting system, have thrown into the discussion much matter of a political character, wholly foreign from the question, and naturally tending to distract the mind, and withdraw the attention from its calm and deliberate investigation, and especially that harsh epithets and high denunciation have been, in part, substituted for reason and argument. Gentlemen, who oppose the resolution offered by my honorable friend from Kentucky, assume, as a starting point, as premises from which they draw largely for their conclusions, that the tariff is odious; and reasons are offered, elaborate and ingenious, to prove that, in its operation, it is oppressive and unjust.

The first predicate, that the tariff is odious, (to those who hate it,) is a proposition that I am not at all disposed to controvert, viewed, as it has been, by gentlemen, in a hostile and adverse spirit; with minds predisposed to see in it every thing of evil and nothing good, it is not at all surprising, whatever may be its operation, that it should still be to them abhorred and hated. Nor is it strange that a share of the odium, thus thought due to the object, should attach also to those by whom it was created and is sustained; and such seems to be the result. The policy of the friends of the tariff is, by honorable gentlemen, pronounced a cold and heartless policy; the contest between those who would prostrate, and those who would sustain it, is said to be the struggle of patriotism on the one side, and avarice on the other. And all that is hateful, and all that is hated, in this system, is, by the honorable Senator from Tennessee, [Mr. GRUNDY,] attributed to, and cast upon, New England.

Sir, I stand not here to defend New England against this or any other charge. She has, on this floor, representatives of her own, much more competent than I to do her justice. Nevertheless, it is, even to me, a subject of curious and somewhat interesting inquiry, for what peculiar cause she is now so deeply implicated by the honorable gentleman in this high political crime. If the tariff be an evil, abhorred and hateful, it would be natural to suppose that those by whom it was first fastened upon us should bear the weight of the odium which it involves. And was it New England that did this? The honorable Senator has already told us that New England opposed the tariff of 1824; and, sir, she did present an almost undivided front

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against it. Her capital was vested in other employment than that of manufactures; her enterprise directed to other pursuits; and a disposition to sudden change forms no part of the character of her people. She, therefore, opposed it, because she believed it injurious to her interests; stoutly and firmly opposed it; but it became a law. The direction of her capital was then gradually changed, so as to adapt itself to the legislation of the country; and the tariff of 1824, which she had dreaded as an evil, proved to be a blessing. Large sums of money were invested in manufacturing establishments, vested in faith of the legislation of our country; and are the people of New England to be charged with the whole odium of this law, whenever it may be odious, merely because they saw fit to make the best of that which they could not avoid? As to the tariff of 1828, it belongs to no one; and the very features which are most objectionable, and most objected to, by the enemies of the system, were introduced by themselves, for the purpose, as it is said, of rendering it obnoxious.

But the gentleman from Tennessee complains that New England is flourishing, becoming rich, by reason of this tariff, and significantly inquires, whether this is done fairly? Now, admit the fact—admit that her wealth is accumulating by reason of this very tariff—does it afford any ground whatever for the charge of fraud, or artifice, insinuated against her? The tariff was passed without her concurrence, and against her will, and no means were left to avoid it. Her people, therefore, did what, in that situation, they must do, apply their labor and capital to the existing state of things; they became manufacturers; and the Senator from Tennessee, in his candor, admits that even they are entitled to something at our hands; that they should be secured from the injurious effects of frequent legislative changes; but that they should not be permitted to grow rich at the expense of their neighbors. Now, the offence of New England is, that, under the operation of a tariff, forced upon her by other sections of the Union, she still goes on increasing in wealth and prosperity; and, sir, do what we will, legislate as we may, she will still go on and prosper. The germ of prosperity is inherent in the habits and genius of this people; we may check and retard its development, but we cannot, if we would, destroy it. The Senator from South Carolina [Mr. HAYNE] has divined the true cause of their steady and unceasing advancement: they are active, industrious, and persevering; prudent and careful, both in great and little things; and this characteristic not confined to any class or age; it pervades the whole people; descends from generation to generation, from father to son, from mother to daughter, so as to form a prominent trait in their national character: they are an industrious people, ingenious and inventive in all the useful arts, careful and prudent in all the concerns of life. These are the leading causes of the advancement of New England; and they are sufficient to produce the effect without resorting to the suspicion of fraud, or artifice, or tricks played off upon other portions of the Union.

But, in his appropriation of the odium of the tariff, is it not a little surprising that the Senator from Tennessee should cast it all—yes, all, upon New England—New England, who had opposed it—struggled against it—and, at last, when resistance became hopeless, reluctantly yielded to its operation. Where, in the estimation of the honorable gentleman, is New York, New Jersey, Pennsylvania, and the Western States?—they who arrayed their united strength in its favor, and, in truth, gave us the tariff of 1824. Where, especially, is Pennsylvania—she who, in fact, committed all the political sins now charged upon New England? The honorable Senator has passed her over in perfect silence, without one word of reproof—she who sinned most deeply, if to support a protecting tariff be a crime. But, perhaps, Pennsylvania has, in the estimation of the honorable Senator, some redeeming quality—it must be so; and yet I find myself at a loss to discover

it. All those evil principles for which he has so heavily denounced New England, exist in full force in Pennsylvania. She is as extensively embarked in manufactures, perhaps more extensively—she is as rich as New England, if not richer—she has equal industry; equal frugality; a better soil; a milder climate; more mineral treasure; and is growing rich under our present system, as fast, or faster. Why is it, then, that New England is borne down by the weight of his denunciation, and Pennsylvania permitted to pass almost without reproach? But, sir, though Pennsylvania has escaped the odium cast by the honorable Senator on some other tariff States, particularly New England, she is not, it seems, in the opinion of that gentleman, free from the moral and political contamination consequent upon the introduction of manufacturing establishments. In his estimation, it would seem that the laborer in a manufactory cannot have the soul and spirit of a freeman; that he is borne down with oppression—shrinking from the frown, and trembling beneath the lash of the taskmaster. The benevolent feelings of that gentleman will, I have no doubt, be gratified with the assurance that, in all this, he is entirely deceived. He, doubtless, had in his mind what he has heard of, but, perhaps, never seen—a troop of slaves, toiling beneath the lash of the driver, and shrinking from its stroke. But this picture does not at all suit the condition of the free laborer of the Middle or Western States. Among them, farmers or manufacturers, it is all the same. They are, in every sense of the word, freemen; and the laborer is as free as his employer, and knows his rights as well. There is no degradation in the condition of any man, unless he be degraded by crime. The honorable Senator may, therefore, rest easy upon this subject. There is no more danger that the spirit of liberty is expiring in Pennsylvania or Ohio, than that morals are becoming extinct in New England.

But the honorable Senator has sung us a mournful pallinode over our decaying navigation interest—our foreign navigation, as he says, diminishing; our coasting navigation increasing, but not in proportion to the increase of population. Again have I occasion to admire the philanthropy of the honorable Senator from Tennessee—his deep and intense feeling for the misfortunes of a section of the Union the most remote from that which he represents—misfortunes, too, which gentlemen who come from the suffering districts, who represent the principal maritime States, themselves have never known or felt. But I leave this matter for the present, and proceed to the discussion of my main subject—the general operation of the tariff upon our country, and especially upon its agricultural interests.

A flourishing agricultural population is the very basis of the prosperity of a nation—especially of our republic, extended and fertile as are its fields; wide and varied as are its climes; and it is with a view to the advancement of that interest—especially of the interest of the Western farmer—that I give to the protecting system my decided and unqualified support. Born and reared in that section of the country which, heretofore, has been, and still is, almost exclusively agricultural; standing in a situation in which the affairs of the husbandman, whether prosperous or adverse, have been familiar to my observation; I know their wants, I understand their interests, and shall endeavor to speak their language.

Shortly after the adoption of the federal constitution, before the country had fully recovered from the shock occasioned by the desolating war of the revolution, the troubles in Europe, growing out of the French revolution, commenced, and in their progress, and in their consequences, from that period down to the year 1818, except while suspended by the embargo, or checked by the war with England, gave to our agricultural products a foreign market, and to our navigating interest an advantage over that of other nations, wholly unexampled in the annals of man-

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kind. During this period, our agricultural interest prospered to a degree truly astonishing; it added to its other advantages the introduction of a new staple, that of cotton, which flourished best on the Southern lands least adapted to the growth of grain, or to grazing. This extended itself rapidly, and the demands of the market being for a long time beyond the supply produced, it became a source of immense and rapidly increasing wealth. Within this period of time, the settlements of the Western country, from small beginnings, advanced with amazing rapidity. Crowds of emigrants, constantly pressing into that country, formed themselves a market for nearly all the surplus produce of the more early inhabitants; and whatever remained beyond this, found a ready market in New Orleans, both before and after its cession to the United States.

The agricultural interest in the West also gained rather than lost by the late war with England, and suffered little from the suspension of foreign commerce which it occasioned. That portion of the country was, for a long time, the theatre of war, and the large supplies required for our troops were furnished by her already exhaustless granaries; while the Atlantic cities, and the manufactories of the East, received their supplies of live stock from the drovers of the West, and of corn and flour from the grain-growing portions of the older States. But, after the general peace which followed the final overthrow of Napoleon, when the mighty armies which had devastated Europe were disbanded, and the soldiers which composed them returned each to his village or hamlet, to repair with his labor what he had wasted by his arms; when a few years of quiet, peaceful industry had restored the energy of exhausted nations, the scene with us was changed. The fields of Europe, now cultivated in peace, produced an abundant supply for all her inhabitants, and consequently the products of our grain-growing region, the Middle and Western States, could find no market there. England, after the peace, continued to purchase largely of us, and, in return, flooded our country with her manufactured articles, until our Eastern manufacturers were prostrated and ruined by her overwhelming competition. In 1820, '21, and '22, the amount of our grain admitted into her ports became less and less considerable, and, in 1823, her ports were closed against this portion of our products.

In the mean time, causes were in operation at home, tending to the total prostration of the agricultural interest. Our manufactures were annihilated; our home market was thus cut off; the foreign ports were, in effect, closed against us; the market which our armies had afforded the Western farmer, during the war, had ceased; that army disbanded, the soldiers became farmers, and added their quota to the vast amount of our surplus agricultural products; the only market that remained open to us was a small portion of the Eastern and Southern States, the West India islands, and, to a limited extent, the coast of South America; consequently, our produce was freighted upon the waters, and sent downwards to New Orleans; but the supply exceeded the demand twice told; the market was glutted; the price went down almost to nothing; and many a mercantile enterprise there has involved even more than a total loss. I well recollect an instance, in which, after the sale of boat and cargo, and placing the proceeds to the credit of the freighter, the balance against him, as claimed by the commission merchant, was something more than four hundred dollars. This, however, was an extreme case; but, generally, from about the year 1821 to 1825, the export trade was ruinous to all who engaged in it. The truth is, no foreign market whatever, beyond the very narrow limits which I have specified, did exist; and it was worse than idle to force our products, especially agricultural products, upon any people, beyond the amount which their necessities require. They are articles which administer to neither

the pride or passions of men; so far as the necessities of a people require, they must, if possible, procure them; beyond this point they will not, however cheaply they may be obtained. It is, therefore, idle and chimerical to say that, "if you increase production, there will be mouths to consume it." Time may furnish them; centuries hence they may arise by millions, and gather fast upon the footsteps of production; but where were the mouths to consume the accumulated products of the West in 1823, '24, and '25? In our own country we had them not; every market in America was filled to repletion; the ports of the British isles were closed against us. The North of Europe grows corn to an extent far beyond the wants of the country, and, at the time of which I am speaking, felt, and as extensively as we, the pressure consequent upon over-production; and the markets upon the Baltic and the North Sea were supplied by the corn of Poland, from the ports of Dantzic and Königsburg; southward, the products of the fertile countries upon the Danube, the Dnieper, and the shores of the Euxine, meet us at the Straits of Gibraltar, and shut us out of the Mediterranean.

In short, every portion of the world was searched by our intelligent merchants, and all combined did not furnish a market adequate to our surplus productions. Every farmer in Ohio long knew and felt the pressure consequent upon this state of things. Year after year their stacks of wheat stood unthrashed, scarcely worth the manual labor of separating the grain from the straw; so low was it reduced, in comparison with manufactured articles, that I have known forty bushels of wheat given for a pair of boots. Such was the state of things in the Western country, prior to, and at the time of, the revision of the tariff in 1824.

About the same time, unless I am much deceived, like causes produced similar effects, though to a less extent, on the cotton-planting interest in the South. The honorable Senator from South Carolina [Mr. HAYNE] has said that "cotton is an article, the production of which cannot be overdone." Sir, the gentleman is mistaken; do but consider how many portions of the earth produce the article to the full measure of the wants of its inhabitants, and even beyond them; take into view, also, the capacity of several of those countries, especially our own, for increased, nay, almost unlimited, production, and compare this with the capacity of the inhabitants of those countries, to which our cotton, or the fabric produced from it, can find access to purchase and consume; he will find, unless I am much deceived, that, of all articles, (tobacco, perhaps, excepted,) cotton is one, the production of which is most likely to be overdone.

The whole of our present export is loosely estimated at one million of bales; most of this is sold in England, and forms the principal supply for the British manufactures. Now that nation, with its dependencies, a most extensive consumer, is, in the first place, abundantly supplied with the manufactured article; and, moreover, I ask you if there is a spot on the habitable globe, where her manufactured articles can find a market, that it has not already penetrated, and supplied to the full extent of the demand. What portion of the earth is there, where civilized or even savage man is to be found, who has any thing to give in exchange for their fabrics, which has not been already sought out and furnished, even to repletion? Europe, America, the islands of the Pacific and Southern Oceans, Arabia, Hindostan, the further India, and even China itself, are visited by her merchants, and flooded with her fabrics; the price of which has been long since reduced below that of every other article used for clothing, so that the cost has not, for many years past, prevented any people, even the poorest, from purchasing to the extent of their wants, or at least to the extent of their commodities which would be received in exchange.

The amount of our exports of cotton has been already

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stated at one million of bales; our home consumption may amount perhaps to two hundred and fifty thousand bales; making, in the aggregate, one million two hundred and fifty thousand bales, as the whole product of the United States—the average product of a little more than one million of acres of land. There is, in the cotton region of the United States, more than twenty millions of acres of land adapted to the production of this staple, besides a very large portion of the Texas, which is settling with our people, and becoming our rival in this product. If the demand for cotton had been unlimited, and if the fall of price, consequent upon over-production, did not, in its turn, react upon, and check production itself, in a few more years the production of that article would increase more than tenfold. Such is the natural course of things. The great extent of new and fertile lands, constantly exposed to sale at the lowest price; the ease with which a great portion of them is brought into cultivation, and the abundant crops which they yield, with the energy and enterprise of the migrating portion of our people, would yield a vast, incalculable amount of this product, for which this earth may be searched in vain to find a market. That the fall in the price of cotton, the leading cause of all the distress complained of in South Carolina, is owing to over-production, and not to the tariff of 1824, is evident from some further facts. In 1818, our whole exports of cotton amounted to ninety-two millions of pounds, and produced thirty-four cents per pound. In 1823, the amount of the export had augmented to one hundred and seventy-three millions of pounds, and the price had fallen to eleven cents. Now, a part of this astonishing reduction in the price of the article in so short a time, is, I admit, accounted for by the rise in the price of money equivalent to nearly one-third; deduct this, which every one will admit a liberal allowance, and the fall in price, consequent upon over-production, or, what is the same thing, the producer of the raw material furnishing it faster than it could be wrought up by the manufacturer, is more than one-half in five years; as, in the case of grain, the consequence, or at least the tendency, of this over-production, and the glutting of the foreign markets, has been the reduction of the price of the article to the minimum at which it could be produced. Indeed, the effect of an excessive supply of any article of commerce is much greater than we would be at first led to believe; the smaller quantity, which falls short of the demand, generally producing more than the larger quantity, which exceeds it. As, for instance, the exports of cotton from the United States, in 1818, which amounted to ninety-two millions of pounds weight, an amount, I conclude, less than the market required, brought thirty-one millions of dollars. The amount exported in 1827 was two hundred and ninety-four millions of pounds—an amount greater than could readily find a market, and brought but twenty-nine millions of dollars. And this, in truth, rests upon a plain and common principle of barter; we see it in all the operations of life. Wood, for example, became scarce in this city, in consequence of the early closing of the navigation, and immediately rose to an enormous price. Now, suppose this city to require one thousand cords of wood per week, during the winter months; as long as that quantity continued to be regularly offered in the market, the sellers and the buyers would be upon a footing of equality, and the article would command a fair price. Suppose, again, the supply to fall short one hundred cords per week, the wants of the city continuing at one thousand cords, and the supply being but nine hundred; in this case, the sellers would have the advantage of the purchasers, and would fix their own price; the nine hundred cords would sell for more than one thousand; and suppose, the wants of the city remaining the same, that the regular supply should amount to one thousand one hundred cords per week, which would be a weekly excess of one hundred

cords of the supply over the demand; the market becomes glutted, the producers anxious to sell; the consumers, careless about purchasing, necessarily bring down the price, and the one thousand and one hundred cords weekly furnished to the city, being beyond their wants, bring a much less sum in the aggregate to the country which furnishes it, than would nine hundred cords, an amount below their wants. The same principle applies to commerce every where, whether it be on a great or a limited scale; it is to that, a law as constant and controlling in its operation as the law of gravitation to the motions of the heavenly bodies.

Then, sir, at the period of which I am speaking, 1822, '23, and '24, which I refer to as the season of the greatest agricultural depression, especially in the West, we had supplied, and were supplying, every country upon the globe with our products, to the extent they would receive, and even beyond it. We had glutted every market, and, by the excess of the supply which we furnished, we lessened the aggregate sum which we received in return. This was the case with every article of our products, whether of the forest or the field: every thing which we had to export, or which our labor would produce, and which could be made the subject of exchange, was sent abroad, and exchanged for foreign manufactured articles. And, in every instance, our excess in production, and excessive exportation, on the principle already explained, lessened the amount of the foreign article, which we were able to pay for and receive in exchange. In this state of things, it is evident that increased agricultural production could not add to, but rather tend to diminish, the aggregate of national wealth. The simple products of the earth cannot be hoarded and made a lasting treasure; the wants of the present, and a small excess to meet the contingency of a failing crop in any coming year, is all that is ever, of choice, amassed; the residue is disposed of for such price as it will command, and the increase of quantity, as I have shown, would necessarily diminish that price.

In this state of things, with a large amount of labor and capital, which were worse than cast away if applied to agricultural pursuits, it was clearly the policy of the nation, if that object were within the compass of its powers, to direct the excess of that labor and capital to manufacturing. Suppose the surplus which could be withdrawn from agriculture, without diminishing the value of our exports of its products, to be one hundred thousand men and one hundred millions of dollars—and the supposition is doubtless much below the actual amount; suppose these men and this capital be directed to the manufacture of iron, and produce, yearly, the value of ten millions of dollars, which, being an article of necessity, we must otherwise have imported from Europe; is it not obvious, at a single glance, that, although this money and labor may not be employed as profitably to the individuals themselves, as while it was applied to agriculture, the whole of its product—this ten millions per annum, is so much capital annually created in our country by the direction thus given its industry? Most clearly so; as every other interest yields the same, or even a better product to the nation than before, we receive for our cotton, tobacco, rice, and flour, exported to foreign nations, as much, at least, as if the capital and labor, above supposed, had continued in agriculture; and, instead of importing iron to the value of ten millions of dollars, as we should otherwise have done, our merchants return with its value in other articles of necessity or comfort. But this ten millions of annual wealth, created by the establishment of these manufactories, is not confined to them alone; it distributes itself through all portions of the community, by various interchanges: but of this hereafter.

It is difficult to reason closely on a subject so extensive, and involving such various relations. I like the familiar case put by the gentleman from Tennessee, [Mr. GAVIN-

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Dr.] and will adopt a similar one, which is easy of comprehension, and will serve to illustrate the views which I have advanced. Suppose a farmer placed upon his farm with ten sons, all sturdy lads, able to bear a hand at any business he may choose to set them about; and suppose that he can raise on his farm, with the labor of eight of them, as much produce of every kind as he can sell at all the markets to which he has access: now, with the money which he gets for his produce he must pay his shoemaker and his blacksmith, besides purchasing such other articles as his family stands in need of. In this case, would he not find it for the common interest of his family to make one of his boys a blacksmith, and the other a shoemaker, and leave the other eight to carry on the farm? It would be a clear saving to the family of all that the two boys would earn at their trades—and it is a principle of domestic economy which one of our Ohio farmers would easily understand and readily apply. The same is the case with the nation, but on a more extended scale; and, what the father would do for his family, the Government should do for the nation—not directly, for that could not be done without an interference with private right; but indirectly, by addressing itself to private interest.

The state of things which I have dwelt upon somewhat at large, was that of our whole country in 1823-'4. It was in the situation of the farmer, with his ten boys, who could find employment but for eight; and such, more especially, was the situation of the Middle and Western States. The low state to which our farming interest was reduced; the low price to which our fine lands and the products of our lands had sunk, produced unexampled pecuniary distress, and called aloud for relief. Our statesmen were not slow in discovering the cause of the evil, and in applying the remedy; hence their united support of the tariff of 1824—the merit of which I claim for them—for the Middle and Western States; and will not agree that it shall be transferred, as a subject of either praise or blame, to New England.

The effects anticipated from the tariff were such as have, in fact, followed it; and which, it is fair to say, resulted from it. Men and capital were transferred from agriculture to manufactures. In those sections of the Union, as New England, in which the land is poor and unproductive, and which abounds in capital, and is thickly peopled, their manufactures, which had once been prostrated by a ruinous competition, revived, and new ones were, to a vast extent, established. The competition of their labor and their capital was withdrawn from the farming interest, and that section of the Union, instead of contributing her mite, as before, to crowd and glut the market of the large Atlantic cities with the products of agriculture, herself, thereafter furnished the best and most certain market for the rich products of the West.

The Senator from Tennessee has said that this interference of Government, in giving a direction to private capital and individual industry, is oppression—it is injustice. I am now viewing this subject in its bearing on the nation generally, as a national subject, without special reference to its operation on any particular sections of the Union; and, in that view, I shall reply to his objection. He admits that the constitution has vested the power in Congress to pass tariff laws, with a view to the protection of manufactures—in short, to pass the very law which he stigmatizes as oppressive, and for the very purpose for which it was passed. Now, if it be within the constitutional powers of Congress, and be for the general good—the promotion of the prosperity of the whole—I cannot, for myself, conceive on what sound principle it can be called oppressive. Indeed, it carries with it none of those features which, though salutary, are often odious, as operating to restrain the exercise of individual will—the freedom of individual action. The tariff does not even this; but, by a regulation, which I trust I have shown to be for

the good of the whole, it holds out inducements to individuals to so direct their labor and devote their capital as that it shall advance the interest of the individual, and, at the same time, redound to the general good. So far from being oppressive, it is one of the best attributes or principles of action of a wise, patriotic, and paternal Government. No one is constrained to leave his agricultural pursuits, and become a manufacturer. Agriculture is still open before him, with increased advantages. Manufacturing interest invites him, with even better prospects; and it is this, the hand of beneficence—the hand of Government—which is extended to save the sinking hopes of its citizens, that the honorable Senator stigmatizes as the hand of oppression. It will be seen that the hypothesis on which I proceed—and one which is abundantly supported by facts—is, that we still export, of all our agricultural products, to the full extent of the demands for them in foreign countries; that we are, therefore, able to pay for and import from abroad the products of foreign countries, to as great an extent as we could do if our whole population were confined, to agriculture; and that all the products of our home manufactures are so much clear yearly addition to the aggregate of our national wealth.

But it is urged by the Senator from South Carolina [Mr. HAYNE] that, as the American tariff checks the importation of British goods into the United States, it thereby lessens the ability of the British manufacturer to pay for our commodities, and reduces the amount of our raw material (cotton) which is purchased in England: for which loss, our substituted home market is, as he says, no sufficient equivalent. But that I may not misinterpret the honorable Senator, I take the liberty to quote his own language, from page eleven of his printed speech:

"Now suppose, to make this matter too plain for cavil or dispute, that we exported to Great Britain one hundred thousand bales of cotton, worth (at thirty dollars a bale) three millions of dollars, and that we received, in exchange, three millions of dollars worth of British cotton goods; how much of our cotton would it take to manufacture these goods? Why, just twenty-five thousand bales; while the remaining seventy-five thousand bales would be disposed of on the continent. But, suppose the importation of these goods to be prohibited, and that they should be made at home, what portion of this cotton would find a home market? Only twenty-five thousand bales; and the remaining seventy-five thousand bales must be left upon our hands."

I will admit, for the present, for the sake of argument, that the manufacture of the twenty-five thousand bales of cotton in the United States into cotton goods, worth three millions of dollars, prevents the importation of just that amount of cotton goods from England; and that it would, consequently, diminish the sales of the British manufacturer to precisely that amount. He would, therefore, want twenty-five thousand bales of raw cotton less, to make the fabric to supply his remaining customers, and, therefore, he would purchase just so much the less of the raw material. If, then, the United States were the only country in the world that sent raw cotton to Great Britain, the home market for the twenty-five thousand bales would be purely a substituted market, without adding any thing to the aggregate demand. But, when it is considered that a large amount of the cotton of which the coarser fabrics are made is grown in other countries, as Brazil, Egypt, Greece, and Hindostan; and as our domestic fabric substitutes, principally, those of the coarser kind, formerly imported from England, the American cotton, it will be obvious, does, to this extent, displace the cheaper and poorer article of Brazil, Egypt, &c., and makes, almost to the extent of the amount manufactured, a new rather than a substituted market for our raw material.

But the seventy-five thousand bales, the value of which

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has been already realized in the United States by the manufacturing of the twenty-five thousand, and which, the gentleman says, must remain on our hands because we will not purchase British cotton goods, is certainly wanted by the British manufacturer, of which to make the fabric to supply his customer on the continent; and, on his hypothesis, this seventy-five thousand bales of raw cotton, worth two million two hundred and fifty thousand dollars, will make cotton cloth which the manufacturer can sell for nine millions of dollars. If he do not purchase, he cannot manufacture or sell; and will be give up his market on the continent, and refuse to manufacture for Europe, because we will not permit him to do so for us? The gentleman is widely mistaken in his calculation of consequences. The British will manufacture to the full supply of all who will purchase their fabrics, and they will purchase the raw material of those who sell the best article at the cheapest rate, to the full extent of the wants of their manufacturers, and this, too, without inquiring what nation takes, or refuses to take, their cotton fabrics in exchange. The argument proceeds upon a false hypothesis; it supposes Great Britain to be a poor nation, which has little to offer us in exchange for what she purchases, and that she buys of us all she can pay for, rather than all she wants. The very reverse is the fact. England is rich; and we, with all our prosperity, are comparatively poor. There is more than wealth enough amassed upon that single island to buy the fee simple of the whole continent of America. She, therefore, buys of us all that she wants, and we buy of her all that we can pay for; and the amount of our purchases is but little diminished by the establishment of manufactories at home, and the exclusion of many of their articles from our market. They still have enough which we wish to purchase, to command all our means of payment; but, by furnishing ourselves with articles of necessity, we rise, in our importations from abroad, to those of comfort and convenience, and perhaps of luxury. Hence the balance of trade, heretofore, has been, and still is, and, do what we can, will long continue to be, against us, and in favor of England. I agree with the Senator from Tennessee, that this balance of trade, of which so much has been said and written, cannot be very accurately ascertained from the custom-house books; but there is one criterion which is unerring—the rate of exchange between the two countries. Bills upon England sell at a premium equivalent to the expense and risk of transporting specie. I am aware that our exchange tables do not state this difference correctly; their error arises from a wrong mode of reducing dollars to shillings and pence; but correct this error, and the difference of exchange is still large enough to indicate a clear balance of the direct trade between us and England in favor of that country. We make it up, it is true, by a favorable balance in our trade with other countries—for no nation can, for a long time, buy more than she pays for; but, so long as this balance continues in her favor, and against us, there is no danger that she will not be able to purchase all of our raw material which it may be for her interest to consume. One thing struck me as singularly inconsistent in some of our anti-tariff politicians. It will be recollected that one reason urged for the tariff of 1824 was, that England shut her ports against our broad stuffs, and, by excluding the only exchangeable articles of the Middle and Western States, put it out of their power to purchase her commodities, except by a constant drain of the precious metals. The tariff was, therefore, proposed as a measure of retaliation, or, rather, of self-preservation from the ruinous effects of the British commercial system. On the other hand, it was said that the measure would be impolitic and ruinous; that, if other nations restrained their commerce, it was no reason why we should fetter ours; and that the laws of foreign nations, whatever they might be, could form no proper ground for

legislation on our part. But now our tariff, which excludes some articles of British goods, in favor of the home manufactured article, operates so oppressively upon England, that it not only justifies, but must produce, retaliatory measures on her part. "If" (said the honorable Senator from South Carolina) "you exclude British goods from our markets, you in effect exclude our cotton from their markets. It is in vain to tell us that England must have our cotton. You may force her to do without it. Even now she supplies herself, to a great extent, from other countries—from her East India possessions, Egypt, Brazil, and elsewhere; and you will make it her interest, in the end, to give up the American trade entirely."

Now, this does not seem to me exactly sound and consistent reasoning. When British legislation operates hardly upon our own country, we are asked to submit to it with patience, for it is folly to retaliate; but, on the other hand, when our legislation, in like manner, touches, or seems to touch, Old England, retaliation on her part is just and necessary, and we make it our interest to give up our trade altogether. But, sir, these fears are chimerical. There is no danger of a present or future inability, on the part of England, to buy all that we have to sell, provided she wishes to purchase, without turning the balance of trade against her and in our favor; she has done it heretofore, down to the present moment, and I venture the prediction that she will continue to do so for the coming age; and while this can be done, she will adopt no measures to cut off or embarrass the commerce between the two nations—I mean that commerce only which does not interfere with the home industry of England—for that industry it has always been her policy to protect and foster, and by its protection she has accumulated wealth beyond human conception. I take it, then, as an established position, that the protecting system, and the consequent establishment of manufactures, has not reduced, in any respect, or in a single particular, except as before conceded, the foreign market for our domestic products.

Gentlemen say that the tariff has checked the cotton-growing interest; compelled the people of the old States of the South to abandon, in part, the production of their staple, and turn to the cultivation of grain and the growing of live stock, a portion of their land; and thereby cut off from the West a valuable market, which they once furnished for its products. Now this is, I conceive, attributing to the tariff effects which it has had no agency whatever in producing. I have already shown that the fall in the price of cotton, prior to 1824, was owing chiefly to over-production; that is a mischief, however, which naturally tends to correct itself. When, in consequence of over-production, the price of cotton became low, it could no longer be produced, except on the better quality of lands; consequently, a part of the lands of North and South Carolina, not well adapted to the culture of cotton, but which had been forced into the service by excessively high prices, has been turned to pasture or the growth of grain. This tends to diminish their demand for Western produce, as they become, to some extent, their own producers of the articles of which they were formerly the purchasers; and, with or without the tariff, the same thing would have taken place.

But the tariff has, in fact, limited the production of cotton, and thereby helped to sustain the price, which must otherwise have sunk much below its present minimum; it effected this by creating and fostering a new interest, that of the sugar planter, who occupies the soil and climate which is best adapted to the growth of cotton, and which would otherwise have been confined to its culture. There are now not less than one hundred thousand acres of the richest of our Southern lands appropriated to the culture of the cane, which, in cotton, would have produced an average of one hundred thousand bales per annum; this would have been thrown in upon the market, in addition

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to the excess with which it has been constantly surcharged, or it would have driven out of its cultivation a quantity of less productive land, in the older sections of the country, capable of yielding the same annual amount, probably not less than two hundred thousand acres of the Carolina lands. This section of the Union then has been specially benefited in its export trade by the protecting system: no part of the Union has thereby suffered any loss or injury in that particular; but, as I heretofore remarked, the nation, as a whole, is able to pay, by an exchange of our products with foreign nations; and import, of their manufactured articles, as much as we could have done without our system of protection. The products of our manufactures are, therefore, so much additional wealth created and brought into being by the protective system. If I am correct in the view of the subject which I have taken, our foreign commerce, and our tonnage employed in commerce with foreign countries, ought not to have diminished without some other cause to account for such diminution: for it is not the nature of this system, if its parts be properly adjusted, and if it operate upon our national prosperity, as it would seem to me it must—it is not the nature of this system to cause a diminution of our foreign commerce or navigation; and its tendency is greatly to increase the coasting trade; and facts will, on examination, be found accordant to this position.

The wars in Europe, to which I have already adverted, gave us, it will be recollected, for a long series of years, the carrying trade for almost half the world. During its continuance, and prior to the embargo, our tonnage, employed in foreign commerce, increased with unexampled rapidity, and, in 1806 and in 1807, it rose to an amount considerably beyond what it has reached at any subsequent period. But this forms no fair ground of comparison: extraordinary causes conspired to produce extraordinary effects. On the other hand, during our last war, in 1814, our tonnage employed in foreign commerce was reduced to one-fifteenth part of its present amount; but this, too, being produced by a cause, temporary in its nature, and unconnected with the advancement or decline of the resources of the nation, may be cast out of the account. But, from 1816 down to 1824, our tonnage employed in foreign commerce remained nearly stationary, with, however, some slight diminution; but, from 1824, the date of the first obnoxious tariff, to the present time, the tables show a considerable increase—there is clearly no falling off in consequence of the tariff; our tonnage employed in the coasting trade has, in the mean time, nearly doubled, and its efficient value much more than doubled, indicating an increased interchange of commodities between the different sections of the Union, much beyond the proportionate increase of population. Add to this the increased facilities of transportation, occasioned by improvements which have been made in the communication between different points upon our rivers and bays, and the use of steam navigation to a vast extent, which has all arisen since 1816; one ton of which, in the transport trade, is equivalent to perhaps four tons of common sail vessels. If we also take into view the steamboat navigation between Pittsburg, Cincinnati, Louisville, and New Orleans, which is, in effect, the coasting trade of more than three millions of our population, the result will show an increase, in a duplicate ratio to that of our population, altogether indicative of a prosperous and flourishing domestic commerce. This increase, since the tariff of 1824, has been in a much greater ratio than that in the same number of years immediately preceding it; since that time, too, there has been a steady advance (with some variation, occasioned by the cotton speculations in 1825) in the cash value of our exports and imports, neither increasing in a less ratio than they did prior to that year.

I think it clear, then, that none of the great interests of our country has produced less of actual wealth, than it

would have done without the tariff; that all the wants of our people have been supplied from agriculture, so far as it, alone, can administer to the wants of man, leaving an excess of product as large as could be advantageously disposed of abroad; that our commercial and navigating interests have been sustained, or, rather, advanced; and that, therefore, all the products of our manufactures, of what nature soever, and made at whatever cost, which are occasioned by the tariff, are so much actual wealth created by them, and given to the nation. It will be obvious, at once, that, in the view of the subject here presented, the cost of production is wholly immaterial, in a national point of view—the quantity and value of the article produced is alone important; for that is the aggregate amount, by which the national wealth has been augmented. Let us take the case heretofore supposed, of one hundred thousand men, and one hundred millions of capital, which could be withdrawn from agriculture, without diminishing the value of its products. It would certainly be wiser, in a national point of view, that they should be withdrawn from that employment, and directed to something in which their labor could be productive, even though it produced but little. Admit that capital would produce six per cent. per annum, and that the laborers could earn one hundred dollars each, if employed in agriculture, and that the same, if directed to manufacturing, would produce but three per cent. on the capital, and fifty dollars a year to the laborer, still it would be for the benefit of the nation, that the hundred thousand men and the hundred millions of dollars should be applied to manufactures; for, while the laborers and capitalists were individually realizing more profit, by agriculture, they were yielding nothing to the aggregate of national wealth. On the other hand, while they individually make much less profit by manufacturing, they are constantly adding the whole product of their labor to the wealth of the nation. The men and capital, which still remained employed in agriculture, would make as much wages and profit as all made when all were engaged in it; they would, of course, divide among them the ten millions of dollars which would have been earned by the hundred thousand laborers, and the six millions, which would be the profit on the hundred millions of capital. It would, then, be the interest of the remaining agriculturists, if they could not otherwise induce this part which I have named to engage in manufacturing, to give them, as a bounty, ten of the sixteen millions, which would be saved to them by getting clear of this excess of labor and capital. Now, this is supposing a strong case against the protecting system; it supposes it to bring the home manufactured article at more than twice the cost of the imported, and yet the national interest is, even on that hypothesis, clearly advanced by protection. Take the case of the Great Falls factory, referred to by the honorable Senator from South Carolina; concede against it all that is alleged, wide as it is from the fact, and test its utility by the principles which I trust I have established, and it will be found to be a case of national benefit, rather than a burden. 790 boys, men and females, produce 6,000,000 yards of cotton cloth from 1,250,000 pounds of cotton. The cloth, at a moderate estimate, would be worth eight cents per yard average,

	\$480,000
Deduct the price of cotton, at 10 cents,	125,000
	355,000
Deduct 3 cents per yard for increase of price by reason of the tariff,	180,000

Leaves \$175,000

As a clear augmentation of national wealth—that much more made to the nation, by employing these 790 laborers in this factory, than if they had been employed in agricultural labor. I have thus far reasoned on the sup-

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position that the tariff does raise the price of the protected article, and that to the full extent insisted on by the opponents of the protecting system. In this point of view I have endeavored to show, and I trust successfully, that it is a general benefit, and adds to the aggregate of national wealth, without regard to the high or low prices which it may affix to the protected article. If, however, the prices of the protected articles were greatly or permanently enhanced, and if they were produced in one section of the Union to the exclusion of another, I am free to admit that its operation would be unequal; might be oppressive upon some portions of the Union, while it tended to the emolument of the Union as a whole. If, however, after a reasonable time has transpired for capital and labor to assume its direction and produce its effect, the protected article is produced as cheap, or cheaper, than it could be sold, had we never resorted to protection, no section of the country is injured, while the prosperity of each and every part of it is advanced. It is said that the only rational object of a protecting duty is to raise the price of the protected article for the benefit of the producer; that it is its natural and necessary tendency; and if it do not have that effect, it is a dead letter, and that manufactures would flourish as well without it as with it.

Plausible as these propositions are, and specious as is the reasoning by which they are supported, they are nevertheless unsound in theory, and unsustained by experience.

It is not the rational object of the protecting system, even in the first instance, during the infancy of our manufactures, to raise the price of the article, but to secure to the domestic product the command of the market. Suppose, sir, that the regular annual demand for a given article, coarse cottons, for example, were five millions of dollars per annum in the city of Philadelphia, and suppose that amount regularly imported from England, and sold at ten cents per yard; suppose that the same article can be manufactured in Philadelphia, profitably, at ten cents per yard, is it yet certain that a manufacturer could sustain himself against the foreign competition, without the protection of Government? In my estimation, it is perfectly certain that he could not. In the first place, the foreign manufacturer and the importer have possession of the market, and cannot be driven from it unless they are undersold. The domestic manufacturer must, therefore, put down his goods below the selling price, in order to obtain the market from his rival, and sell below the price at which a fair profit could be realized. But the foreign manufacturer and the importer, whose business it is to supply this market, will not yield it at once to any rival; they, to keep possession of the market, put down the article also, and thus competition lowers it, until one or the other is ruined: and I need not tell you on which that ruin must fall. Between capitalists, when they contend on equal grounds, as between every other species of power, wielded with the same energy, directed by like intellect, the stronger must overthrow the weaker. The same contest would arise in the attempt to sustain our manufactures (when established) without protection, in the face of foreign competition. The imported article would constantly divide the market with the domestic; it would subject our manufactures to the fluctuations in price consequent upon the occasional over-production of the foreign fabric; and as prompt sales are necessary to enable small capitalists to carry on business with success, it would put it out of the power of our domestic manufacturers to produce and sell the fabric as low as they could do, if foreign competition were restrained or removed. Every one who has any knowledge of the application of capital, is aware of the importance of a frequent and certain return of the fund vested with its profit; if it be regularly turned once a year, eight or ten per cent. is a fair profit upon it at each operation; if three times in a year, three or four per cent. is equally good; but if there be hazard of

delay, or of loss, the capitalist will not take the risk unless the profits are likely to be excessive: so that our manufacturers, when pressed by foreign competition, subjected to delay, and exposed to loss, cannot produce as cheaply as they can when secured from this inconvenience and risk. And although they may produce and sell even cheaper than the article would have been sold, had they never engaged in the business, yet they may not be able to go down with the article to the price to which it must sink in consequence of the competition which they have caused.

Upon the well settled principle, that the relative proportions of demand and supply fix, or modify, the price of all articles, however produced, the increased production consequent on the extensive establishment of manufactures in the United States, must necessarily reduce the price of the manufactured article in the markets of the world; and, should we admit the free importation of foreign manufactured articles, this state of things, if it could exist, would more especially reduce them in our own country.

This competition would operate most unfortunately upon our manufacturers, in another particular. We all know the immense extent to which cotton fabrics, for example, are produced in England. There are, in the first place, their own home market, that of their colonies and dependencies, which they supply without competition; there are also a few other markets, which they almost entirely command. Now, over-production, or an excessive supply, owing to any temporary cause, puts down the price, as I have heretofore shown; and the excess in quantity, if exposed in the market, and, owing to any exigency of trade, requiring prompt sale, reduces the value of the aggregate supply, so as to be more than lost in the general mass. If, then, there be an excess of production at any time, which must be disposed of, on whatever market it may be crowded, its immediate effect is to sink the value of all the stock of the same material in the same market, to, or nearly to, the price at which it may be put, in order to force a sale; or it compels other dealers to keep up their stock, and wait for a better state of things, and thus interrupts and disturbs the regular and steady business of the place. Now, in case of over-production, or a sudden press to dispose, to a large amount, and immediately, of any manufactured article by the British manufacturer, it would, by the policy of trade, be thrown, not upon a market which they regularly and wholly supplied, but on those which were principally supplied by other producers. Thus, all the depression and irregularity consequent upon over-production by the British manufacturers, would be cast upon ours, if they were left without protection, and their ruin and destruction would be the inevitable consequence. Our manufacturers have not sufficient capital to stand the shock of this competition. If they have quick, certain, and steady sales, they can manufacture many of our protected articles as low, or lower, than the same can be imported from England; but they cannot endure, and they ought not to be forced to withstand, the vicissitudes of fortune which the British manufacturer and the British laborer are heir to, and which would be cast, with increased effect, on our shores, if they were not guarded and protected by the legislation of our country. These, sir, are the reasons why the friends of the protecting system will not consent to destroy the protection on articles which can be, and which are, produced cheaper now than they would have been imported, had we never given it this protection. To the question, put with so much emphasis—if the domestic articles do, in fact, sell as low as the foreign, why keep on the protecting duty? I answer, by the inquiry, why take it off? You certainly gain nothing by removing it, and I have shown you that you may lose much.

I trust, sir, I have sufficiently shown that, when pro-

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tection is essential to sustain our domestic manufactures, it is not a necessary consequence of that protection to enhance the price of the protected article. It may, or may not, produce that effect, according to circumstances; and the fact can be tested only by experience. Let us try it by that touchstone. The friends of the policy contend that the system of protection has reduced the prices of protected articles below what they would have fallen to without this protection. Their opponents deny it. The proof, already adduced, and reiterated, is certainly very strong—to my mind, conclusive—in favor of the affirmative of the position. But it is not at all necessary to go thus far; the friends of the system need not show that the tariff has reduced, it is sufficient that it has not enhanced the price of the protected article. On those who attack the system as an evil thing, it is incumbent to show that it is productive of some evil; it is not enough that they deny it one or another of the good effects which its friends have claimed for it. I have already shown that no single evil has resulted, or can result, from this system, unless it increase the price of protected articles. And it seems to me admitted, by even the gentleman from South Carolina, that it has not had this effect. To this point, I read from pages 24 and 25 of his printed speech: "But where is the evidence to be found that the tariff has produced any reduction whatever in the price of the protected articles? Is there any other foundation for the assertion than this, that the prices of cottons, woollens, and iron, have actually fallen since 1824? But all other articles have likewise fallen, protected and unprotected. Real and personal estate, cotton, flour, and tobacco, all, all have gone down; and most of them in a greater degree than woollens, cotton, and iron. Has the tariff done all this? What say the gentlemen? I have here a price current containing the prices of two hundred and fifty articles, in 1816 and 1831, from which it appears that there has been a universal reduction in the price of articles of every description; and that those admitted duty free have been reduced, at least, in an equal ratio with those paying duties."

Now, sir, admit the gentleman to be correct, and it is all I need ask as a friend and advocate of the protecting system. If the protected articles [those paying heavy duties] have held their relative situations in price, with those paying no duties, it is evident that the duty has not enhanced the price of the protected articles, and does not, therefore, operate as a burden on any portion of the people; and all that is said about oppression and injustice, and burdening the many for the benefit of a few, is but idle declamation. But the honorable Senator, a little further on, hazards the conjecture, that, if his tables of prices current were carefully examined, it would show that there has been a less reduction in the protected articles than in the others. On this conjecture, sir, hangs his whole case. If it be not well founded, supported by facts, neither the South, nor any other portion of the Union, can have the least cause of complaint against this system; and I venture to say that the contrast is not very striking in favor of the unprotected articles, or, in the hands of the honorable Senator, it would not have been permitted to rest in mere conjecture. It cannot be sufficient to spread ruin and desolation over any portion of our land. Other tables, however, not perhaps of those identical years, show a different general result. A striking contrast in the reduction of the prices of protected, as against the unprotected article, and those which have been the most sedulously guarded by protection, amounting even to prohibition, have fallen most.

The price of articles which were formerly supplied us by Great Britain, and which we now manufacture for ourselves, or which, in other words, are wholly, or in part, excluded by our tariff, have, doubtless, fallen somewhat in price in England, in consequence of our system. The honorable Senator from South Carolina [Mr. HAYNE] seems to consider that as one of its tendencies; and it is

through this medium of a reduction in the price of the manufactured article, that the duty is to operate as a tax upon the exporter. Admitting the gentleman to be correct in his position (in which I am happy to concur with him) that the tendency of our protecting system is to reduce the price of the protected article in the British market, it can do it on no other principle than that of increased competition, or lessening the demand, while the supply continues the same.

If this be the mode of operation, it will be evident, on a little reflection, that it will act not alone on the protected, but on the unprotected articles also, and tend to a general reduction of the price in all.

We have, for example, directed the labor of one hundred thousand individuals to the manufacturing of sundry articles, say, for instance, woollens and cottons. These do not merely come into competition with, but they supersede the market for the product of one hundred thousand British laborers in the same business. These branches of business will be at once overdone to that extent, and consequently become depressed. Capital and labor will be, therefore, withdrawn from them, and vested in other branches, to which the mischief has not extended; consequently, there would soon follow an adjustment and distribution of the surplus labor and capital among the various branches of manufactures, and the over-production distributed through all. Every thing would be more or less affected by it, and a reduction in the price of manufactured articles, generally, would be the consequence. I am, however, inclined to think that gentlemen much overrate the value of our market to England, and the effect of our legislation upon her. But, if it operate permanently to depress the price of the protected article, it would, in the way I have mentioned, have a more general and extended operation. In England, business of all kinds is pushed to the greatest possible extent. Every cord is drawn to its utmost tension; so that, touch but one, and it instantly vibrates through the whole connected system.

Much pains are taken by gentlemen to account for the reduction of prices, especially upon protected articles. The Senator from Virginia [Mr. TYLER] attributes it to a diminution in the amount of the circulating medium, and the consequent rise in the value of money. But the cause which he refers to had produced its full effect, and ceased to operate, long before 1824. Money was as scarce, nay, much scarcer, in the United States, and dearer, too, if labor be, as I believe it is conceded to be, the true criterion of value, than it has been at any subsequent period. Banks had, long before that time, resumed the payment of specie, and all the necessaries of life, manufactured articles excepted, had sunk to the very lowest point of depression. Raw cotton, too, had gone down, but not yet to its minimum, for it had not then fairly overwhelmed the market with its abundance.

But let us not wander in search of causes which lie at our doors; the reduction in the price of cotton fabrics, for instance, is occasioned partly by the excessive production of the raw material, which has reduced that material to its present low price, to home competition, and the steadiness of demand and supply, enabling the manufacturer to produce the fabric to the best possible advantage, and sell it on the lowest terms: add to this some improvements in machinery, and much in the conduct and management of the establishments themselves, and you have the aggregate of the causes which have produced this extraordinary effect; and surely it is no unpleasant occurrence to those who have supported this system through every vicissitude, and staked their fame upon its result, that benefits have flowed in upon the country, connected with its operation, which even its enemies can trace to no other adequate cause.

But the Senator from South Carolina [Mr. HAYNE] tells us, and the same idea has been again and again reite-

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rated by gentlemen, that, whatever may be the effect of this system upon other portions of the Union, to the South—especially the elder portions of the Southern States—it is every thing that is abhorred and pernicious—a blight, a mildew, a withering curse. Sir, epithet and denunciation prove nothing, except the warmth of those who utter them. If injury has been inflicted upon that section of the Union by the tariff, the mode of operating that injury can surely be pointed out. It can affect it by none but visible and sensible means, and must, as I conceive, be confined to a reduction in the price of the staple of the country, limiting the extent of the demand at home or abroad, or enhancing the price of the commodities purchased by the people.

I have already shown that the price of the staple (raw cotton) is, in some measure, sustained by the tariff—so far, at least, as it has converted cotton lands to the culture of sugar, and thereby limited the excess of production which would otherwise necessarily have sunk the article even below its present price. I have, also, heretofore shown that the British manufacturer is able to purchase of us all that he wishes to purchase, without looking to us for the means of payment. That it is for his interest to purchase to the full extent of his market for the manufactured article; that, therefore, the extent of the market for the raw material, at home and abroad, is equal to what it would have been without the tariff. This view of the case is strengthened by the fact that, since 1824, the quantity of cotton sold has increased in a ratio equal to that of former years, and the price has not sunk in as great a ratio. I have shown, too, so far as negative can be shown, that the price of protected articles has not enhanced in consequence of the protection. And no counter evidence whatever has been brought forward to prove that a single article has risen higher, or fallen less, in consequence of protection, except, indeed, the finest woollen fabrics, articles of luxury, in which we have not yet been able to compete with the British manufacturers.

The Senator from South Carolina has said that the tariff, by enhancing the price of the manufactured article, tends to diminish its consumption among the poorer classes; thus limiting the extent of the demand, and compelling first the merchant, then the manufacturer, then the producer, to come down to the lowest price at which each can carry on his operations, and thus casting a part of the burdens of protection upon the producer, as such, over and above his share of the burden as consumer. However true this might be, in a possible state of things, the very reverse of it is known to be the fact with respect to the cotton fabric. If the tariff has, in fact, compelled the British manufacturer to work cheaper, and the merchant to receive less profits, effects which, by the gentleman's own hypothesis, must be produced before any of the burden can fall on the producer of the raw material, as they both stand between him and the consumer—if the merchant and manufacturer are compelled to take less profit, the price of the article is, at once, reduced to consumers in all parts of the world, except the United States; and the price being reduced, it is brought into more general use among the poorer classes, and its sale becomes more extensive in nineteen-twentieths of the markets of the world. I do not say that the gentleman's position is sound; but, if it be so, this is the first consequence that flows from it. And, sir, with regard to the consumption of cotton fabrics in the United States, which the gentleman seems to suppose is, or may be, diminished by the protecting system, his whole theory is built upon a supposed augmentation in price, the very reverse of which we know to exist. Increased consumption, too, the natural consequence of a diminished price, and more ability to purchase, is obvious to the most careless observer, especially in the West. No special injury has, therefore, resulted to the South by this operation of the tariff.

But, to show that the producer pays the duty on the imported article, a case is put, well calculated to puzzle, but really involving a mere sophism. I refer to the case of the bale of woollens which the gentleman from South Carolina has supposed is received directly in exchange for cottons exported by the Southern planter, and which is stopped at the custom-house, and forty of the hundred pieces which it contains taken out as a tax to the Government. [P. 17, printed speech.] Now, as to the supposition that the bale of woollens is imported for the consumption of the planter, I have nothing to object against it, in the view of the subject that I am now taking. He does pay the duty, not in his capacity of producer or exporter, but in the capacity of importer and consumer; and, analyze the transaction, separate it into its four natural elements, which have, by the honorable Senator, been unnaturally combined, and it will be obvious. Let the Southern planter export his crop, lay it down in the Liverpool market, and sell it for the best price he can in cash. This, indeed, is always done: for there is no such thing as barter there, except through the medium of money, or bills, which are, for all effective purposes, money. Now, he sells his cotton for just the same price, whether he intends to bring home broadcloths or money. Here the transaction of the producer and the exporter ceases; the cotton planter has for his crop cash, which he may bring home with him, or, what is still better, leave on deposit with his English banker; his bills on that banker, he sells to the Philadelphia or New York merchant at a premium, and he has his cash at home, to be disposed of at pleasure. The Ohio farmer sends pork and beef to New Orleans, which is shipped to Charleston: or the Kentucky drover takes his horses, mules, and live stock, through the Saluda gap, and they are sold to the planter. The planter pays with the cash which he has brought home, or by a draft on his banker in New York, and the exactions at the custom-house do not, thus far, affect the transaction in the remotest degree. The New York merchant who has bought the draft on England, pays it out for British goods, and brings them home; he pays the duty. Now, if the cotton planter purchases one half these goods, and the Ohio farmer the other half, at the same price, is it not obvious that each pays his equal share of the duty? No refinement, no sophistry, however ingenious, can change the true character of the transaction. The consumer, and not the producer, pays the tax, and the several sections of the Union pay it in proportion to the amount they consume. As respects the importer and consumer, if the protected article is permanently enhanced in value by the duty laid on it for the purpose of protection, it is thus far a burden, and its propriety and policy must be tested by comparing and balancing, as nearly as may be, its evils with its benefits. But if the price of the protected article be not enhanced, no burden whatever is borne, except what is necessary to sustain the revenue of the country, and no advantage is given by it to one class of our citizens over another.

But the honorable Senator from South Carolina [Mr. HAMM] has told you, that, while other sections of the Union are flourishing, increasing in population, and rising in wealth, the condition of the South, that of his own State especially, under the operation of this system, is not merely one of unexampled depression, but of great and all-pervading distress; their once busy and populous cities crumbling into ruin, their fields abandoned, their hospitable mansions deserted, and the husbandman, with a heavy and despairing heart, tearing himself from the scenes of his childhood and the bones of his ancestors, to seek, in the wilderness, exemption from the oppression with which this policy has overwhelmed him.

Is this fancy, or is it fact? I am inclined to think the picture greatly overdrawn; although the glowing eloquence, the rich and fervid imagination, and the deep

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and impassioned tone of feeling in which it is shadowed forth, tend to give it a welcome entrance into the mind, before it has passed the ordeal of the judgment. But, in determining upon fact, simple every-day fact, I would prefer the conclusions of a less powerful and a less excited intellect. There is too much of poetry in the description; it forcibly reminds one of the beautiful and eloquent lines of Doctor Goldsmith, in which he describes, with so much apparent truth and real feeling, the deserted fields and desolate habitations of the industrious peasantry of England, driven from their humble but happy homes, to seek shelter from oppression in the solitary woods of savage America—

"Where wild Altama spreads its swamps around,
"And Niagara stuns with thundering sound—"

And it is said, I know not how correctly, that our poet lived and died strong in the conviction of the general correctness of the picture which he drew of the progressive decay and desolation of his country. But, sir, England was, in fact, increasing in population, and so also is South Carolina. The last census shows a small increase in the free population of the State, and a large increase of the slaves. The fields also must be cultivated as heretofore, for they yield an increased export product; and we are told that they now raise a much larger proportion than formerly of grain and live stock for their own consumption. Though by no means disposed to admit that South Carolina is plunged as deeply into the abyss of misery and despair, as has been here depicted, yet I doubt not that she prospers less than formerly, and less also than most other sections of the Union: but for this there are abundant causes, independent of the tariff.

The Southern planter does not, like the hardy farmer of the North and West, lay his own hand to the plough; he neither holds nor drives; the culture of the fields is left to the overseer and the slaves, and their cultivation is without skill and without care. Year after year, the same fields are subjected to the same crop, and the same unceasing and unchanging tillage, without any means being used to renew or reinvigorate the soil. The fields are soon worn down by excessive cultivation, and cease to yield, as heretofore, an abundant harvest. Extensive emigration is also, without doubt, one of the causes which operates to check the prosperity of the older portions of the Southern States; but this emigration is induced by causes, and instigated by feelings, very different from those to which the gentleman has ascribed it. It is not want, or misery, or oppression, that induces it; the emigrant curses neither his country nor his lot; and his journeying is undertaken and executed with feelings the reverse of anguish and despair. Sir, it is the rich and fertile lands of the West, of which he may become the proprietor almost for nothing—a charming country in reality, fresh, and rich, and fair, almost beyond example, but to which the imagination does not fail to add new beauties, and color even with ideal and unreal charms—it is this which operates upon the hopes, and elates the spirits, of the young and ardent sons of the South and East, and leads them to part from their fair fields and happy homes on the Atlantic shore, for fairer fields and happier homes in the far distant West. Hence, sir, the giant stride with which our population has borne its march westward, the "lion's bound" with which we have sprung into the forest.

But this spirit of emigration, year by year, drains from the seaboard of South Carolina her most hardy, vigorous, and enterprising population. Cotton, the object of their culture, can be raised cheaper and more abundantly on the new and rich lands of Georgia, Alabama, Mississippi, Louisiana, and the Territories of Florida and Arkansas; and, unlike the cumbrous article of grain and its products, can be transported from the interior at a small per centum on its market value.

I take leave to refer also to another cause, named by the honorable Senator from Kentucky, and which has, with the foregoing, a combined operation. The repeal of the laws of primogeniture—the equal distribution of the real estate among all the children, sons and daughters alike—however favorable to the wealth and prosperity of the people in other sections of the Union, does, owing to the peculiar situation and habits of the South, seriously affect their condition. Judging from the statistical tables which show the comparative increase of population in different sections of the Union, and comparing that of South Carolina with others, I am led to the conclusion that one-fourth part of the free born of that State, which reach the years of maturity, emigrate; and, by the existing laws, they carry with them, to their new homes, not merely their share of the personal estate of the family from which they are descended, but also of the land and slaves, which form the substratum of the wealth of the country. Thus, year after year, is there a regular and continual drain of the best and most efficient population of the State, and their wealth also—even their real property pays an annual rent, if I may so call it, to her emigration. But this is not all. The great increase of the slaves over that of the free population, shows that the emigrants do not generally take with them their proportion of slaves, but that they remain as heretofore, in some measure regardant to the soil. They have risen now to more than one-half the population of that State, and are fast gaining upon the whites in the ratio of increase; they, indeed, compose almost the whole laboring population of the country; they labor without judgment, for their intellects are not cultivated—without energy, for they labor without motive; hence, the acquisition of wealth from labor, its great and only real basis, must be small in a country situated like this, compared with what it is, where every man, with his own hand, cultivates his own farm, or watches over its improvement; where all are laborers, and all intelligent, industrious, and persevering—careful of the present, and provident of the future.

Sir, the curse of slavery, and not the tariff, is in truth the withering curse which blights the fair hopes of this fair and otherwise happy and favored land. It is not so much the drain upon her population, for in this other and prosperous States share her lot; but it is, that, while the sound and wholesome portion of the population flows off—the bold and enterprising freeman—the slave remains fixed to the soil, yearly consuming more and more of its products, and yearly displacing and sending into exile (if emigration be exile) more of the free born of the land. I need not follow out the picture in anticipation of its consequences; the subject is one of deep regret and gloomy forebodings.

But one thing more will I take occasion here to remark. In many sections of the Union, and in foreign countries, too, public opinion has greatly erred as to the general feeling and conduct of the individual masters towards their slaves. So far as I have observed, (and my observation has been somewhat extensive, especially in Virginia and Kentucky,) there is nothing in it to shock humanity. On the contrary, the feelings of the masters towards them appear to be those of kindness and affection. And this evil, cast upon our Southern brethren, not by their own acts, or of their own choice, but by the cupidity of a foreign nation while we remained her colonies, is one for which they are entitled to any thing rather than reproach and censure. And it is an evil which, in the present state of public feeling, the Legislature of the Union cannot, in the more Southern sections of our country, either remove or mitigate. Philanthropy indulges visions of this kind, at present, in vain.

Another mode in which the same cause operates injuriously to that section of the Union, is, that it lessens their capacity for commercial enterprise. A negro slave is unfit for a ship carpenter or a sailor; and, in a country

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where there is no laboring class, except slaves, ships cannot be built, or manned, to the same advantage, as in the Eastern and Middle States, where laborers are freemen, and possess intelligence and enterprise for every undertaking, however arduous, or however varied. The navigating interest, therefore, independently of the tariff, must centre elsewhere than in the Southern States. And finally, the well known and familiar habits of the Southern people—free, liberal, uncalculating—living to the full extent of their means, however ample, and trusting to their land and slaves as a perpetual supply, and, beyond that, improvident of the future. Time brings with it an increase of population, but not of wealth; and the decay and exhaustion of their soil, and the fall in the price of their staple, produces a depression which is severely felt, but which is unfortunately attributed to that which, of all things, is most remote from its real cause.

Need I add another to this long and mournful list of causes for the calamities under which our Southern brethren suffer, and of which they complain? I have explained the causes of the alleged decay of their navigating interest. Why is their commerce (as the honorable Senator says it is) transferred into the hands of the merchants of Philadelphia and New York, and carried on by their capital? I have already spoken of the habits of the Northern and Middle States—the steady eye which they have to the future—their disposition to accumulate and embody capital, and their skill to direct it to every prosperous enterprise. They have the ships—they have the seamen—they have habits of life and a turn of mind fitted to mercantile pursuits—and they have capital; with or without a tariff, the commerce of the South must have fallen into their hands.

These causes combined, operate on the city of Charleston, the decay of which has been so eloquently and feelingly depicted by the gentleman from South Carolina; and though disposed to think his coloring somewhat too dark, I cannot for a moment doubt the general correctness of the sad picture which he has drawn—that there has been a great and marked decay in the wealth, the business, and the prosperity of that city. But, sir, independently of those causes which I have named, and which operate alike upon the older portions of South Carolina, there is one other, which tends to depress the business of Charleston alone. There have sprung up in the interior, a range of populous and flourishing towns, Columbia, Augusta, and Camden, which, within a few past years, have been rapidly growing in commercial importance, and have cut off almost wholly the interior trade from Charleston, making that city a mere place of transit, or rather of shipment.

Sir, these causes which I have detailed—and I appeal to Southern gentlemen for their correctness and truth—have operated with combined effect, for years, upon the destinies of this people; and are they not sufficient, though checked and opposed as they may be by the riches of nature which an all-bountiful Providence has scattered over the land—are they not sufficient to produce all the depression and all the misery which is vainly supposed to spring from the protecting system?

I cannot, therefore, on the most full and careful consideration which I have been able to give this subject, concur with gentlemen in the opinion that the protecting system operates oppressively on the Southern or any other section of the Union. In the West, so far as experience can test its efficacy, it has produced, and is producing, all the good which its friends and supporters have ever predicted. From the state of ruinous depression to which agricultural interests had sunk, in 1824—an era which our Western farmers will long bear in remembrance—they have gradually risen, under the fostering influence of this system, connected and consorted with that of our internal improvement, until they have reached a point of prosperity, which, though not rich, or tower-

ing, is sufficient to spread comfort and gladness over our happy land.

Sir, entertaining these views of the tendency and effects of the protecting system, I yield to it my hearty, and shall give it my decided support. I do not, by any means, hold that our present system is perfect; there are, doubtless, in some of its leading principles, and many of its details, much that may be modified, amended, and improved; and I am willing, too, to sacrifice something upon the altar of conciliation and peace; but I will not consent to surrender the principle of protection, or so to mould its details, as to prostrate and ruin the interests which it has reared and cherished.

[A portion of the above was delivered on the succeeding sitting day, but the speech is given here entire.]

The Senate adjourned to Monday.

MONDAY, FEBRUARY 20.

THE TARIFF.

The Senate having resumed the consideration of Mr. CLAY's resolution,

Mr. EWING concluded his remarks commenced yesterday, (as given above.)

Mr. MILLER, of South Carolina, then expressed a desire to address the Senate, and moved a postponement of the subject till to-morrow; which was agreed to.

The VICE PRESIDENT communicated a letter from the Secretary of the Treasury, in reply to Mr. HOLMES's resolution calling for the reasons of the delay in the transmission of the annual commercial statements. [The Secretary recommends that the collectors, hereafter, be directed, under proper penalty, to make their returns monthly instead of quarterly.] The report was ordered to be printed, and referred to the Committee on Commerce.

TUESDAY, FEBRUARY 21.

THE TARIFF.

The Senate resumed the consideration of the resolution submitted by Mr. CLAY, together with the amendment proposed thereto by Mr. HAYNE.

Mr. MILLER, of South Carolina, rose, and addressed the Senate as follows: He said, if he were to consult his own convenience, or sense of propriety, he would rest the defence of the case proposed now to be advocated with the able and eloquent arguments which had been made by those who had preceded him in this debate; but when it is recollected, said Mr. M., that the portion of the Union from which I come feels a deep solicitude, (indeed, if I mistake not, the whole country is agitated by this question,) when it is recollected that those whom I represent are an agricultural people, relying on their own industry and their own farms for their support, not deriving any benefit from this protective system; on the contrary, the exclusive subjects and victims thereof, I trust the Senate will bear with me while I present some considerations, which, in my opinion, ought to influence its judgment in determining this matter. I know too well, said Mr. M., what is due to myself and the representative principles of our Government, to question the purity of the motives of those who differ from me. I admit that others may pursue the interest of their constituents, and their own, legitimately on this floor. It will not, I presume, be denied to me to insist on mine. Without repudiating the selfish principle which has so much influence in our conduct, the views I propose to present will be rather to give a benevolent and social direction to it; to insist that justice, even-handed justice, is the basis of all our civil rights; and that, however inconvenient it may be for the moment to submit thereto, society cannot, ought not, to exist, where justice and equal rights are excluded from the laws by which it is governed.

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If it could be shown that the present tariff laws were unjust, unequal, and unconstitutional, I should feel degraded by admitting as an equal that man who, conceding this, would still maintain the propriety of their continuance. I can readily imagine that those who affirm the right to impose this system, reason themselves into the belief that there is no impropriety in doing so. For my part, I feel a settled conviction that these laws are unconstitutional, unjust, and unequal, and that they ought to be modified so as to produce a revenue only demanded for the constitutional uses of the Government, and that this revenue should be raised on such articles as will subject the whole people of this nation to an equal portion of its payment.

The character of this body, its origin, history, and final purposes, will constrain all to admit that the Federal Government is not one having unlimited power; we are assembled here the representatives of States having separate laws, customs, and interests: and in this body the State of Delaware is felt as much as the State of New York. The argument on the other side proceeds on the assumption that the Federal Government is unlimited. It is true that the Senator from Kentucky did admit, in his first address on this subject, that we had no power to lay a tax, and then disburse it for the benefit of the States. I was gratified to hear the question asked by him, "where is the constitutional power to distribute the surplus revenue?" If, says he, "the same persons who pay in receive back, then this tax is useless and expensive, since much is lost in its collection and disbursement. If the same people do not get back, who pay in, then there is injustice; inasmuch as you tax those who do not enjoy the benefit, to give it to those who do." I thank the gentleman for this conclusive argument against the constitutional right to raise, through Congress, a revenue to be distributed among the States. May not the same thing be said of the tax levied for the protection of manufactures? If the same person pays the tax who received the protection, then you gain nothing by the circuit, but lose the expense of collecting; but if those pay the tax who do not share in the protection, then the injustice is as great as in the other case. But the Senator from Kentucky, in the same breath in which he denounced the division of the surplus revenue, went on to insist that internal improvement should be carried on, in the Western country, by the application of the proceeds of the sales of public lands to such purposes there, by entirely abandoning the constitutional objection to the power of distribution. Sir, is not the public land public property? Is not the fund derived therefrom public revenue? When it comes into the treasury, is it not a portion of the common property? How comes it to pass that you cannot divide this among all the States, but that the Western States can constitutionally apply the whole of it to their use? If three millions are derived from the sales of public lands, are they not so much in relief of the taxes of the country? But will the gentleman put an ear-mark on this money, and say, because it came from the West, it must go back to the West, in contradiction to the very principles which he has laid down? It was said by the Senator from Kentucky, that the resolutions presented by him avoided the debatable ground; that they offered a basis for the adjustment of the tariff, in which we might all agree. I differ entirely with the gentleman, in my opinion of the state of the controversy. I understood him, on a former occasion, to say he regarded agriculture as the primary interest. In this I agree with him; manufactures cannot, for many years to come, approximate, in point of national importance, to agriculture.

The real question then is, shall the great primary interest of the country be sacrificed to a secondary one? Shall those who till the ground be made tributary to those who handle the shuttle? I am at a loss to conceive how it would, for a moment, be supposed that the proposition to reduce the duties on what are called unprotected articles,

would or could be met as middle ground. It is a notorious fact, that the greatest national interest—the very basis of our commerce, is worn down so much by the pressure of this system, as to endanger its existence. Ever since the principle of protection has been avowed, we enter our protest against it; we will never consent to recognize it as the legitimate offspring of the constitutional power of Congress. Our utmost economy and industry have scarcely saved us from ruin; we can forego the luxuries of life—we can omit to buy tropical fruits, European or Asiatic finery; but we cannot do without salt, iron, and woollen and cotton cloth; these are articles without which the planter and farmer cannot live; and these are the articles which it is proposed to raise your entire revenue from. So far from the proposition on the other side being a compromise, it is adding a new and offensive feature to the tariff; it is relieving the whole nation from taxation, and saddling it on the agricultural part alone; it is relieving the wealthy monopolist, and compelling the middling and poorer class to bear the burden. It is essentially at war with the republican form of our Government. It will make the poor poorer, and the rich richer; and finally build up an aristocracy here, as hateful and odious as the nobility in Great Britain.

Standing here, as I do, representing a portion of the people who have a right to examine the motives which influence your legislation, and pronounce on them, I do not hesitate to affirm that the constitution does not authorize you to impose a tax which is partial, and intended so to operate on different interests. Your taxes must be uniform. Any plan or device, by which portions of this republic shall escape taxation, and other portions be made to pay it, is unconstitutional. I do not speak as a judge, but as one representing the people, the primary source of all power, when I declare the principle assumed in these resolutions is at war with the genius of liberty, as well as the letter of the constitution. As a principal, looking at the veiled purposes of the agent, I have a right to pronounce on the act, and condemn it. Such a law has no more force than the cords by which the hands of Sampson were bound by a deceitful and treacherous mistress. Sir, I regard this as a question of property—a controversy about *meum* and *tuum*. It has been said by all those on the other side of the House, that the constitutional question has been waived. The Senator from Pennsylvania [Mr. WILKINS] seemed to suppose we could come to terms on this matter, since my colleague had not passed the constitutional difficulty. I do not know whether he continues in the same temper since he has received the resolutions of the Pennsylvania Legislature. The Senators from Kentucky, from New Hampshire, Maine, and Tennessee, whether for or against the system, have maintained the constitutional power of Congress. I owe it to those I represent, that no misapprehension of their opinions should arise on the constitutional powers of the Government. So far from surrendering this position, they never were more thoroughly satisfied than now, that the power to enforce this system, as a substantive power, either financial or commercial in its nature, does not exist. This is considered a settled point with us; Virginia has so decided; North Carolina has on this floor, by her able Senators, avowed it; South Carolina has repeatedly so decided; Georgia has maintained the same, in the luminous and unanswerable report of her Legislature; Alabama and Mississippi have done the same, and it is thought Tennessee is of the same opinion. We hear the whole of the cotton-growing States, expressing, by their highest public functionaries, that this law is unconstitutional. The gentlemen on the other side ought to be admonished that upon this subject the highest authority has already spoken; they ought to regard it as a settled question with those States, not now debatable; and this fact ought to be well weighed in the argument of this subject. [Here Mr. M. read

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extracts from the proceedings of the Virginia Legislature, and South Carolina and Georgia Legislatures, expressing their opinion on the constitutional question.] The Senators from Kentucky and from Maine have both travelled out of the observations of my colleague, and have fastened on the expression, that the unconstitutionality of the tariff was still insisted on to pronounce philippics against South Carolina and nullification. Now, it will be recollected that this subject was not introduced into this debate by the Senator from South Carolina; nor is it considered as necessarily a proper topic for debate here; but the honorable Senators cannot expect to assail doctrines alleged by them to be peculiar to South Carolina, without finding them sustained here as well as elsewhere. I shall therefore, in reply to the Senators from Kentucky and Maine, maintain, first, that the tariff, for protection, is not constitutional; and, in the second place, that the States, by their reserved rights, may declare them so. The power to enforce the protecting duties is derived from two clauses in the constitution.

First, under the revenue clause: and, secondly, under the clause regulating commerce.

I will consider these separately; and here let me remark that the constitutionality of any tax must be a question of degree, rather than principle: or, more properly speaking, the principle must depend upon the degree. In our State Legislatures, where the taxing power is supposed to be indefinite, it may, by being pushed too far, become unconstitutional. A State law, imposing ninety-nine cents tax upon every dollar of the capital of an individual, without some overwhelming necessity, would be resisted, and the United States' court would be resorted to, to check the State Government against such an act of confiscation. But in the Federal Government, which is one of limited character, it must always be able to show a warrant in the charter for what it does; the extent of a tax must necessarily determine the right to impose it; hence the motive becomes important, and, strictly speaking, ought always to appear. As the opinions of Mr. Hamilton have often been adverted to on this subject, let us see what he says on the extent to which the impost taxes may be carried. In page 77 of the *Federalist*, he says "It is, therefore, evident that one National Government would be able, at much less expense, to extend the duties on imports beyond comparison, further than would be practicable to the States, separately, or to any partial confederacies; hitherto, I believe it may be safely asserted that these duties have not, on an average, exceeded in any one State three per cent. In France, they are estimated at fifteen per cent. and the proportion is still greater in Great Britain; there seems to be nothing to hinder their being increased in this country to at least treble their present amount."

It has not been pretended, in this debate, that to provide for the common defence and general welfare, enlarges the taxing power beyond the objects especially entrusted to the care of Congress. But it is said it is a necessary incident to the revenue power to protect domestic manufactures; and a reference has been made to the address of the Free Trade Convention, as conceding this right.

Before I proceed to consider this as an incidental power, let me fasten it down as a substantive one. The argument of the Virginia resolutions, on this question, as well as the argument in the *Federalist*, both attributed to Mr. Madison, is so conclusive, that the boldest advocates for construction seem to abandon the idea of resorting to those general phrases, "common defence and general welfare," as conferring any substantive power. What, then, have you the right to impose a tax for? Nothing, but to effect some object, which the Government may desire money to consummate, under the express provisions of the constitution. There is no power to spend money in the protection of manufactures; and hence you have not the right to impose a

tax for that object. I now call the attention of the Senate to this incidental power. It is said that the first act of Congress, laying duties, maintained the protecting principle, as it is established by the reciting clause, or preamble. By adverting to the debate on this bill, it will be seen that it was throughout considered as a financial measure; there was great opposition to this mode of taxation, and the introduction into the act of this preamble was to increase its patronage, by inducing those opposed to it, as a species of taxation, to look to the effect of the law, rather than the cause of it. As it was, in point of fact, a revenue measure, it could do no harm to introduce one of its incidents into the preamble; for it was unquestionably true that it afforded protection to the precise extent that it levied a tax on importation. This incidental power is claimed both under the revenue and commercial clause. I will illustrate my position by some examples, and the argument may be considered as applicable to each. It has been affirmed by the Senators from Maine and Tennessee, that you cannot examine the motive to the law. This I deny, and maintain that no law, enacted by the Federal Government, is valid, unless supported by a constitutional motive.

The regulation of the affairs of the household is vested in the head of the family. A parent has the right, for a lawful purpose, to chastise his child, to improve his temper and manners; the power to enforce such regulations is given to advance the interest and welfare of the child; the legality of the act may, or rather must, depend upon the motive. If a parent were to punish, under this indefinite power, a child, because he did not steal, or commit a crime, the legality of that punishment might be questioned in any court, and the parent made answerable therefor. The same of a master, and his slave, or apprentice; under the general right to regulate the labor of such, no incidental, unlawful purpose can be consummated.

We are too apt, in considering this question, to resolve the incident into the principal. It cannot be denied but many original, substantive powers may be so executed as to effect incidental benefits. We must, however, never lose sight of the fact that the mere incidental power cannot be lawfully converted into the principal one.

Among other illustrations of this question, I will relate a story of a gentleman who once went to reclaim a female lunatic from a singular habit, which she had adopted, of sleeping among cows. In a clear moonlight night, he wrapped himself up in a sheet, and advanced towards the unfortunate lady; his purpose, the surrounding objects, the wild countenance of the maniac, were by no means calculated to give his judgment the entire ascendancy over his imagination; and, after strolling about the unfortunate girl, she at last saw him, and without alarm she said, Ah! a white devil! and, looking at his shadow, and a black devil too! With this he cast a hasty glance over his shoulders, saw his shadow, became panic struck, and moved off; when she cried, "run, black devil; catch white devil!" and the poor frightened ghost was run down by his own shadow. The advocates of the tariff seize with more than insane quickness the incidental protection afforded by legitimate revenue, to run down the principal, thereby making the shadow conquer the substance.

Again, sir, I will state a case, furnishing my opinion of the incidental and principal power of Government on this subject. Suppose the commissioners of roads called on to lay out a new road, and, in doing so, they come to a swamp, which requires an embankment to be thrown up; and while they are deliberating where they shall locate the road, a person who has a mill seat comes forward and says, it does not concern the public where this road is laid down; I have a valuable mill seat which will be serviceable to the neighborhood; I suggest the propriety of locating the road, so that the embankment may be converted into my mill dam, and thereby the labor saved to me of making this dam. It being a matter of indifference

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to the commissioners where the road is laid out, this concession is made to the individual; he avails himself of this public act, the main inducement to which is the completion of the highway, and he incidentally is benefited to the whole extent of the labor bestowed on the embankment. Thus the public executes its original substantive purpose, and the individual takes the incidental benefit. But let me ask, with what grace would this same individual demand of the commissioners of the road to set about and erect a mill dam for him where no road was intended, or demanded by the public? And yet this would not be more propitious than the manufacturers now insisting that because protection to the extent of the revenue has heretofore been extended, that, therefore, now they must have protection when revenue is not wanting.

Latterly the advocates of the protecting system, finding the revenue power not sufficiently strong to build their hopes upon, have resorted to the clause in which the right to regulate foreign commerce among the States is confounded. Let me examine this view of the subject for a moment. Neither the history of the times, the contemporaneous commentaries, nor the proper import of these words, can be relied on as sustaining this construction. The object in conferring on the Federal Government the power to regulate commerce, was to improve, facilitate, and add new life thereto. Under the old confederation, foreign nations refused to form commercial arrangements, because we presented a broken surface and a mutilated front; each State adopting its own commercial code. One of the main inducements to the change of the confederation, was to enable the Federal Government to act as an entire nation in its foreign intercourse. Hence it is said, in the commentary submitted to the American people in the *Federalist*: "The powers delegated to the Federal Government are few and defined. Those which remain with State Governments are numerous and indefinite. The former will be exercised principally in external objects, as war, peace, negotiation, and foreign commerce; with which last, the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and property of the people; and the internal order, improvement, and prosperity of the State. The operations of the Federal Government will be most extensive and important in time of war and danger; those of State Governments in time of peace and security. The administration of private justice between the citizens of the same State, the supervision of agriculture and other concerns of a similar nature; all those things, in short, which are proper to be provided for by local legislation, can never be desirable cases of a general jurisdiction. It is therefore improbable that there should exist a disposition in the federal councils to usurp the powers with which they are connected."

The pretension of regulating commerce so as to protect domestic manufactures, is not avowed here, nor can it be shown that it ever was alleged as an inducement to the adoption of the Federal Government, other than as incidental to the taxing power.

There are but two ways to regulate commerce; the one is by treaty, the other by legislation.

Could any thing be more absurd or offensive to the moral sense of this nation, than a treaty with a foreign nation, stipulating a cessation of all commerce between the two? The assumption of such basis for a treaty, would be treated with public indignation, and the people of both nations would soon revise such a treaty. I defy the production of any case, in which our Government has, under the power of regulating commerce, proposed to cripple it by treaty; to advance, enlarge, and improve it, is the great object of our commercial treaties. The idea of negotiating with foreign Powers, to destroy commerce, is so ridiculous and absurd that no one will pretend that

the treaty-making power can be resorted to for the protection of domestic industry.

But it is said we can do this by legislation. With a proper motive, I admit we can legislate a regulation of commerce into existence, not to protect manufactures, but to countervail foreign restrictions. It was lawful and constitutional for our Government to interdict the direct trade between this country and the British West Indies; and how so? Not to increase the price of sugar and molasses, or to reduce the price of lumber and naval stores; but to restore the reciprocal and equal terms, the commerce between the British and American possessions. It would be no more constitutional to prohibit foreign commerce with a view to domestic protection, than to make treaties to abolish commerce. The power was not confided for such purposes, and when so used is fraudulent and void. But it is said the British Government refused to receive our bread stuffs; and therefore we can refuse to receive her manufactures. This is not the true motive. The British corn laws were in force long since. It never was contended, upon the adoption of the constitution, that the existence of the corn laws in England would give an indefinite right to trammel our commerce with that nation; nor is it pretended your prohibitory laws are enacted, *bona fide*, with a view to retaliate on the British corn laws. This was an afterthought, resorted to to give color to legislation; adopted avowedly to effect what was denied to the General Government by the convention. The power to regulate commerce with foreign nations, and among the States, is given, using the term regulate, as common to both. I will ask, can Congress prohibit Tennessee iron from being sold in Pittsburg, under the power to regulate commerce among the States? Or would the power to prohibit Western trade in live stock be entertained by Congress, to foster the farming interest of the South? One of the modes proposed by Col. Hamilton, in his famous report on manufactures, to encourage them, was to prohibit the exportation of the raw material. Would any one on this floor avow the right to prohibit the exportation of cotton, in order to lessen the price to the manufacturer? Or would any one be countenanced in the proposition to tax domestic manufactures at the North, and to enable the South to engage with success in that branch of industry? Nevertheless, all these consequences will fairly result from the assertion of the power to regulate commerce, so as to destroy it, and establish one branch of industry on the ruins of another. But it is said, if Congress has not this power, it is extinct; because the States have surrendered it. The States, may have surrendered this power without conferring it on Congress. There are some things which cannot be done either by the Federal Government or the States. "The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." This supposes there may be some powers neither granted to the United States, nor retained by the States, which may still remain with the people. But has the constitution not provided for this very case, by conferring on the several States the right to lay taxes and impost duties, with the consent of Congress? If this power was not conferred for this precise purpose, it is clearly a nugatory one. It was evidently intended to enable such States as wished to protect her citizens against foreign competition, to do so, with the consent of Congress, and at the expense of those on whom the tax would operate.

The gentleman from New Jersey supposes he has found an "extinguisher" for this argument, when he shows that the State tax is to go into the treasury of the United States. Upon mature reflection, I think he will not find this so clear. It is admitted that the tax imposed to protect domestic manufactures, is paid as a bounty to them; and the question is, who ought to bear this tax—those who impose, or those who resist it? If it be so important to a State to

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protect its own industry, let the citizens of such a State balance the profit and loss of this matter; "*qui sentit commodum, debet sentire incommodum*;" and he will be a little careful how far he taxes. But when a tax is laid by those who receive the benefit, and do not pay it, what responsibility have you against unjust extortion and exaction? Mr. Madison, in his letter to Mr. Cabell, states his surprise that this construction should be given to the clause under consideration. He reasons, to show that this clause was to confer the right on the States to provide for the execution of their inspection laws. This would not have been the object, since the right to pass such laws, without the consent of Congress, is conceded by the very clause.

"No State shall, without the consent of Congress, lay any import, or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws."

Now what is absolutely necessary for executing the inspection laws, may be enacted without the consent of Congress, and clearly does not go into the United States' treasury, since the very exception confers both the power and the use of the money. Other and more substantial taxes were in contemplation, when it was considered proper to require the consent of Congress to permit their passage, and when those who paid the taxes are required to forego the benefit of them. In transferring the import duties, laid, with the consent of Congress, by the State Government, from the State treasury to the United States' treasury, some indirect object was to be effected, else, in conceding this power to the States, the nett proceeds would not have been abstracted from those who imposed the duty. I, therefore, conclude the reasons assigned by Mr. Madison are not conclusive.

This clause not only furnishes inherent evidence of the purposes intended to be effected, but we have the opinion of one of the ablest delegates to the convention, that this was the intention—I mean Luther Martin. He says: "By this same section, every State is prohibited from laying imposts, or duties on imports or exports, without the permission of the General Government. It was urged that, as almost all sources of taxation were given to Congress, it would be but reasonable to leave the States the power of bringing money into their treasuries by laying a duty on exports, if they should think proper, which might be so light as not to injure or discourage industry, and yet might be productive of considerable revenue; also, that there might be cases in which it would be proper, for the purpose of encouraging manufactures, to lay duties to prohibit the exportation; and even, in addition to the duties laid by Congress on imports, for the sake of revenue, to lay a duty to discharge the importation of particular articles in a State, to enable the manufacturer there to supply us on as good terms as they could be obtained from a foreign market. However, the most we could obtain was that this power might be exercised by the States, with, and only with, the consent of Congress, and subject to its control; and so anxious were they to seize on every shilling of our money for the General Government, that they insisted that the little revenue that might thus arise should not be appropriated to the use of the respective States where it was collected, but should be paid into the treasury of the United States; and accordingly it is so determined."

We have here the history of this clause, by Mr. Martin, directly after the convention, showing the point debated, and the point decided made to his State; not founded on the glimmering recollection of years, but contemporaneously with the adoption of the constitution. When you look at the words of this clause, and the account given by Mr. Martin, who can doubt what it was intended to effect? It never entered the mind of this great statesman and lawyer that the power to regulate commerce could be construed so as to protect manufactures. This idea seems to

have originated even with Mr. Madison at a period subsequent to the Virginia resolutions; for we find him going out of the question then before him, to reprobate Mr. Hamilton's report, made on the 5th December, 1791—the report referred to so often in this debate. In the famous report of his, which was made by him in 1799, he says: "To these indications might be added, without looking further, the official report on manufactures by the late Secretary of the Treasury, and the report of the committee of Congress in January, 1797, on the protection of agriculture. In the first of these it is expressly contended to belong to the discretion of the National Legislature to pronounce upon the objects which concern the general welfare, and for which, under that description, an appropriation of money is requisite and proper. And there seems to be no room for a doubt, that whatever concerns the general interests of learning, of agriculture, of manufactures, and of commerce, is within the sphere of the national councils as far as regards an application of money. The latter report," says Mr. Madison, "assumes the same latitude of power in the national councils, and applies it to the encouragement of agriculture, by means of a society to be established at the seat of Government. Although neither of these reports may have received the sanction of a law carrying it into effect, yet, on the other hand, the extraordinary doctrine contained in both has passed without the slightest positive mark of disapprobation, from the authority to which it was addressed."

Can it be doubted, if the reports here animadverted on had based themselves upon the right to regulate commerce, the same anathemas would not have been pronounced? The idea had not then occurred either to Mr. Hamilton or Mr. Madison, to fasten on the clause to regulate commerce, to build up home industry; if so, why this dispute about the financial power, if it fairly belonged to the Government under any clause? Why reprobate the mere assertion of the abstract power as a usurpation?

The Senator from Kentucky has quoted an act of the Legislature of South Carolina, in favor of the policy of establishing manufactures. This is in conformity with the very theory which is here contended for. Let the States protect their own manufactures. South Carolina is not opposed to manufactures; she is only opposed to taxing the people in one State to protect the manufactures of another, against their will, and without a lawful reason to do so. Sir, we are not opposed to manufactures nor internal improvement, when carried into effect by State authorities. We have spent liberally our funds for internal improvement. We have not asked the Federal Government to aid our manufactures, nor help us to make our roads. Our opposition is to the consolidation of all power in the Federal Government, by which the union of the States will be destroyed, and our free institutions yield to a Government more vigorous, more energetic. Nothing but a despotism can make the legislation of the central Government acquiesced in, when it interferes with the every-day transactions of life of a people who live in this vast continent. It is this which Mr. Jefferson considers worse than a disunion. And yet the rapid strides made by the Federal Government to consolidation and despotism create no alarm. Extreme powers are pressed without the least concern as to results, and the warning voices of Washington and Jefferson are treated as the idle wind. Sir, the gentlemen on the other side will search in vain in the history of the times, or the journal of the convention, for the power now claimed. If this power had been avowed and maintained as conferred by the constitution, this Government would not have been formed. The agricultural States would not have become parties to the compact, knowing that their right would be so affected. This matter does not depend upon inference or application. By referring to the journal of the convention, it will be seen this power was expressly denied.

* He who receives the bounty, ought to pay the tax.

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"To establish public institutions, rewards and immunities for the promotion of agriculture, commerce, trades, and manufactures," were proposed and rejected. I have not seen, either in the journal, debates, or commentaries, by Hamilton, Madison, and Jay, one single expression favoring the idea that this power was conferred, except as a mere incident to revenue. [Here Mr. M. referred to the opinions of Messrs. Jefferson, Hamilton, Madison, &c., to show that this power was not supposed to be conferred.] The whole argument upon the adoption of the first tariff turned upon the measure as a financial one, and the naked question of protection, as a constitutional right, is nowhere to be found, although it may often have been adverted to as an incident to the substantive power of revenue. In that point of view, it is not now resisted. The argument might be rested on this single interrogation: would the advocates of this system venture to lay a direct tax on the nation, either as a commercial or financial arrangement, and give the product to the manufacturers to enable them to keep up their establishments? If they would not venture to do so directly, by what authority can they do so indirectly? Sir, the people of South Carolina believe these laws to be unconstitutional, and they believe further that they have the right to declare them so. In this they may err. But we have it from the eloquent apostle, the great champion of christian faith, that "Those who know not the law, yet do the things contained in the law, their consciences shall be a law unto them." The Senate ought to keep in mind this fact, that such is the opinion, the honest and fearless opinion of the majority of the people of at least one of the States. That they have not heretofore carried out their opinions, is owing to their unwillingness to put themselves apparently in opposition to what should be the constituted authority of the nation, its legislative enactments. Sir, the Senator from Maine has travelled out of this debate to reprimand South Carolina for her political faith, and has given in his experience in this matter. I have understood the Senator from Maine to be a professed follower of Mr. Jefferson, a republican in principle, and a friend to the States in practice. However, do his sentiments on this subject comport with such suppositions? He informs us that he has always been the consistent advocate of the supremacy of Congress: that the States sometimes have put on airs, but they have always been wrong, and that South Carolina is particularly reprehensible for the opinions put forth by her. I do not envy the gentleman the complaisance he derives, by the reference to his consistency and supposed orthodoxy.

The doctrine of divine right, and passive obedience, has no charms for me. If I thought as the Senator from Maine, I would not avow—I would conceal it. His sentiments accord with the prerogative party—the Government party. I speak not in the sense in which the terms are used in this country—not in the odious association connected with our revolutionary history—but as the terms are used in England, when I say the sentiments of the Senator from Maine would locate him with the tory party. In every free country, having the claim to constitutional liberty, mankind will divide into those who take sides with the power, and those who take sides with the people. The old English whig is not the less a friend of his country, and the enemy of anarchy and revolution, because he resists the power of the crown, and maintains the constitutional rights of the people. The principles of South Carolina are the whig principles—the principles which dethroned the Stuarts, and achieved our revolution. They are the principles which brought Mr. Jefferson into power, and upon which the maintenance of our constitutional liberty rests. Our creed may be summed up in this—the declaration of our right to resist encroachment and usurpation, and the determination to use the reserved rights of the people against the assumed power of the Government. The avowal of these opinions calls forth

the animadversion and reprehension of the Senators from Kentucky and Maine. Let me tell the Senators that there is nothing in the qualities of these sentiments, neither in the sources whence they sprang, the effects they have produced, nor their moral influence upon civil society, which is calculated to bring a blush upon the cheek of those who avow them. We believe the people did not invest this Government with absolute and supreme power: that some rights were reserved to the people of the States, as States; and that the people of the States must, from necessity, be the guardian of their rights. It is idle to tell me I have rights which I have no means to enforce. It is a mere illusion to tell me that the States have rights, as opposed to the Federal Government, and that those rights are to be protected by the Federal Government. It is committing the lamb to the wolf. There is no difference between a right which does not exist, and a right which cannot be enforced. I place no value on an imperfect right: a private title to lands, where the statute of frauds is in force, is no title at all. It is a solemn mockery to tell the States that they have certain rights reserved, but they can be ascertained only by subtracting them from those which the Federal Government may choose, without control or restraint, to exercise. I can illustrate my opinions on this subject with no more force than by relating a familiar and friendly conversation with one of my constituents on the disputed powers of the two Governments. He told me he was opposed to the doctrine of nullification, but asked my opinion upon the matter; whereupon, I got out of my sulky, and marked on the ground a square, and said to him, "Now, these lines contain the whole of your land; you sell half to me, with the usual covenants; I take possession, and very soon begin to trespass beyond what you sold me; you protest against this, and ask by what authority I pass the line; to which I reply, it is true the boundary expressed in the premises of your deed has been passed by me, but there is a clause—the *habendum*, which says I am to have and to hold the land, together with all rights, appurtenances, &c. thereunto incident, or any-wise appertaining. Now, one of these incidental rights is just to take as much of your reserved land as suits my convenience, or my interest. To this you reply, this is not a fair construction of the deed. Very well, we will go to law; but who is to decide? When I gravely tell you, my servant, my faithful, intelligent servant is to decide; he, and he only, shall decide this matter—would not your indignation rise at the avowal of such unparalleled injustice and effrontery?"

With this illustration I left my friend to his reflections, and the next time I saw him he informed me he was now for nullification; he saw, very clearly, that the States had no rights, unless they had some way of protecting them.

Would any man in his senses make a bargain such as is here described, and confer on the person interested the right to appoint, pay, and dismiss the person who is to decide on it? This is the pretension set up by the General Government, to construe its own charter, and take what it pleases, and, in case of resistance, to refer the matter to its creatures, liable to be operated on by increased salaries, or the judgment influenced by additional selected incumbents. Instead of creating a batch of new peers, you can create a batch of manufacturing judges. If we become a party to a compact containing such provisions, we are bound to submit; but it must be very clear language which would satisfy a rational mind that any intelligent people would so compromise their rights. Against such a conclusion we have the great names of Washington, Jefferson, Madison, Hamilton, Parsons, Roane, and McKean, backed by the great body of the democratic party.

Sir, I have said we have these great names, besides common sense, the fair construction of the English language, and our Anglo-Saxon notions of liberty, to sustain

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us. General Washington, in his farewell address, makes the following observation:

"It is important, likewise, that the habits of thinking, in a free country, should inspire caution in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasion by the others, has been evinced by experiments, ancient and modern: some of them in our own country, and under our eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way which the constitution designates. But let there be no change by usurpation: for though this, in one instance, may be the instrument of good, it is the customary weapon by which free Governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can, at any time, yield."

What is the meaning of the necessity of reciprocal checks in the exercise of political power, by dividing and distributing into different depositories, and constituting each the guardian of the public weal against the invasion of the other, unless it means that the States who have political rights, as opposed to federal rights, must be the guardian of them? The father of his country has cautioned against consolidating all power into the hands of the Federal Government, and its tendency to despotism. He has not only pointed out the danger, but suggested the remedy—the constituting each power the guardian of the public weal against invasion by the other.

Let us now hear Colonel Hamilton—not in the convention, insisting what the constitution should be, nor in the Treasury Department, carrying out his high-toned principles, but in his address to the people of the States, persuading them to adopt the constitution, and giving a commentary which has always been considered almost as binding as the text. He maintains, in various numbers, the powers and rights of the States, as will be seen by reference to his writings in the *Federalist*.

"If a number of political societies enter into a larger political society, the laws which the latter may enact, pursuant to the powers entrusted to it by its constitution, must necessarily be supreme over those societies, and the individuals of whom they are composed. But it will not follow from this doctrine that acts of the larger society, which are not pursuant to its constitutional power, but which are invasions of the residuary authorities of the smaller societies, will become the supreme law of the land. These will be merely acts of usurpation, and will deserve to be treated as such." Such a law, he says again, "would not be the supreme law of the land, but a usurpation of power not granted by the constitution."

"It may safely be received as an axiom in our political system, that the State Government will, in all possible contingencies, afford complete security against invasions of the public liberty by the national authority. Projects of usurpation cannot be masked under pretence so likely to escape the penetration of select bodies of men as of the people at large."

"Power being almost always the rival of power, the General Government will, at all times, stand ready to

check the usurpations of the State Government; and these will have the same disposition towards the General Government. The people, by throwing themselves into either scale, will make it preponderate. If their rights are invaded by either, they can make use of the other as the instrument of redress. How wise will it be in them, by cherishing the Union, to preserve for themselves an advantage which can never be too highly prized."

"In the compound republic of America, the power surrendered by the people is first divided between two distinct Governments, and then the power allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different Governments will control each other, at the same time that each will be controlled by the people."

"It is well known that, in the Roman republic, the legislative authority, in the last resort, resided for ages in two different political bodies—not as branches of the same legislature, but as distinct and independent legislatures, in each of which an opposite interest prevailed—in one the Patrician, in the other the Plebeian. Many arguments might have been adduced to prove the unfitness of two such seemingly contradictory authorities, each having power to annul or repeal the acts of the other. But a man would have been regarded as frantic who should have attempted, at Rome, to disprove their existence. And yet these two legislatures existed for ages, and the Roman republic attained to the pinnacle of human greatness."

Mr. Jefferson, in the Kentucky resolutions, maintains the doctrine we contend for, in terms not to be mistaken: he who runs may read it. The following sentiments from the pen of that great man cover the whole ground:

"The several States composing the United States of America are not united on the principle of unlimited submission to the General Government; but that by compact, under the style and title of a constitution for the United States, and of amendments thereto, they constituted a General Government for special purposes; delegated to that Government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that, whenever the General Government assumes undelegated powers, its acts are unauthorized, void, and of no force; that to this compact each State acceded, as a State, and as an integral party, its co-States forming to itself the other party; that the Government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself—since that would have made its discretion, and not the constitution, the measure of its power; but that, as in all cases of compacts among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."

In the Virginia resolutions, from the pen of Mr. Madison, we find the following position maintained:

"It appears to your committee to be a plain principle, founded in common sense, illustrated by common practice, and essential to the nature of compacts, that, where resort can be had to no tribunal superior to the authority of the parties, the parties themselves must be the rightful judges in the last resort, whether the bargain has been pursued or violated."

"The constitution of the United States was formed by the sanction of the States, given by each in its sovereign capacity. It adds to the stability and dignity, as well as to the authority of the constitution, that it rests on this legitimate and solid foundation. The States, then, being the parties of the constitutional compact, and in their sovereign capacity, it follows, of necessity, that there can be no tribunal above their authority, to decide, in the last resort, whether the compact is made by them or violated, and consequently that, as parties to it, they must themselves de-

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cide, in the last resort, such questions as may be of sufficient magnitude to require their interposition."

I refer to this report for its own intrinsic and unanswerable reasoning; not because it is the opinion of Madison, but because the principles contained in that report were adopted and recognised by the democratic republican party. This great civilian was at that time in the prime of life, surrounded by patriots, and sustained by pure principles. That his opinions, before or after this time, should vary from this report, matters nothing. The question is, when was he right? In the convention, when he avowed the States "were only corporations, having the power to make laws, and those effectual only, if they are not contradictory to the general confederation—when he avowed the States ought to be placed under the control of the General Government, at least as much so as they were under the King and British Parliament? In his letter to the North American Review, when he maintained the supremacy of the federal judiciary? or, in 1799, when he wrote his masterly commentary on the principles of our Government—to be found in the State paper from which the above is an extract?

Sir, we rest upon the great names to which I have referred. Are these authorities to be contemned? and is South Carolina put under the ban, whilst she follows truth and correct principles, illustrated and enforced by the illustrious patriots of 1776—1798?

Let us advert to the constitution itself, and see how far its plain import will sustain the doctrine that the rights of the States are alone to be determined by the federal judiciary.

"The judicial power shall extend to all cases in law and equity, arising under the constitution, the laws of the United States, and the treaties made, or which shall be made, under their authority," &c.

"In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make."

There is no mention made of appeals from State courts here. Under the terms "such regulations as Congress shall make," are the States chained down.

In partitioning out the federal powers between the executive, legislative, and judicial departments, no one should suppose that the States can be considered as adverted to. The President is to have certain powers, Congress to have certain powers, and the judges to exercise certain powers—all obviously federal in their nature. The President is not to see a State law executed; Congress is not to legislate for the States; and why is it, that, under general phrases, used with reference to the partition of the federal powers, it is assumed that the Supreme Court is to revise and execute judgments of the State courts? If the State courts had been within the scope of the meaning of inferior courts, subject to the appellate power of the Supreme Court, why declare that they should be bound by the constitution, laws, statutes, in a distinct and separate clause?

We are told by the Chief Justice, in his life of Washington, that the federal constitution was committed, after its adoption, to the federal party; and, it seems, what it lacked of energy, they determined to acquire by legislation.

The judiciary act sprang into existence, embodying principles which were repudiated in the convention, and which, to a certain extent, have never been acquiesced in, notwithstanding the ingenious devices resorted to, by construction, to subvert the authority of the States.

Without denying the authority of the judiciary act, there is still a redeeming spirit in the constitution, which rises above all artifice, and bids defiance to every scheme of federal subjugation. So long as the trial by jury shall be preserved, it is impossible to enslave the people of this commonwealth; and when it is recollected that your laws

cannot be enforced without the aid of juries, whose interests and prejudices will be interposed to save their countrymen, federal legislation and federal judges are impotent and powerless, for purposes of tyranny and oppression.

It is true, upon a late occasion, in open defiance of the principles of the letter of the constitution, the right of the trial by jury has been violated, and the liberty of her citizens invaded by a course of reasoning as arbitrary and despotic as ever signaled the judgments of the courts during the reign of the Stuarts. Such infractions upon the constitution cannot be successfully repeated; and if they should be, the State authorities have complete power to counteract them; and we have no right to presume such authority will not be called forth in vindication of this palladium of civil liberty. There is no usurpation against which I would bring the reserved rights of a State into action in its most efficient form, sooner than in maintaining the trial by jury.

There is scarcely any law in which I would not acquiesce, when enforced by neighbors and friends—by those having similar rights and similar feelings. This is our last peaceable refuge—the sanctuary which is not to be violated without State authority interposing to punish the sacrilege.

The Senator from Maine has referred to Olmstead's case in Pennsylvania, to prove the folly of a State attempting to resist the federal authority; and has humorously spoken of Gen. Bright. This is an authority on our side, rather than otherwise; it shows what were the opinions of those truly democratic statesmen and patriots, Snyder, McKean, and Tilghman. Can any doubt, but the commonwealth of Pennsylvania would have prevailed in that controversy, but for the decision of her own chief justice against her? And although he decided the point then in issue against the State, he still maintained the right of the State judges to protect her citizens against usurped authority by the Federal Government. Olmstead's case no more proves the want of power in the State authorities to protect her citizens' rights, than the case of Tassels and Cohen proves the want of authority of the United States' court to protect their citizens against State usurpation.

In the case of Olmstead, Chief Justice Tilghman maintained the jurisdiction of the State court, but refused to act in that specific instance. In the case of Tassels and Cohen, the Supreme Court did precisely the same; they considered prudence the better part of valor. The Federal Government ought to be cautious how it tries its strength. The Popes, in the proudest days of their power, chose to govern rather by fear than force. Let the Senate remember, Bonaparte lost his throne by his march to Moscow. The Federal Government relies more on its moral than physical force to sustain itself. The people owe allegiance to two separate Governments, and may, on a conflict of authority, elect which they will obey. A judge has no power, without the *posse comitatus*. Federal laws cannot be enforced, but by the people of the States. The laws of Congress, and the laws of the State, operate upon the same territory, and depend on one people for their execution; where they conflict, they may be considered as two overseers on the same plantation, giving contrary orders; the slaves may elect which to obey; and if confusion arises, the master must come forward and adjust the difficulty, control the overseers, lay down the rule and enforce it. So must the whole people of the United States, who are the only master, in case confusion arises between the State and federal jurisdiction, come forward. It was thus they did in the case of Chisholm against the State of Georgia, when Georgia refused to submit to the Supreme Court. It is unwise and impolitic for this Government to put the skill of the State Governments to the test, in eluding and baffling its laws. If a State Legislature were to make the collection of duties beyond a certain extent penal, say petit larceny, how would you save your officer from the consequences incident to such legis-

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lation? The State judges would try, the juries convict, and the sheriff inflict forthwith the punishment; and of what avail would your writ of error or appellate jurisdiction be, supposing it to exist, which is not conceded? If you persist in this reckless disregard of public opinion, your authority in certain sections of the Union will be contemned, scouted, scoffed at, and become a reproach and a by-word. Listen to what that able and enlightened jurist, Chief Justice Parsons, laid down upon this subject.

"An act of usurpation is not obligatory—it is not law; any man may be justified in his resistance to it: let him be considered as a criminal by the General Government, yet his own fellow-citizens alone can convict him—they are his jury; and if they pronounce him innocent, not all the powers of Congress can hurt him—and innocent they certainly will pronounce him, if the supposed law which he resisted was an act of usurpation."

Sir, one-half of the States of this Union have avowed, and acted on the principle, that the States have rights, and the means of enforcing them. Massachusetts; Maine, New York, Pennsylvania, Maryland, Connecticut, Ohio, Virginia, South Carolina, Georgia, Alabama, and Kentucky. And the Senator from Maine is entirely mistaken in supposing they have always been vanquished in the controversy. Sometimes the Federal Government has prevailed, sometimes the States, but generally good sense and mutual forbearance have adjusted the controversy.

Considering the situation of Maine at this time, the opinions expressed as well as by that State as by Massachusetts on the subject of the Northeastern boundary, I think the Senator from Maine maintains his consistency rather at the expense of public opinion, and the local interest of his constituents; and there is but one ground upon which I can justify his course. If, by loyalty to the Federal Government, he can get it to interpose to protect the rights of Maine, it will be better than to let Maine, single handed, struggle for them.

The Senator from Maine thinks, because he stood up for the Federal Government, against State authority, during the late war, that he has a right now to take to himself the same credit for standing forth its champion in profound peace. He tells us the times have changed, and we have changed with them. I contend that it was perfectly right in the gentleman to sustain the Government of the Union during the war; and equally right now to sustain the Government of the States.

Under different circumstances different rules of conduct are perfectly defensible, and the gentleman might maintain his consistency of action at the expense of becoming ridiculous. When he is in deep water, we should expect him to use the swimming motion; when on land, we should expect him to stand up and walk. I have seen it stated of a gentleman who fell overboard in a river, that he was so alarmed at the thoughts of drowning, he continued, after he was safe on shore, to swim. During the war, we were struggling in deep water, and it was all right for the honorable Senator to swim then; but now he is upon the *terra firma*, let him escape from the river; let him stand erect upon Maine and State rights. But it is said, if the General Government has not the power against all opposition to support itself, our Union is a rope of sand. This is a mere fallacy; the Government rests, at last, upon the States, and is founded on the supposition that the people will, for their own interest, sustain it. Cannot the States, by refusing to act, dissolve the Government? May they not refuse to elect Senators, electors, and members to the other House? Does this make the Government a rope of sand? The question is, will the people do what is opposed to their own interest? Have they not intelligence and forecast enough to govern themselves? This is presumed by the theory of our Government. Is there any danger that the weaker power will resist the stronger one, unless it is clearly right? But it is said that both parties have a

right to put their construction on the extent of their powers; that the Federal Government will always construe for itself, and enforce by its authority its own construction. Of course, this must necessarily belong to the Federal Government. The question, then, would resolve itself into this—would a small man permit a larger one quietly to take a position on his toes, and refuse to push him off, merely because the larger one might resent and punish him for doing what he had the most unquestionable right to do? And here let me remark on the specific difference between South Carolina and Georgia nullification. In the case just referred to, the Georgian would knock down the trespasser without notice, and the South Carolinian would say, my friend, stand off my toes, or I will push you off; none but the coward will submit to the invasion of his personal rights. No one ought to act on the supposition of danger resulting from what he has a right to do.

There can be no doubt but, in conceding to Congress the power to levy taxes, the objects upon which the taxes are to operate must be selected by that body. In selecting, however, the articles for taxation, the constitution again takes care that injustice shall not be done. The taxes must be uniform; any design to violate this rule would be unconstitutional. In fact, the constitution was intended to secure life, liberty, and property; and no legislative device can be resorted to, to pierce the panoply which that instrument throws over the rights and liberties of the people of this country. It is an entire protection, even the heel cannot be wounded; and when it shall cease to subserve his purpose, our Government henceforth will degenerate into a despotism—an irresponsible despotism.

Upon the expediency and policy of this system the free trade reports, memorials, and arguments of those who have preceded me, will save me the trouble of going much in detail at this time. It has been said that the home market has been improved for agricultural products, through the agency of this system. I have no doubt the free trade policy would greatly increase the demand for most of the agricultural products. And to sustain this position, I quote the following judicious observations:

"*The Free Trade System.*—Some idea of its advantages over the restrictive, may be seen by comparing the amount imported, when the duties were one hundred cents per gallon on Madeira wine, with the same when the duty was reduced to fifty cents.

By the first, the customs received, as per Mr.

Ingham's report	\$97,000
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By the second, as per Mr. McLane's report	95,000
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Difference,	\$2,000
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After deducting charge of collecting,	\$1,900
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"For this nineteen hundred dollars less at the custom-house, the country derive a benefit of about two hundred thousand dollars per annum for there being imported nearly double the quantity of wine; the exports, whether in the shape of codfish, flour, or rice, would be that much greater to pay for it, besides the advantages the navigation secured by carrying so much more; and people in moderate circumstances can afford to drink a glass of good wine instead of deleterious trash."

The Senator from Rhode Island has gone into a calculation to show that, upon the supposition that the duty increases the price of the article, the cotton-planting States derive an enormous increase of their profits by the tax of three cents per pound on cotton; and, by establishing this acknowledged absurdity, supposes he will escape from the argument, so far as regards the duty on cotton goods. The fair way to test this matter is to repeal the duty on both. I pledge myself, if the Senator will vote to repeal the duty on manufactured cotton goods,

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I will vote to repeal the duties on raw cotton. It is not pretended that the tax operates as an increase of the price of the domestic article, to the whole amount of the tax in every instance. But we are told the duties reduce the prices of the article, and that, in progress of time, we shall be supplied with the domestic fabric at prices below the foreign article. This does not seem likely to be the result, as appears from the following letter, written by an intelligent merchant of Columbia, South Carolina, from New York:

NEW YORK, *September, 1831.*

DEAR SIR: I have forwarded you some New York papers, and now discharge what I feel to be a duty, in stating to you the state of this market; this I could do with some accuracy, by saying at once that there is an advance of twenty per cent. in all descriptions of staple goods, such as are indispensable to planters. I will, however, go more into details. Since September, 1830,

Nails have advanced	1 ct. per lb.	20 per ct.
Bar lead	1½ "	25 "
Bale roping	3 "	40 "
Anvils and vices	2 to 3 "	26 "
White lead (25 kegs)	31 cts. per keg	12½ "

Hardware has advanced in price from ten to twenty per cent. All descriptions of domestic goods, such as brown and bleached homespuns, striped homespuns, checks, ticklings, negro clothing, &c., have advanced twenty per cent. in twelve months; and cotton yarns twenty-five per cent. Dufil blankets and coarse woollens, about twenty per cent."

Every planter in the Southern country knows that these articles have increased in price. The continued assertion, by the manufacturers, that the higher the duty, the cheaper the article, is just about as true as the proposition that, by putting a fish into a tub of water, the weight is not thereby increased; and the latter would be quite as susceptible of proof by learned dissertations on hydrostatics, as the other is by pretenders to political and statistical infallibility. One thing we all know, that something cannot come out of nothing; that we pay, now, nearly thirty millions in taxes, drawn from imports. If the duties are taken off articles not manufactured in the United States, one of two things must happen, either that the foreign article, burdened with the duty, will be consumed, or that it will be excluded by the domestic article. If consumed, it proves that the tax increases the price; if not consumed, where will you get your revenue? If domestic fabrics fall below the price of the foreign article, then the tax will prohibit the foreign article, and we shall have no revenue. Sir, this will not be the result; the foreign article will still be imported, consumed, and the people taxed.

It will be recollected that, two years since, a company was incorporated in South Carolina to make a railroad from Charleston to Hamburg; and they applied to Congress to assist them. While the result of this application and the extent of their means remained uncertain, an intelligent capitalist told me that, if the scheme failed, the company would realize, in the purchase of manufactured iron, which pays a less duty than the raw material, the sum of one hundred thousand dollars upon the iron purchased for the railroad in Europe, by selling it for common agricultural purposes. With such facts as these before us, who can subscribe to the doctrine that the duty decreases the price?

We have on our tables, essays, written to prove that it is all nonsense to take off any of the taxes. Is it not palpable that those who think so, do not pay them, but derive the benefit therefrom?

When gentlemen are driven from every position behind which they entrench themselves, they fall back upon vested rights, and tell us it was the South that imposed this system; they get furious, and say, it was you that have done the mischief. Now, what are the facts? In 1816,

we had just escaped from a hazardous war; the manufactures to a certain extent sprang up under war duties; Bonaparte had been put down; the whole disposable British force had been thrown upon our shores; our capital had been sacked and burnt; Baltimore assailed; their squadrons fell down the Chesapeake, passed South, threatened Charleston, making only a bow to Fort Moultrie; attacked New Orleans, were gloriously defeated, and soon after a treaty of peace put an end to the war: cotton rose from seven cents to thirty; and while prosperous beyond measure, exulting in the arms of peace, and triumphing over the trophies of the war, we consented, upon the pure principles of benevolence, to sustain, by liberal legislation, the manufacturing interest. And this is brought forward against the South as a criminal charge. You asked us then for a pittance as a bounty, because it was given you; now, with a pistol presented at our breast, demand all we have.

I believe I speak the truth when I say the average product of the South Carolina planter is not more than six hundred pounds of cotton to the hand; and the Senator from Louisiana, who sits near me, who is good authority on this subject, admits that, with this result, the expenses of such a planting interest must equal the income. Can any one doubt, then, that the duty of forty per cent. might as well be laid upon the exports as imports? According to this rule, the Government gets two hundred and forty weight, and the planter three hundred and sixty, of the product of each laborer. And yet the honorable Senator from Kentucky has gone into a calculation to prove that South Carolina does not pay an equal portion of the taxes. Assuming the aggregate amount of the imports of the whole State to be eight millions, and that our aggregate expenses equal our income, it would follow, as a mathematical certainty, that we pay from three to four millions as our portion of the taxes. It is considered by the manufacturers a species of crime, on our part, to own slaves; but I can tell these philanthropists, that their policy makes us cannibals; for it is not at all uncommon with us, for benevolent masters to be forced to sell their slaves to pay for their subsistence; and many planters may be said literally to be living on their capital. If the average product of the cotton planter were as great as the Senator from Kentucky estimated it, I should be less inclined to censure the Government for its exactions. [Here Mr. CLAY explained, by saying his position was, that the average of the whole of the cotton-planting States, according to information received by him, he believed to be equal to five bales.] This may be so; I only speak of the product of that part of the country with which I am acquainted, when I say I believe the same does not exceed two bales. The Senator from Ohio seems to think the planter can escape from the tax imposed on imports, by selling his produce in Liverpool, depositing his money in bank, and then selling bills drawn on it. But let me ask, where, in the mean time, are those articles to come from, which, according to the admission of the Senator from Louisiana, are equal to the proceeds of the sale of the crop? The planter or his slaves cannot wear money, or eat money; he must import the articles, without which his business cannot go on; or he must bring home his money, and buy at an increased price those taxed articles from the domestic manufacturer. I call the attention of the Senate to a publication furnished by the Senator from Louisiana, as to the comparative results of the sugar planter of Louisiana, and the cotton planter of South Carolina; the one protected, and the other prostrated, by the Government.

"The capital invested in a plantation capable of producing, by the best management, 400,000 pounds of sugar, and 10,000 gallons of molasses, worth on the plantation 23,000 dollars, must consist as follows:

1,500 acres of land, at \$50 per acre	75,000
90 hands, at \$600 each	54,000

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40 pairs of working oxen, at \$50	-	2,000
40 horses, at \$100	-	4,000
Horizontal sugar mill	-	4,000
2 sets of boilers, at \$1,500 each	-	3,000
Buildings of all descriptions	-	25,000
12 carts	-	1,200
80 ploughs	-	300
All other utensils, such as timber, wheels, hoes, spades, axes, scythes, &c.	-	1,500
		\$170,000
The annual expenses on the above plantation cost		10,700
Bars in the following items:		
Provisions of all kinds	-	3,500
Clothing of all sorts	-	1,570
Medical attendance and medicine	-	500
Annual losses in negroes	-	1,500
Taxes	-	500
Horses and oxen	-	1,200
Repairs of buildings	-	700
Ploughs, carts, &c.	-	300
Wearseer,	-	1,000

\$10,700

"Two crops of cane are generally made in succession the same land, one of plant cane, the other of the seed year's growth; it then lies fallow two years, or is sown in corn and beans.

Gross proceeds	-	\$23,000
Expenses	-	10,000
Net proceeds	-	12,300

yielding about 7 per cent. on the capital invested." I have in my possession accounts of sales of a cotton plantation in South Carolina, with about the same capital, and proceeds are less than three thousand dollars! The year with us has been an unfavorable one; but five thousand dollars is a fair average estimate of this plantation; by this it will be seen that the gross amount of the cotton planter is not half as much as the expenditure of a sugar planter, with the same capital, the one making a gross amount of \$23,000, the other of \$5,000; and yet the sugar planter is to be enriched at the expense of the cotton planter, through the agency of the Government. Do not envy the prosperity of other sections, from beyond our control; our labor is now unproductive; we ask nothing but the right to use what God and he has given us; and this is denied us to favor interests by more prosperous than we are.

What has been done for the four Southern States, Virginia, North Carolina, South Carolina, and Georgia? Nothing!—literally, nothing! This is the proscribed region; we are made to feel the Government, not by the bounties it offers, but the burdens it imposes. It is here that contending parties for political power assail each other, with the least respect to the opinions, interests, or prejudices of the inhabitants of the country. The honorable Senator from Kentucky makes a merit of turning his back on us. Sir, what have we done to provoke the vengeance of our brethren? Did we not assist to achieve our independence? Did not South Carolina furnish her share of men and money to maintain the cause of the revolution? We do not stand by our country during the late war? A portion of the funded debt came to the South? A portion of the pensions does she receive? What portion of the appropriations for internal improvement? A much of the public land? Of this we complain not; ask nothing but equal laws, and that the Government should not sequester our estates, and divest us of what lawfully belongs to us. When we complain of the action of laws upon our industry, we are told to remove to the lands in the West. Is this your remedy, that your plantation shall drive us into exile? Have you sympathies for the Indian, which you have not for the white people?

If the West be the country it is represented to be, why is it that such an immense sum has been conferred on its inhabitants in the shape of bounties, in their purchase of public land? It appears from evidence I have before me, upwards of sixteen millions have been remitted to the purchasers of public land. The South has been liberal. When it was prosperous, the tariff of 1816 was conceded by them; when purchasers of public lands said they could not comply with their contracts, their purchases have been remitted. When we stand upon our chartered rights, who can now upbraid us with a want of patriotism? The time has arrived when, if we do not take care of our own household, we shall be worse than infidels.

The Senator from Kentucky has told us that cotton planting is the most successful and prosperous labor in the country. I have shown that it is plainly not so in South Carolina. And he has alluded to the non-consumption resolutions adopted some two or three years since, on the subject of Western live stock. It is true we did feel dissatisfied that a people, apparently deriving so great a benefit from our staple, should combine with an alien interest to break it down; and these resolutions were resorted to, as well to open the eyes of the people of the Western States, as to make an experiment how far we could fall in with the restrictive system. There is but one of two courses left to oppose the unjust restriction of commerce; either to throw it off, or fall in and make the most of it. A large portion of South Carolina would be benefited by excluding Western live stock; but these demonstrations against the Western trade, although tending to lessen it, were soon found insufficient; voluntary associations to resist the prohibitory system can scarcely succeed, when smuggling will go on against the severest penalties. When we found the friends of the American system among us profiting by our voluntary restrictions, we had nothing left but to trade with the innocent Kentuckian, who abjured the tariff, or to trade with the smuggling Carolinian, who was a friend of the tariff. As public sentiment, throughout South Carolina, seemed opposed to the restrictive system, in all its forms, free trade has been resumed with the West, and is still carried on, I believe, as one of the principal sources of the commerce and wealth of that country. Those interested in grazing, and live stock, are thought to exceed far those interested in manufactures, in that region. This will be seen by the following communication, which I doubt not the correctness of:

To the Editors of the Kentucky Reporter.

CUMBERLAND FORD, Jan. 5.

DEAR SIR: As heretofore, I send you the amount of stock passing this place, on the Wilderness and Turnpike road, during the year 1831, for markets, which, perhaps, some of your many readers may be desirous of knowing, to wit:

Horses,	-	-	-	-	4,077
Mules,	-	-	-	-	1,999
				Total,	6,076
Hogs, (including 307 shoats drove with beef cattle,)	-	-	-	-	71,459
Stall-fed beef cattle,	-	-	-	-	842
Sheep,	-	-	-	-	387
Probable amount of all,	-	-	-	-	\$980,000

We have been told that the abolition of the rights of primogeniture was the cause of depression at the South; that we are too poor to live, too proud to work, too honorable to resort to ignoble means, and hence we rush into nullification. The Senator from Kentucky is entirely mistaken in the character of our laws, the habits of the people, and causes which urge them on to nullification. We have a law with us which subjects all idlers, strollers from tavern to tavern, loungers, disorderly persons following no lawful employment, to be taken up for vagrancy; and I

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have known a man deposit his cash in security for his good behavior, as the only alternative left him from being sold as a slave to some one who would make him work. There is not a more laborious or industrious people in the world than the people of South Carolina; they live by work, while others live by their wits. The only portion of our population who are exempted, by courtesy, from working, is the female part. With us, the men support their families by their industry; the fathers and sons save the mothers and sisters from the rays of the sun, or a dependence on strangers. It is said the progress of civilization is marked by the estimate in which the female portion is held in society. Among the savages and barbarians, it is considered degrading for the males to work; they hunt, fish, and engage in war, but the females till the ground, hoe the corn, and make something to subsist on. From the display made of female industry in this debate, I should be inclined to think we were retrograding to a state of barbarism. From a letter before me, taking a single cotton factory as a sample, the whole number of females employed in the cotton factories is sixty-six thousand. Where are the men? what are they doing? Why do they not take the burden of subsistence and protection of those females? If I had it in my power, I would make it a penal offence for a manufacturer to engage, in his employment, an unmarried female, in the lifetime of either parent. The little pittance thus made is but a poor equivalent for the hazard and danger to which their health, peace, virtue, and honor, are exposed. If we cannot boast of female operatives in manufacturing establishments, we are not made to blush by the developments of Magdalen societies.

The Senator from New Hampshire, in the course of his speech, made a suggestion which it is proper for me to notice. It acquires additional importance from the circumstance that similar charges are made from what may be considered the ministerial quarters. He says, he hopes that no union of purpose exists between some of those politicians who urge the highest duties, as necessary to the vital interests of the country, and some of those who urge to a forcible existence of high duties, because they were oppressive. I can assure the Senator, if the insinuation was levelled at me, or those with whom I act, that it has no foundation. I repel the imputation. What double motive can influence us to hazard the peace of the country unnecessarily? Have we nothing to lose by revolution and civil war? What political preferment awaits us as a compensation for seeming what we are not? What act have we done which has shown our attachment to principle is vacillating or ambidextrous? Show us the anti-tariff measure we have opposed, or the anti-tariff man that we have turned from and abandoned.

Let us see how far the honest men, the patriots, the judicious tariff men, differ with high pressure tariff men. The treasury report on this subject is nearly identical with the resolutions of the Senator from Kentucky; it proposes to keep on the duties on all which are called the protected articles. The political compromising party, with which the Senator from New Hampshire acts, constitutes the head of the tariff column of attack. If there be a wish to meet on middle ground, let the friends of protection advance to the centre; I, for one, will not stickle for a hair-breadth on this question. All we desire is justice, equality, and uniformity in the regulation of the tariff, so as to meet the expenditures of the civil list and just wants of the Government.

The Senator from Kentucky has animadverted upon the conduct of the President *pro tem.*, the Senator from Maryland, on account of his not constituting the Committee on Internal Improvements favorable to increased expenditures in that branch. While he censures for this, he does not give the honorable Senator credit for creating the Committee on Finance a manufacturing committee, or making

the manufacturing committee thoroughly what it purports to be. He is as severe with the President *pro tem.* as Junius was with the Duke of Grafton; he is not willing to admit that he can do right by accident. It is obvious that the American system party want the whole game in their own hands; they are not willing to surrender anything.

The friends of high taxes and the British restrictive system feel the full force of the breach made in the symmetry of their policy by the payment of the national debt. We were in debt as much as Great Britain, no question would arise about the constitutionality of the tariff. The forcing power could then be applied to any extent. This difference is not sufficiently marked by those who look to the policy of Great Britain as an example to be followed.

Prohibitory duties are but parts of one entire whole—aristocracy, monopoly, debt. The wealth of the few, and the poverty of the many, make up the British system; and this is held up to us as an example to follow, by the American system champions.

Great reliance, in this debate, is placed on the opinions and reports of Alexander Hamilton. Let us hear what he says of the propriety of adopting the British system:

He says, "I believe the British Government formed the best model the world ever produced; and such has been its progress, in the minds of many, that this truth gradually gains ground. This Government has, for its own public strength and additional security. It is said to be unattainable. If it was once formed, it would sustain itself. All communities divide themselves into two classes, the few and the many. The first are the rich and well-to-do, the other, the mass of the people. The voice of the people has been said to be the voice of God; and how generally this maxim has been quoted and believed, is not true in fact. The people are turbulent; they cannot judge or determine right. Give, therefore, the first a distinct and permanent share in the Government; it will check the unsteadiness of the second. As they can receive any advantage by the change, they, therefore, will ever maintain a good Government."

This is the language of the great Corypheus of the protective policy. The tariff laws are the foundation, in fact, of the British system, on which the "the rich and well-to-do" will mount and rule the honest yeomanry of this country.

The Senator from Kentucky, in his zeal to bear down free trade, with less than his usual magnanimity has assailed the learned author of the Free Trade memorial. He has told him to go home to Europe, and inculcate his principles. The same causes which made him seek refuge in this land of freedom, still operate to keep him here. He has been an American citizen longer than I have; he has done his country some little service, and has been sustained on this floor. And let me tell the Senator something—if that individual were a member of this Senate he would defend himself from the imputations thus heaped upon him, with the sparkling eye of genius, and the stinging sarcasm of a tongue as skilled in debate as power in advocating the cause of truth. I was the more surprised to hear the denunciations of this gentleman, since, at the Free Trade Convention, he was looked upon with a jealousy for his supposed political partiality to the Senator from Kentucky. We live in strange times, and it is to be acting the Midsummer Night's Dream—those who turn from us; and those who woo, we turn from.

The gentleman is not backward in retaining foreign aid in his ranks. I will not say to Mr. Carey, "Go home; I am willing that he may still remain, and shed any light he may possess in favor of the principles he thinks right." The eulogy which the Senator from Kentucky pronounced on the foreign emigrants to this country, he omitted to notice the Scotch. This might have been considered accidental, but for the thrust he made at the Scotch in

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stant in another part of his argument. They are, by some means or other, put down as the friends of free trade, and consequently denounced. Now, the truth is, we have not in the country a more industrious, moral, and worthy class of people than the Scotch. Of those engaged in agriculture, they are temperate, untiring, and intelligent, and, with us, convert to use and subsistence a portion of our lands which would otherwise remain a wild and waste wilderness.

How does it happen that the Scotch merchant comes in so large a share of the Senator's vengeance against free trade? Is it because his habits, his intelligence, his honesty, his fair dealing elevate him in the commercial world above the surrounding competitors? Is it because the merchant from Old England, and the merchant from New England, flourish not in the vicinity, but are banished, galled, and withered by Scotch industry, and Scotch policy? Or is it because cotton bagging is made in Inverness and Dundee? Sir, no nation stands higher than Scotland for the production of great men, or for the additions which have been made to arts and sciences, or to the improvements of society, moral or intellectual. I will not detract from the Gaelic character, or irreverently speak of a people who boast of such countrymen as Bruce, Burns, and Brougham.

The Senator from Kentucky has been kind and respectful to South Carolina, while he reprobated her principles, and made war upon her friends. He will pardon me for telling him what the people of that State think of rival Western candidates for the first honors of the country. They think the Senator from Kentucky is a "whole hog" tariff man, and that General Jackson is not a tariff man. Their principles form their associations; and the present ultra notions of the Senator from Kentucky, upon matters of constitutional law and public policy, place an impassable gulf between them and him. I honor him for his eloquence—for his early opposition to federal encroachments—particularly his opposition to the incorporation of the United States' Bank. We value his services during the late war, when he stood forth the champion of his country against a bold and talented minority. We are grateful to him, and his associates, for their success in procuring an honorable peace—for his present principles and his present policy, we praise him not.

Among other animadversions upon the temper manifested in the South, the Senator from New Jersey has read a letter from a Southern paper, headed "A call to arms." On being asked for his authority, it turns out to be from the Richmond Enquirer. And this is quoted to us in such a way as to induce a belief that the people were even now being into ranks, to oppose by force the Government; but, of course, it could be no other people than the hot-headed nullification party. Sir, the Senator from New Jersey understands the Richmond Enquirer on some points; I am surprised that he should seem disposed to hold the South responsible for the belligerent call of Thomas Pickens.

There was a time when, whatever appeared in that paper (one of the most influential and widely circulated papers in the Southern country,) might be considered as beating the temper of the South. That time has gone by. We were wont to look upon Richmond as the West—the strong post on our frontier—mounted by the Enquirer, under whose battery we reposed in safety and security. But such is not the case now. While our old men and women, and little children, rested in safety by day, and security by night, in defiance of Southern interest, Southern feelings, the sentinel on the wall, with unimpaired perfidy, recreant and traitorous, turned his fire on his own people, and, as far as he could, spread devastation in his own camp. He is the survivor of Nat Turner, and the confederate of Lundy and Garrison. The Senate adjourned to Thursday, the 23d.

THURSDAY, FEBRUARY 23.

TERRITORIAL JUDGES.

The following resolution was submitted by Mr. HOLMES, (and agreed to on the following day:)

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing, by law, for a more permanent tenure of office for the judges of the territories of the United States, or for a different mode of appointing them than is now provided.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Don Carlos Dehault Delassus, together with the amendment reported thereto by the Committee of Claims; and, after some debate, in which Mr. JOHNSTON advocated the allowance of the claim to its full extent, and Mr. RUGGLES replied, the bill was, on motion of Mr. SMITH, laid on the table.

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The Senate then resumed the consideration of the resolution submitted by Mr. CLAY, together with Mr. HAYNE's amendment.

Mr. MILLER concluded his remarks commenced on Tuesday, (as reported above.)

Mr. DALLAS then took the floor, and moved an adjournment.

FRIDAY, FEBRUARY 24.

This day was spent in the consideration of various private bills, and in executive business; after which, The Senate adjourned to Monday.

MONDAY, FEBRUARY 27.

Mr. WEBSTER laid on the table an amendment which, he stated, he had intended to propose to the bill "for the apportionment of representatives among the several States according to the fifth census," when the same should be under consideration; and he also laid on the table sundry documents relating to the subject of said bill; and ordered that the amendment and documents be printed for the use of the Senate.

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The resolution of Mr. CLAY being resumed,

Mr. DALLAS rose. Unaccustomed, said he, to the contests of deliberative bodies, and deeply sensible how little claim I possess to the attention of so experienced a council as this Senate, I have shrunk with solicitude, heretofore, from venturing to participate in its most important discussion.

Bringing with me to your hall no recollection or pretence of past services for the common good, no ability to enlighten, and no erudition with which to add to the stores of your wisdom, I am painfully assured that personal prudence should keep me silent. The force, fervor, and brilliancy of the distinguished gentlemen who have preceded me, rendered doubly effective by the remembrance of their former toils and achievements for the prosperity and honor of our country, add peril to the temerity of my undertaking, and I would gladly have escaped the danger by avoiding to attract your notice.

There are times, however, sir, when selfish apprehensions must be surmounted by the impulses of duty; there are positions which seem not merely to require, but to justify, individual presumption; and there are some absorbing questions of general policy which a public agent or representative must not be allured from confronting, by timid suggestions, springing from an honest sense of inferiority. Such times are the present; such a position is that of a Senator deputed hither by the commonwealth of Pennsylvania; and such a question is the one involved in the original resolution offered for adoption by the Senator from Kentucky, and the amendment or substitute tendered by the gentleman from South Carolina.

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I approach the subject, Mr. President, simply with a desire to discharge, in reference to it, the debt I owe to the country and to my constituents. Fresh from the walks of private industry, I feel unshackled as to the present by any commitments in the past. I am wedded by former vows or promises to no systems; bound to assert, in maintenance of political consistency, no doctrine but that of republicanism; and pledged to no measures, except those which my understanding and unbiassed judgment may indicate as best for the stability, reputation, and happiness of an immense and augmenting, a free and virtuous, people. This attitude has its dangers as well as its advantages: its dangers restricted to myself, I willingly encounter; its advantages, I would cheerfully exchange for the tried wisdom, the justly accorded weight, and the practised ability of those who surround me.

Fifty-six years have ripened this confederated nation to a condition of unprecedented and incontestable greatness: greatness in extent; greatness in resources; greatness in moral and intellectual character; greatness in political structure and jurisprudence; greatness in the renown which follows just and successful wars; and greatness which results from the acquisition of a before unknown sum of human contentment and freedom. Providence has smiled upon the work of our progenitors, and has blessed its progress. The whole civilized world has marked, with reiterated astonishment, the rapidity of our advancement; and, at this moment, from the Pisgah of Eastern eminence, exulting and longing myriads are pointing to our Western institutions as the objects towards which they have yet fruitlessly journeyed through a wilderness of ages and of wretchedness.

This glorious inheritance, even while some of those by whose valor and wisdom it was founded, fashioned, and fostered, are still living to enjoy and adorn it, has devolved upon us. The descent is one of which we cannot be too proud, of which we cannot be too careful. Let us guard it with jealous veneration: and if it be true, as I fear it is, that we do not possess that original and perennial source or fund of virtue and of mind which would enable us to enlarge or exalt it, let us, at least imitatively, pledge our lives, our fortunes, and our sacred honors, to maintain it as it now is.

The solemnity of this invocation, Mr. President, is appropriate to the period at which we have arrived, and the parties by which we are distracted. A novel and unparalleled event is on the eve of consummation, and may be regarded as already accomplished. Thirteen States have expanded into twenty-four; four millions of freemen have increased to nearly fourteen; the first and second wars of independence have been triumphantly conducted; treasures of almost incalculable amount have been generously expended by a united and generous people; the reputation of the land has been immeasurably elevated; and yet the half century of our existence closes with resources not only not undiminished, but boundlessly augmented, with public faith unbroken, and with the national debt extinguished! I will not, sir, dwell upon these extraordinary truths; I will not draw an invidious contrast with the condition of less favored countries or Governments; but this I will say, that he who can reflect upon these wonderful achievements of our people and their policy, without gratitude to both, without delight and pride, must be more or less than an American patriot.

Who is there, sir, that, seeing this great result of our councils and forecast, can desire a change in the organic structure or practical legislation by which it has been effected? I have heard much on this floor of sectional divisions, sectional interests, sectional doctrines, sectional feelings, and sectional parties; of the East, the South, and the West; but I cannot adopt the language, and will not entertain the sentiments by which it is prompted. I claim no peculiar merit for the noble commonwealth whose re-

presentative I am, for her uniform devotion to the union and democracy of these States—for her unwavering co-operation in all the efforts which have carried the nation to its present exaltation; she has done no more, and no less, than other portions of our republic. But I will not recognise the right, claimed from what quarter it may be, to mar and deface the monument of our common labors; to tear down piecemeal, or at a blow, the structure which every hand has equally and simultaneously contributed to erect; to prostrate and crumble into dust the fairest fabric ever yet reared by the energies and virtues of confederated freemen.

I trust that I shall not be misunderstood. My allusions have no particular direction. Standing, as it were, upon the soil of my native State, and surveying, with profound attachment and respect, the sister republics which encircle her, I can have, as she can have, no interest, object, or desire, but for the general peace, prosperity, and happiness. It is in these only that Pennsylvania can delight; it is in these only that she can find her own tranquillity and content. Suppose, sir, for one moment, that she consented to address the respective sections of our country, with a view to inculcate or to beseech harmony and conciliation, how would she do it? By recurring to past errors of opinion, or misconduct in practice? By weighing the demerits of one with the merits of another? By adopting, and reiterating, and enforcing every species of crimination and recrimination? No, sir. An error atoned for is forgotten; an injury repaired is a benefit. It is wiser, it is better, to remember virtues and services, than to exasperate with the repetition of imagined or real wrongs. I think she would say to the East, you were the cradle of the infant liberties of America; your sons fought the earliest battles of independence; your prowess marshaled the colonies from their vassalage; and your wise men toiled with indefatigable zeal to mould the existing form of National Government. Will you compress to destruction that which bids fair to be an everlasting monument of your love of freedom and of order? I think she would say to the South—our warmest affections are with you; we have sympathized in every diversity of political success and defeat; you have shed your blood profusely in asserting and sustaining our common honor and our common rights; we know your patriotism, which, though like the mariner's needle, it may suddenly and casually amid the boisterous waves of party contention, tremulous and depart from its true direction, will nevertheless instinctively return, and steadily point to the pole of union and of concord; we still love you; we will still listen to you with fond partiality; and we will submit to almost any sacrifice which can promote your welfare. Surely, you will not break, as an empty bubble, the orb which you so truly adorn, and to preserve which we have so long and unitedly labored. I think, sir, she would say to the West—you are the cherished offspring of the confederacy, inheriting and exhibiting all the high qualities of your ancestry; you are destined speedily to surpass us in physical strength, and at least to equal, if you do not overshadow, us in the vigorous resources of intellect and of enterprise; you have a genial climate, a prolific soil, and a hardy yeomanry; do not, like an ambitious shoot, too unsparingly absorb the vital sap of your parent stem; repay, with magnanimous forbearance, the kindness which cherished your youth, and gave you the means of rapid and imposing maturity. Such, Mr. President, would be the tone of Pennsylvania; dictated by no selfish policy, but covertly aiming at no peculiar advantage; but profound and devotedly intent upon the restoration of fraternal feeling, upon maintaining the paramount and priceless blessing of our bond of union!

If, sir, in the picture I have sketched of the condition of our country, shades have been omitted which real exist, they ought to be introduced; they ought to

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frankly met, and the assembled wisdom of the legislative bodies should anxiously devise remedies and relief. The impressive and gloomy description of the Senator from South Carolina, [Mr. HAYNE,] as to the actual state and wretched prospects of his immediate fellow-citizens, awakens the liveliest sympathy, and should command our attention. It is their right; it is our duty. I cannot feel indifferent to the sufferings of any portion of the American people; and esteem it inconsistent with the scope and purpose of the federal constitution, that any majority, no matter how large, should connive at or protract the oppression or misery of any minority, no matter how small. I disclaim and detest the idea of making one part subservient to another; of feasting upon the extorted substance of my countrymen; of enriching my own region by draining the fertility and resources of a neighbor; of becoming wealthy with spoils which leave their legitimate owners impoverished and desolate. But, sir, I want proof of a fact, whose existence, at least as described, it is difficult even to conceive: and, above all, I want the true causes of that fact to be ascertained; to be brought within the reach of legislative remedy, and to have that remedy of a nature which may be applied without producing more mischiefs than those it proposes to cure. The proneness to exaggerate social evils is greatest with the most patriotic. Temporary embarrassment is sensitively apprehended to be permanent. Every day's experience teaches how apt we are to magnify partial into universal distress, and with what difficulty an excited imagination rescues itself from despondency. It will not do, sir, to act upon the glowing or pathetic delineations of a gifted orator; it will not do, to become enlisted, by ardent exhortations, in a crusade against established systems of policy; it will not do, to demolish the walls of our citadel to the sounds of plaintive eloquence, or fire the temple at the call of impassioned enthusiasm.

What, sir, is the cause of Southern distress? Has any gentleman yet ventured to designate it? Can any one do more than suppose, or argumentatively assume it? I am neither willing nor competent to flatter. To praise the honorable Senator from South Carolina would be

"To add perfume to the violet—
Wasteful and ridiculous excess."

But if he has failed to discover the source of the evils he deplures, who can unfold it? Amid the warm and indiscriminating denunciations with which he has assailed the policy of protecting domestic manufactures and native produce, he frankly avows that he would not "deny that there are other causes besides the tariff which have contributed to produce the evils which he has depicted." What are those "other causes?" In what proportion have they acted? How much of this dark shadowing is ascribable to each singly, and to all in combination? Would the tariff be at all felt, or denounced, if these other causes were not in operation? Would not, in fact, its influence, its discriminations, its inequalities, its oppressions, but for these "other causes," be shaken by the elasticity and energy and exhaustless spirit of the South, as "dew-drops from the lion's mane?" These inquiries, sir, 'must be satisfactorily answered before we can be justly required to legislate away an entire system. If it be the root of all evil, let it be exposed and demolished. If its poisonous exhalations be but partial, let us preserve such portions as are innocuous. If, as the luminary of day, it be pure and salutary in itself, let us not wish it extinguished, because of the shadows, clouds, and darkness which obscure its brightness or impede its vivifying power.

Sir, there are "other causes" than the policy of protection, to which our Southern brethren might, and, in my opinion, ought to impute the deplored evils under which they suffer. Some of these are adequate to produce, and, if not providentially arrested in their progress, will unavoidably produce, calamities far more extensive and deso-

lating than any yet experienced. Every day, every hour, augments their force, enlarges their sphere, and manifests their agency. Nor is their onward march a sketch of fancy, or the conclusion of plausible argument: it is a fact, discernible to every eye, known to every well-informed man in the country, appreciated by every candid one, and disputed by none. The delusion and mistake lie in considering these "other causes" as secondary and slight, instead of primary and powerful: in visiting upon a subject of political dislike, consequences fairly and obviously attributable to specific, natural, social, or moral agencies: in fastening upon the tariff, as fanatics are apt to fasten upon their reputed conjurer or wizard, the storm of the elements, the barrenness of plantations, the debility arising from constitutional disease, and the mysterious operations of decay.

I have said that "other causes" exist, adequate to all the lamented distresses. Among these, is one which, alone, unaided by co-operation from others, necessarily leads to results of wide-spread, protracted, and conspicuous embarrassment and desolation. The great Southern staple, cotton, is the product of an exhausting plant—a plant which feeds voraciously upon the fertility and strength of the best soils. Every returning season finds the earth in which it is cultivated less competent to supply its exactions, and sustaining, therefore, a less hardy and generous growth. The ultimate dissatisfaction of the planter, whose produce thus annually diminishes, is inevitable. He struggles, perhaps for years, in fruitless efforts to revive the original fecundity of his farm; to arrest, at least, its gradual decrease from eight or six bales, by the hand, to two or three: and he submits to the reduction of his profits and many deprivations, rather than abandon a home to which he has become habituated, a neighborhood in which he has acquired character and friends, and a social circle to which his family are endeared and attached. But the final period of comparative sterility must arrive; the season wherein labor will be unrewarded, granaries un replenished, and means unrenewed, must come to him or to his successor: and, when that period is at hand, the dejected and disappointed owner looks elsewhere for consolation and resource. Then it is, sir, the impelled and adventurous husbandman of North and South Carolina, while he has yet scarcely entertained the project of removal, casts his anxious eyes upon the immense region, in his immediate vicinity, of land, much cheaper than in his native State, of virgin soil, upon whose charms his favorite voluptuary has not yet bated, of equal, if not superior, climate, and of ascertained fitness, in every respect, for the plant to which his skill and industry have long been adapted. Is it surprising that this boundless range of territory should attract capital and enterprise to the culture of cotton from all parts of the country? That the quantity of production should rapidly augment, and its relative value or price fall, or that it should offer temptations, irresistible by conscious industry and frugality, to abandon the comparatively spent farms heretofore tilled?

Men, sir, will change their abodes, under the circumstances to which I have adverted, by an impulse which may almost be regarded as a law of our nature. The serious concerns of life are not, cannot, and ought not to be regulated by the amiable sentiments which connect themselves with the recollections of the past. We quit the homes of our ancestors, the graves of our kindred, the hills and valleys of our childhood, with many a sigh, it is true, and with many a longing, lingering look behind; but we quit them all, with proud and self-sustaining resolution, in pursuit of subsistence, of settlements for our children, of personal and permanent independence. Such have been the course of human conduct, and the career of human action, in all ages, and in every quarter of the globe. The land of promise was, and always will be, the goal of ceaseless emigration. We, sir, especially, are a

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migratory people. With almost every range of climate, and an unlimited extent of land wherefrom to choose, "a world before us, and Providence our guide," our readiness to improve the condition of life, by entering upon new scenes of activity, is at the same time unobstructed by the difficulties and doubts which repel the inhabitants of other countries. Our political institutions are every where throughout our continent the same. Our language, with inconsiderable and few exceptions, is uniform: our medium of exchange, money, coin, and even one species of bank paper, is identical; the great practical hindrances are unknown to us; and we may pass through every degree of salubrious temperature, and over thousands of leagues, changing in our progress nothing but the sky and the soil. Hence it is that we have long since turned our backs upon the Atlantic and its shores, to gaze upon, and to bend our steps towards the rich plains, the laughing valleys, the thronged rivers, and the health-inspiring hills, of the American West.

If, then, sir, the appalling picture of the honorable Senator from South Carolina be strictly true: and if it be also true, as no one has been or can be adventurous enough to deny, that the regions lying immediately to the west of those districts which his picture is designed to represent, are open and still opening for a cheaper and more abundant growth of the very cotton to whose depreciated value he ascribes Southern distress and complaint, I recognize, in the cause to which I have referred, an adequate cause: a cause absolutely distinct from the tariff: a cause, in its origin and effects, transcendently beyond the course of any policy: a cause, out of the reach of legislative remedy: a cause which human agents are utterly incompetent to control, arrest, mitigate, or modify.

Sir, this incurable and impracticable cause made its effects, to a certain extent, visible, before the tariff of 1824 was enacted, and before that of 1816 could possibly have been felt: not long after Mississippi became a State, in 1817: shortly after Arkansas became a territory, in March, 1819: shortly after the acquisition of the Floridas, in February, 1819: and shortly after Alabama was embraced as a member of the Union, in December, 1819. An intelligent and observing traveller, in 1822 and 1823, could then see the deplored evils in progress. He could then notice that the productiveness of cotton lands increased as he journeyed towards the setting sun; that the ability of each hand would double or treble its crop every hundred or two hundred miles; and that western Carolina, following the example of the eastern, was becoming comparatively neglected or deserted by a population which sought more fertile and rewarding soils. He could, then, in the language of the honorable Senator, "see fields abandoned, the hospitable mansions of fathers deserted; agriculture drooping; slaves, like their masters, working harder and faring worse; and the planter striving with unavailing efforts to avert the ruin which is before him:" he could then see "the once thriving planter reduced to despair; cursing his hard fate, gathering up the small remnants of his broken fortune, and, with his wife and his little ones, tearing himself from the scenes of his childhood, and the bones of his ancestors, to seek in the wilderness that reward for his industry," of which the gradual exhaustion of his inherited soil, and the teeming richness of new and neighboring regions, "had deprived him." And even since then, this incurable and impracticable cause has been aggravated, as the northern portions of Louisiana have become accessible to population, and subjected to agricultural pursuits. This incurable and impracticable cause will long continue to operate, increasing in power as it enlarges in scope; but whether, in a national aspect, it be, in the aggregate, for good or evil, no human capacity can determine. Viewed with reference to the strictly Southern States alone, no one deploras its effects more sincerely than I do. The Carolinas have nobly stemmed it thus far; the general sum

of their wealth and numbers augmenting, in its spite, steadily and surely. But the entire Union—the whole people of the United States—cannot well be deemed injuriously affected by a process which transfers the citizens of one commonwealth to another; which converts the unhappy and discontented planters of the Atlantic coast into thriving and joyous settlers of inland regions; which, however much it may depopulate and desolate the East, carries capital, industry, intelligence, and the arts, to develop the resources and ensure the felicity of the West.

That other causes still, Mr. President, for Southern distress, do exist, cannot be doubted. They combine with the one I have indicated, and are equally unconnected with the manufacturing policy. One of these it is peculiarly painful to advert to; and, when I mention it, I beg honorable Senators not to suppose that I do it in the spirit of taunt, of reproach, or of idle declamation. Regarding it as a misfortune merely, not as a fault; as a disease inherited, not incurred; perhaps to be alleviated, but not eradicated, I should feel self-condemned were I to treat it other than as an existing fact, whose merit or demerit, apart from the question under debate, is shielded from commentary by the highest and most just considerations. I refer, sir, to the character of Southern labor, in itself, and in its influence on others. Incapable of adaptation to the ever-varying changes of human society and existence, it retains the communities in which it is established, in a condition of apparent and comparative inertness. The lights of science, and the improvements of art, which vivify and accelerate elsewhere, cannot penetrate, or, if they do, penetrate with dilatory inefficiency, among its operatives. They are merely instinctive and passive. While the intellectual industry of other parts of this country springs elastically forward at every fresh impulse, and manual labor is propelled and redoubled by countless inventions, machines, and contrivances, instantly understood and at once exercised, the South remains stationary, inaccessible to such encouraging and invigorating aids. Nor is it possible to be wholly blind to the moral effect of this species of labor upon those freemen among whom it exists. A disrelish for humble and hardy occupation; a pride adverse to drudgery and toil; a dread that to partake in the employments allotted to color, may be accompanied also by its degradation, are natural and inevitable. The high and lofty qualities which, in other scenes and for other purposes, characterize and adorn our Southern brethren, are fatal to the enduring patience, the corporal exertion, and the pains-taking simplicity, by which only a successful yeomanry can be formed. When, in fact, sir, the Senator from South Carolina asserts that "slaves are too improvident, too incapable of that minute, constant, delicate attention, and that persevering industry which is essential to the success of manufacturing establishments," he himself admits the defect in the condition of Southern labor, by which the progress of his favorite section must be retarded. He admits an inability to keep pace with the rest of the world. He admits an inherent weakness; a weakness neither engendered nor aggravated by the tariff—which, as societies are now constituted and directed, must drag in the rear, and be distanced in the common race.

Sir, in further exploring the real causes of the distresses so pathetically delineated, I might call your attention to the general state of trade, domestic and foreign, throughout all christendom. The South cannot claim to be exempt from a universal visitation. Her staples must sink in comparative value, as have sunk the staples of every other State or people. Her agricultural produce cannot alone command the high price of former years. She, too, must submit to feel the necessary and pervading influence of a long European peace, following upon an almost uninterrupted century of war; of a general and eager resumption of the primitive and productive occupations of men, by hundreds of thousands heretofore set apart solely to con-

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sume or to destroy; of a consequent excess beyond the wants of mankind, in all the articles essential to our subsistence, comfort, or safety. The reduction in the price of cotton, induced by an over-production, not merely in the United States, but in the East Indies and elsewhere, is less than might reasonably have been expected; and, instead of ascribing to the tariff that which has already occurred, it is, perhaps, owing to this denounced policy that the reduction has not proceeded to a much greater extent. It is curious to remark, sir, that within the very month, during which the Senator from South Carolina proscribed the protecting system as the root of all evil—while he levelled the battery of his eloquent speculations and ingenious deductions against this “accursed” destroyer of cotton and its planter—that very cotton, in the market of New Orleans, was raised in value by the positive and direct operation of the tariff in furnishing a domestic demand. I quote from the New Orleans price current, under date of Saturday, January 28, 1832:—

“**COTTONS.**—The market this week has not been so brisk as it was last; purchasers for the European markets generally decline operating at the prices now asked, and the main dependence of sellers is on the demand for the Atlantic cities and the Northern manufactories.

“A lot or entire crop of fifty-four bales Tennessee was sold at the extraordinary price of eleven and a half cents. The staple is said to be decidedly the best that ever came from that section of the country, (near Nashville,) fully equal to the best Mississippi: its general appearance evinced the most careful culture and putting up: it is from the plantation of the President of the United States.”

I acknowledge, Mr. President, that a single practical illustration of this kind outweighs, in my mind, the most plausible theories and the longest train of artificial logic. Give, then, sir, to the undoubted and comprehensive causes of Southern distress to which I have referred, their true importance, and ascribe to them reasonable effects, such effects as candor and good sense cannot fail to ascribe; and how little, if any, of the mischiefs depicted and deplored can we justly impute to the popular policy of protection? It is possible that, like most human arrangements or projects, its advantages may be accompanied by correlative disadvantages; many imperfections may exist not discernible to our limited apprehensions, which work with silent inefficiency, and mar the general tendency of the system; nay, some positive and partial injury may be occasioned, while the universal good is steadily accomplishing. But Southern distress is explainable upon principles and from causes wholly independent of the tariff; impracticable to the highest energies of legislation; always to be lamented, but irremediable at least by us.

Having thus, sir, removed from debate, or from my own mind, the oppressive weight of so much of the argument of the Senators opposed to me, as consists of glowing and gloomy pictures of human wretchedness and local desolation, I must be permitted to state my impressions of what this great national policy, rather disingenuously termed our, or the American system, truly is.

Its foundation, Mr. President, is the broad and impregnable principle of national independence; and its object and tendency are to give to the American people, the entire people, the people, as a mass, and in detail, employments of their own, resources of their own, strength of their own, and happiness of their own; which cannot be injuriously affected in war or peace, through stratagem or design, by any other people. Such are its cardinal characteristics. If there be any portion of the means for effecting this policy, which does not square with these characteristics, to that I am opposed. If, in attaining these fundamental and invaluable objects, partial, occasional, or sectional injury be inflicted, that I would remedy or redress, by exerting the force of all our institutions as best I can. The good of the whole is rarely, if ever, ac-

complished without some sacrifice to at least a part: but, undoubtedly, the dangers and inconveniences of every scheme of legislation should be contracted to as narrow a sphere as possible, should be anxiously mitigated as much as possible, and should ultimately be repaid as fully as possible.

Sir, this is no selfish policy, in the odious sense of that epithet. To the American people, as contradistinguished from any and every other people, it may be so. Nature, in the creation of peculiar languages, various climates, and different forms of Government, has compelled distinct and separate masses of men, communities, and nations, to be selfish. It is their state of nature, liable to be modified, as civilization leads to intercourse, barter, and reciprocity, by convention and mutual agreement only. National selfishness results from necessity, and is beyond reproach. Without it, independent existence is unimaginable: without it, we could have no country.

But honorable Senators have described this policy as emanating from, and exclusively useful to, rich capitalists, monopolists, and manufacturers. If it be so, let us abandon it. But, before acquiescing in the description, it is our duty to reflect and to examine.

As a policy, sir, adapted to the welfare of any nation, it emanates from remote antiquity, and has been, more or less, cherished and practised by every people. Modern philosophy may sometimes be disadvantageously contrasted with ancient wisdom, as beautiful abstractions are often disproved by a succession of experiments. Egypt, in her grandeur, Greece, in her brilliancy, Rome, in her omnipotence, deduced their magnificence and vigor, at least in part, from this “accursed” policy. It was known to them all; it was enforced by them all; and it aggrandized them all. These are great names! and the annals of history tender for enumeration many others familiar to the learning of those whom I address. It is true, as the Senator from South Carolina has said, that the political economy of free trade, however captivating in theory, is, indeed, “a discovery of modern times.” It has no existence but in books. It never has been tested, and it never can be tested; without the Utopian resort to a Congress of nations—a resort recommended by some pamphleteer, whose treatise, laid upon our tables within a few weeks past, seems to come in aid of this “discovery of modern times”—a resort, which like another Congress, that of Panama, will prove “introuvable,” anxiously and pompously sought, but never found.

Let us, however, Mr. President, quitting the too ample range of foreign history, come home; and, with a view to reason best from what I may be presumed to know best, let me speak of Pennsylvania. Whence, and when, did this policy of encouraging our own manufactures originate there? Its source was in her people, as contradistinguished from her rulers or politicians, and it sprung forth in the earliest days of her settlement. Its fathers were the frugal, self-poised, sagacious, steady, and sterling Germans—those very “stupid and ignorant black Dutch,” whom certain partisans of certain official candidates, during a recent canvass, seemed specially to delight in caricaturing and libelling. They started it; their practical wisdom fostered it; their stubborn attachment to independence, in every shape, inculcated and taught it; their ingenuity, thrift, economy, and invincible perseverance planted the seed, reared the tree, and ripened the fruit. Our German emigrants, sir, brought with them habits of enlarged observation and sober thought. They found their adopted home teeming with all that the necessities or tastes of men could require. They set their creative skill and industry to work, unshackling their occupations and wants, as they had freed their souls, from subservency to distant Europe. If gentlemen will term this policy “the American system,” let it be known and acknowledged that its first American rudiments emanated from Pennsyl-

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vania Germans, then in the condition of mere "servants;" that its tendency to emancipate their new abode from social thralldom was indicated by them; and that they never have, and probably never will abandon it. I turn, in illustration and confirmation of what I say, to a passage in "Gordon's History" of the commonwealth to which I belong:

"The same jealous spirit which confined the commercial energies of the colonies, restricted their advancement in manufactures and the arts. The handicrafts which were indispensable for the supply of agricultural implements, the purposes of simple architecture, and other primitive wants, took vigorous root in Pennsylvania immediately on the foundation of the city. Many of the first settlers were mechanics, who found ample employment in supplying the wants generated by the rapid progress of the infant city. The Indian trade supplied furs for hatters, and skins soon became abundant for the workers in leather. The wood of the country, its walnut, maple, oak, ash, and cherry, furnished materials for carpenters, joiners, wheelwrights, and wagon-makers; and, in the skill of their imported servants, especially the Germans, the colonists soon found the means to supply almost all their wants of first necessity, with many of the comforts and some of the luxuries of the mechanic arts. So remarkable were the industry and success of the colonists in these branches, that complaints were made to Parliament by interested individuals, that their progress was detrimental to Great Britain. The parent State, with great maternal kindness, to her children at home, but with the indifference of a stepmother for those abroad, rapidly adopted measures to check their envied prosperity.

"So early as 1699, the wool, yarn, and woollen manufactures of the colonies were forbidden 'to be shipped there, or even laden in order to be transported from thence to any place whatever;' and in 1719, the Commons declared, 'that the erecting manufactories in the colonies tended to lessen their dependence on Great Britain.' In 1732, hats were subjected to the same restrictions as woollen manufactures, and hatters were forbidden to employ more than two apprentices at once, or any black or negro, at their trade, or to make hats, unless they had served an apprenticeship of seven years. In 1750, whilst pig and bar iron were allowed to be imported duty free to Great Britain, the colonists were denied the privilege of erecting any mill or other engine for sitting or rolling iron, or any plating forge to work with a tilt hammer, or any furnace for making steel, under the penalty of two hundred pounds."

This historical extract, Mr. President, developing the spirit in which the policy commenced, and the counteracting spirit with which Great Britain endeavored, successfully, to repress it, will be elucidated by a note subjoined to one of the celebrated and patriotic "Farmer's Letters" of John Dickinson, written in 1767. It purports to be a quotation from "Tucker on Trade."

"If we are afraid that one day or other the colonies will revolt and set up for themselves, as some seem to apprehend, let us not drive them to a necessity to feel themselves independent of us, as they will do the moment they perceive that they can be supplied with all things within themselves, and do not need our assistance. If we would keep them still dependent upon their mother country, and, in some respects, subservient to her views and welfare, let us make it their interest always to be so."

Sir, these extracts attest alike the source and the wisdom of the policy. Nature herself, in unfolding the exhaustless stores of her bounty, in our forests, our minerals, our ores, and our quarries, invited and impelled Pennsylvania to its adoption. With her, it never bore the artificial character ascribed by the Senator from Virginia. She felt it to be instilled in the all-persuasive language of a blessing Providence. Nor is it with her "a modern discovery," designed for monopolists or rich capitalists. She

felt it to be a boundless resource for her faithful, hardy, and generous population, to be kindred with their sturdy independence, and to be commensurate with their ardent and ennobling love of country. True, it was early and long checked by the ungracious and jealous stepmother; true, this now powerful commonwealth was made to resemble the Indian papoose, conscious of vital energies, and struggling to exert them, yet bandaged, restricted, and confined, that the wandering agility of a mercenary parent might be undiverted, unobstructed, and unimpaired; but she never lost sight of it, nor wavered in her partiality. It has grown with her growth and strengthened with her strength. Her illustrious Franklin, second to no one, justly represented, in his examination before the House of Commons, both her disposition and her aptitude; and her sons have kept and still keep it steadily in view. Even the vapid insurrection of her whiskey boys, in 1794—a partial movement in hostility to an odious tax, and never countenanced, as the Senator from Virginia seemed to imagine or imply, by any department of public authority—may be regarded as evidence of her deeply seated solicitude to encourage and protect domestic factories. During the war of 1812, her patriotism, surpassed by none of her confederates, sided with her policy; and she has, perhaps, clung to it since with the greater tenacity, because of the then freshly excited repugnance to English pretension and intercourse.

Perhaps, sir, the honorable Senator from Virginia [Mr. TYLER] may perceive in this review of the course of Pennsylvania an explanation of her present unanimity—a unanimity which he insinuates has resulted from a want of reflection and examination. That State has reflected and examined for a century. The recent resolution of her General Assembly is but the last sound of a voice which has uniformly uttered the same doctrine and conviction.

I have said that once the patriotism of Pennsylvania aided with her policy; and I agree that now her interests are involved in its steady prosecution. She has incurred, within a few years back, a greater public debt than the existing one of the nation. Her internal improvements, immense and inestimable, have been mainly and vigorously directed, under the auspicious shield of your protective system, to the development of her own resources and the encouragement of her own industry. Her legal code has given every facility to the attainment of public convenience, free intercourse, and safe transportation. The noble turnpikes, broad highways, countless canals, solid bridges, and splendid railways, which intersect and unite all parts of her territory, are the products of a full reliance in the stability and excellence of the policy. Do you suppose that she would have gone thus far in expenditure, merely to become the recipient and channel of exotic fabrics—of European husbandry and manufactures? No, sir. Her purpose has been to scatter her own rich ores among her laborious people: to bring into operation her water power: to supply her mechanics and her poor with her various woods, her inexhaustible fuel, her salt, her minerals: and to carry comfort and independence to the homestead of every farmer.

What are the fruits of this Pennsylvania policy? I will illustrate them by recurring to the single article of her own, iron. Its quality is unquestionably equal, if not superior, to that of England. Its cohesiveness is greater—a chain of an inch and a half in diameter not breaking till burdened with a weight of sixty tons, while a similar English one yielded to forty-three tons only: one of an inch and an eighth broke not, till oppressed by full forty-one tons. For welding also, it is superior; superior for spikes and bolts employed in constructing ships; superior for wheel tires; and at least equal for use on railways. Our iron-workers are willing to give, and actually do give, twenty-five per cent. more for the American than the English article.

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The effect of our policy on this essential metal has been strikingly evinced, first, in augmenting the number of its factories and its quantity; secondly, in reducing the prices of its manufactures; and, thirdly, in disseminating widely, through its agency, the means of subsistence and comfort.

1. Since the year 1824, thirty-four new furnaces have been erected in Pennsylvania, west of the Alleghany mountain—each forming, not a mine of wealth for the rich monopolist, but a nucleus for a busy, thriving, and joyous village.

During the years 1829 and 1830, the quantity of iron rolled at Pittsburg alone increased from three thousand to more than nine thousand tons.

2. The reduction of the prices was a necessary consequence of the domestic competition, created and excited by the policy. Since 1818, 1819, and 1820, the implements of husbandry have sunk in price thus: Axes, from twenty-four dollars to twelve dollars by the dozen: scythes, spades, and common shovels, fifty per cent. Iron hoes, at nine dollars by the dozen, have given way to steel ones, at four dollars by the dozen: socket shovels, once sold at twelve dollars by the dozen, now sell at four dollars and fifty cents: iron vices, once at twenty cents by the pound, now at ten cents: braziers' rods were, in 1824, imported at three hundred and thirteen dollars by the ton, and now are made at one hundred and thirty dollars: and steam engines have actually, since 1823, fallen fifty per cent. in price, while at the same time the amount of material and labor of which they are composed, has nearly doubled.

3. The extent to which the manufacture of this substance contributes to diffuse the means of support and comfort, cannot be precisely estimated as to any particular district of country. The proportion of its effective action upon Pennsylvania may alone be presumed from a fair calculation of its aggregate value in the Union, and a general knowledge of the numerous and important establishments scattered throughout that State. It is ascertained, with reasonable certainty, that, in the small county of Delaware, about two hundred and thirty-five persons annually produce a value of two hundred and seven thousand one hundred and seventy-five dollars, which undergoes its local and natural distribution. In the large counties of Centre and Huntingdon, extensively engaged in the business, the computation necessarily rises much higher. Now, it is believed, from such returns as have been collected, that in the United States there are no fewer than twenty-four thousand nine hundred and seventy-nine iron workmen, each having, on an average, four individuals dependent upon his labors: and twenty-four thousand eight hundred and ninety-five human beings are therefore provided with adequate livelihood by this single branch of industry in its earliest stages. Supposing each workman to receive the modicum of one dollar a day, or say three hundred dollars a year, and there are disseminated in wages no less than seven million four hundred and ninety-three thousand seven hundred dollars: their fabrics, finding their way to various markets, scatter, as they advance, the charges of transportation, computed to exceed one million two hundred and fifty thousand dollars: and thus the entire process furnishes, for diffusion among the laboring, meritorious, and most useful masses of society, an annual sum little short of nine millions of dollars. The proportion of this imposing value which falls to the lot of Pennsylvania, may be imagined, but cannot be asserted.

My effort and object, Mr. President, are to avoid details. Those which I have ventured to state, from the best sources of information accessible to my inquiries, are merely meant as illustrative of the policy, in its operation upon Pennsylvania. Those parts of the States particularized are neither the Birmingham, so called by the honorable Senator from Tennessee, nor the other city, which perhaps he would designate as our Liverpool—they are in the interior, and are mainly devoted to the primary and es-

sential pursuit of agriculture. Her interest in the system, I repeat, sir, is undeniably great. She will be thrown back a century by its relinquishment. What is to become of her vast investments in internal improvements of every description, if her citizens are to be deprived of the means and the motives which make them productive? What is to become, let me ask, of the investment of her people of twenty millions in the coal interest, if foreign, Nova Scotia, or other coal seizes upon and glut her markets? The gentleman from Virginia might well have remembered that the duty upon imported coal was devised and imposed originally for the benefit, and by the representatives of the "Ancient Dominion;" and we have heard recently "a still, small voice" (which "still, small voices," by the bye, I honestly respect) from the coal regions of that patriotic commonwealth, in the form of two ably written memorials, lying upon our desks, and addressed to Congress, praying, unlike their Senator, for the unflinching continuation of the protecting duty.

Emanating, then, sir, as this policy has, in Pennsylvania at least, during her earliest days, and from her people, how is it to be considered exclusively beneficial to monopolists and rich capitalists? Gentlemen appear to me to fasten upon the accidents of a system as the system itself, and to appeal to prejudice more than to reason. This is neither a fair nor candid course of argument. Capitalists are to be found in every occupation. The disparity of pecuniary means necessarily creates them. Superfluous capital—capital which its possessor finds idle upon his hands, or unprofitably employed—will be anxiously and hastily embarked in promising pursuits. It is certainly better for the general prosperity that it should be thus actively used, no matter how rapidly it may accumulate, than that it should remain inert, as a mere miser's hoard. The fact, therefore, that your policy puts it in requisition, brings its dormant faculties into action, and makes it a part of the common working material of the country, is one on which the friends of the manufacturing system may, and do justly repose. The notion is alike novel and unfounded, that, because modes of employing wealth arise from the execution of a law, therefore the law is enacted for the benefit of the wealthy only. If the commercial system, so zealously and exclusively sought by some, be preferred, as for many years it was, do not your merchants become apparently nabobs and monopolists? Senators may perhaps recollect the period when palaces, equipages, and sumptuous splendors were enjoyed, if indeed they be deemed enjoyments, by no other classes of our people. Some immense landed proprietors, holding in subservience a numerous tenantry, occasionally vied with the luxurious displays of successful trade: but the mass of our citizens, the small farmers, mechanics and laborers, groped their way through life as well as they could, humble, simple, and undistinguished. Yet, sir, should I not subject myself to the imputation of drawing an unjust inference, were I to say that the Congress of the United States, from 1789 to 1816, proceeded upon the desire and the design of legislating exclusively to make rich merchants and traders? They were made rich—their profession engaged the controlling partiality; but I am far from suggesting that what contributed to individual advancement, had no relation or tendency whatever to the common good.

The capitalist, Mr. President, in any general and accessible occupation, is as one to ten thousand. He alone cannot be the object of any law, made in a free and intelligent country. The accident of his superior resources or opportunities is neither known nor regarded. Why do you create a navy? Certainly not for the sole purpose of appointing officers to a fleet. Why do you organize an army? Certainly not to invest with ornamental epaulettes and shoulder knots your generals, colonels, and majors. Why do you construct a bank? Clearly not for the benefit of directors or even stockholders. These are illustra-

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tive, though not precisely analogous cases. The objects in each are the security, honor, and interest of the whole community: and yet in each you must be content to attain that object in the usual manner—with incidents inseparable, in the nature of things, from its pursuit. You might as readily attempt to bring the ocean under the sway of your stars and stripes, without the agency of Hulls, Decatur, Bainbridges, and Perrys; or to defeat your enemies on the heights of Queenstown and the plains of Plattsburg, without your Scotts and Macombs, as to call forth the salutary energies and independent powers of domestic industry, without moneyed capital, contributed under the pledge of your protecting policy. We have heard much, sir, of the fifty Eastern monopolists, and the seven hundred Louisiana planters. Who would legislate for them? They come to the policy after you establish it: but the policy neither goes to, nor is it made for them. It is uncandid and disingenuous to single out odious or unpopular phrases or epithets, and applying them to some concomitant parts of our system, to raise the cry of "mad dog," while the immense multitude, and the universal objects it contemplates and desires, are studiously overlooked.

Sir, the honorable Senator from Tennessee [Mr. GAVIN] has alone seemed, though but partially, to recognise this error of their argument, by denying that the operative manufacturers were benefited by the policy. He advances one step beyond the capitalists, and admits a design, though he disputes its practical accomplishment, of giving resources and aid to the hundred of thousands of workmen subordinatedly engaged. Here, permit me to say, the reply is obvious and conclusive. If they be not benefited, why do they steadily adhere to their occupations, and why do their numbers constantly increase? Surely men are not apt to cling tenaciously to a losing business, or to crowd towards employments already injuriously overstocked. Surely, rather than undergo the curtailment in their means of subsistence, the slow progress towards want and starvation described, they would prefer embracing the generous invitations of Western hospitality, and settle upon these boundless and fertile lands, upon which only the gentleman conceives true independence and content are to be found. It is something, sir, to obtain for their labor and steady wages throughout the year: wages uninterrupted by the seasons: wages unaffected by the fluctuations of weather: wages paid with a punctuality almost exactly proportionate to their own attention and desert. And it is something, agreeably to the views of the Senator from South Carolina, to have the option at least of continuing, without incurring the risk of utter destitution, among their friends and families, in the places of their birth or choice. If, indeed, the assumption be well founded, that these operatives are worse off with, than without, the policy, honorable Senators might spare their eloquent denunciations, and suffer its downfall to be achieved by itself: a short experience of its palsying effects would be followed by general abandonment, and it would be left to die a natural death, by those without whom its existence is impossible. Let me, however, add, that were it even conceivable that the policy should be maintained and enforced while its essential agents suffered constant and renewing injury, still it is broader in its scope: pausing not within the narrow sphere of its workshops, but coursing into the ramifications of the community: intended for no particular class, but for all society.

Two suggestions, sir, have been made from the same respected quarter, the Senator from Tennessee, which require notice. They are not new, and have often been refuted; but their present parentage entitles them to present respect. I refer to the allegations that the manufacturing policy is accompanied, first, by demoralizing effects, and, secondly, by dangerous political tendencies. If either of these were true, the last place in which I should expect to find the policy established or advocated, would be that

State—the one, sir, whence I come—whose whole history manifests an unremitting and sedulous solicitude to protect and promote the moral and political purity of her people.

The dreaded demoralization is anticipated, as to female operatives, from their early and prolonged separation from natural guardians. The practical routine, sir, is otherwise. The erection of an appropriate factory in the neighborhood affords a means to retain them within the reach, and under the admonitions of their parents. It supercedes the necessity of resorting, as has heretofore been usual, to cities or large towns, in the capacity of nurses, seamstresses, or servants. I need not depict the dangerous temptations which always surround the latter course; the hardships of domestic servitude; the allurements to thoughtless or depraved associations; the unavoidable risks of character, principle, and deportment. A recent illustration, whose aptness must constitute my excuse for its introduction, fell within my own personal knowledge, and proves both the hazards of the former practice, and the salutary efficacy of the one engendered by manufacturing establishments. About three years ago, the daughter of an honest and laborious farmer of Montgomery county—of Valley Forge—one of no less than eleven children, intelligent, amiable, and virtuous, left her family with the laudable wish to relieve, by her own exertions, the scanty resources of her father, and came to the city of Philadelphia in search of menial employment. The caprice of master or mistress often obliged her to change her place of abode; until she at last unfortunately enlisted in the service of a heartless and mercenary wretch, who, with the expectation of extorting from her terrors the little earnings of her industry, or from her relatives the reward of silence, deliberately planned the appearances of a larceny, and a formal accusation. He affected to have been robbed of, I do not remember how much—violently taxed her with the crime—and, with the show of a pistol pointed at her, forced a bewildered and almost senseless confession. She, in vain, implored that her brother or her parent should be sent for: no mercy, no pity was even affected, until her torturer presumed his object attained by her acknowledgment of guilt. Then, indeed, compromise, commiseration, repayment, and finally hush-money to a large amount, became matters of conversation and intimidation. Integrity, however, had regained its firmness, as the apprehension of personal violence was dissipated. An affectionate relative came to her aid: she steadily resisted all further appeals injurious to her innocence; and, having stated the circumstances under which her confession had been compelled, she put her persecutor at defiance, and challenged a public prosecution. It was instituted. On the trial, her employer and his family appeared as witnesses, and manifested the most deliberate and persevering determination to consummate her ruin: but the sagacity of a jury detected the falsehood, and the triumph of truth ensued. She returned to her rural home, after having undergone months of deep anxiety, of doubtful reputation, of unremitting agony. During her absence, a factory had sprung up in the vicinity of her humble birth-place; and thither, sir, she fled with delight, to seek the livelihood her spirit impelled her to acquire; away from scenes whose dangers she shrunk from again encountering; and in daily intercourse with those whom she loved, honored, and obeyed! The narrative exemplifies a pervading consequence of our policy, totally at variance with the speculative demoralization so fervently, though unfoundedly, attributed.

But, says the honored Senator, your system is fraught with tendencies poisonous to pure and independent politics: endangering or subverting the elective franchise: subjecting the numerous operatives of your factories, at the hazard of forfeiting favor and subsistence, to vote at elections as their employers may prescribe. I do not think the argument quite American: it underrates the

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The Turret.

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moral character of our countrymen, and draws a distinction not warranted by fact. It presupposes a citizen mean and degenerate enough, simply because a manufacturer, to sell his birthright for a mess of pottage. Would such an assumption be admitted as to field or farming laborers? Are they not dependent for wages upon the goodwill of others? Are their politics not equally controllable by their fears? Is there a standard for measuring American public virtue graduated according to the private pursuits of life? The honorable gentleman, I believe, did tell us what he conceived necessary to safe and substantial politics; a forty acre freehold! an interest in the soil! and he gravely enunciated his preference of one Western yeoman, with his plot of earth to stand on, over a hundred artificers. It is fairly presumable that, if forty acres make the patriot, forty thousand acres will make a thousand times better one: the greater the estate which imparts republicanism, the better the republican. I regret, Mr. President, to hear these exploded freeholds eulogized from such a quarter. I had thought that I might have taken my political creed from the Senator from Tennessee as confidently and safely as from the lips of any one. But it is otherwise—at least upon this point. Sir, the doctrine of freeholds is not democratic. It was repudiated and branded as utterly untenable by Mr. Jefferson: it has long since, after some signal struggles, received its death-blow and interment in Pennsylvania. We do not allow that property confers patriotism, or that money makes the man; and if such is the reasoning with which you assail the institutions of domestic manufactures, we warn you that you are using against friends the threadbare arguments and impotent weapons of the old federal phalanx—arguments and weapons which must in time induce the belief that your cause and spirit are identical with theirs. I put it, sir, emphatically, to the gentleman to whom I am replying, whether, in principle or in practice, from the earliest hour to the present day of this Government, any one of the confederated sisters can pretend to have surpassed, or even matched, the commonwealth of Pennsylvania in sterling and sturdy democracy. His candor nods assent, I perceive, to the justice of the pretension. I ask him, then, whether that political poison must not be an extremely slow one indeed, which, in the very central region and both of its virgins, has failed for fifty years—rather one hundred—to affect injuriously, in the smallest perceivable extent. Sir, there are no safer or sounder republicans than the German and Irish farmers and manufacturers of Pennsylvania: and permit me to remind the Senator from Tennessee, that, as far as the recent reformation in our Government be satisfactory index, none are more inflexibly true to their country and its fundamental principles.

Unable, then, Mr. President, to consider the policy as odiously selfish, or as emanating from and exclusively beneficial to monopolists or rich capitalists, I recur to its origin and objects nationally.

How has it become incorporated, almost inseparably, in our code of legislation? The answer may seem to carry me somewhat further than any of its advocates have yet gone: but my reflections lead me to the conviction that it is a legitimate scion of the revolution; that the encouragement and protection of our own manufactures were objects contemplated by the sages and soldiers of that great epoch, as alike the proof and the security of independence.

The power to regulate commerce, and thus to keep our industry and resources subservient to her, was conceded by the colonies to the mother country. It was, however, one of the leading powers of sovereignty, the efficiency of which underwent frequent canvass, and to the enjoyment and exercise of which they aimed, the moment the word independence was uttered. The design of Great Britain was to extort revenue on articles exported thence to the colonies here, and which she prohibited the colonies from manufacturing for themselves. Hence, independence, re-

sistance to the revenue acts, and the establishment of our own factories, were simultaneous and associating ideas.

The import of the phrase "to regulate commerce," employed in the constitution, ceases to require comment or elucidation, when we advert to the writings of contemporaneous statesmen; to which I turn, rather, however, to show the seeds of our policy to have been planted prior to the revolution.

John Dickinson, sir, the author of those "Farmer's Letters," to which I have once before called the attention of the Senate, penned them in 1767, nine years prior to the declaration of independence, and was a member of that august convention which framed the constitution of the United States, in 1787, to which instrument he affixed his signature. In his "letters," and in our constitution, it is not unreasonable, nor unimpressive, to find the same language employed with the same meaning. In one, he wrote thus:

"Great Britain has prohibited the manufacturing iron and steel in these colonies, without any objection being made to her right of doing it. The like right she must have to prohibit any other manufacture among us. Thus she is possessed of an undisputed precedent on that point. This authority, she will say, is founded on the original intention of settling these colonies; that is, that she should manufacture for them, and that they should supply her with materials. The equity of this policy, she will also say, has been universally acknowledged by the colonies, who never have made the least objection to statutes for that purpose; and will further appear by the mutual benefits flowing from this usage, ever since the settlement of the colonies.

"Our great advocate, Mr. Pitt, in his speeches in the debate concerning the repeal of the stamp act, acknowledged that Great Britain could restrain our manufactures. His words are these: 'This kingdom, as the supreme governing and legislative power, has always bound the colonies by her regulations and restrictions in trade, in navigation, in manufactures—in every thing, except that of taking money out of their pockets without their consent.'"

In another letter, sir, he employs similar phraseology, and manifests a similar attention to the subject. Speaking of the course of the "parent country," he proceeds:

"She made laws, obliging her colonies to carry to her all those products which she wanted for her own use; and all those raw materials which she chose herself to work up. Besides this restriction, she forbade them to procure manufactures from any other part of the globe, or even the products of European countries, which alone could rival her, without being first brought to her. In short, by a variety of laws, she regulated this trade in such a manner as she thought most conducive to their mutual advantage, and her own welfare."

It is impossible not to perceive the vast importance attributed by this writer and patriot to the exercise of the power of protecting manufactures through the means of commercial regulations; it is impossible not to perceive that he treats it as an essential ingredient of sovereignty; and it is impossible to impute to him a desire for the independence and sovereignty of his own country, which did not involve the possession and exercise of this power. It was high in his meditations, and perhaps equal, in his esteem, to any other object of his labors.

During the debates, in the convention of Virginia, on the adoption of the constitution, Patrick Henry, sir, though inflexibly hostile to the proposed plan, acknowledged, in no unequivocal manner, that this policy had been contemplated—had been a leading and pervading inducement—during the revolutionary struggle. Notwithstanding the frequent and lucid assurances then made by Mr. Madison and others, he warmly protested against the system, because it did not expressly provide the protection to domestic industry, which we deemed adequately secured by plain and necessary implication.

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The Tariff.

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"Let me inform the honorable gentleman, said he, that no nation ever paid its debts by a change of government, without the aid of industry. You never will pay your debts but by a radical change of domestic economy. At present, you buy too much, and make too little, to pay. Will this new system promote manufactures, industry, and frugality? If, instead of this, your hopes and designs will be disappointed, you relinquish a great deal, and hazard infinitely more, for nothing. Will it enhance the value of your lands? Will it lessen your burdens? Will your looms and wheels go to work by the act of adoption? If it will, in its consequences, produce these things, it will, consequently, produce a reform, and enable you to pay your debts. Gentlemen must prove it. I am a sceptic, an infidel, on this point! I cannot conceive that it will have these happy consequences. I cannot confide in assertions and allegations."

These "happy consequences," Mr. President, were unattainable under the articles of confederation: but the instant that the present constitution went into operation, the policy by which alone they could be attained, was formally and expressly announced, avowed, and impelled. The preamble to the act of Congress approved by Washington on the appropriate day for every measure of national independence, the 4th of July, 1789, has been already read, and firmly fixes, as one of the corner-stones of American legislation, "the encouragement and protection of domestic manufactures." An honorable Senator from North Carolina [Mr. MANUM] indulges the supposition that this disrelished phrase was probably introduced inadvertently or artfully, and passed without due consideration of its import. Not so, sir; for, by examining the statute book, he will discover, that it was carefully repeated, at the next session of Congress, at the commencement of an act, approved again by Washington on the 10th of August, 1790.

These remarks are not made to establish specifically the constitutionality of the policy; an effort on that score, I leave to those who think that a doubt may be reasonably entertained about it: I go further, and trace it as an object of the revolutionary contest—a secondary one, if gentlemen please—but a well remembered and powerfully attractive one.

Sir, no single State could or can effectuate this system. It involved then, as it involves now, "domestic tranquillity," "common defence," and "general welfare." Any separate member of the Union is incompetent to it—a common sovereignty, whose enactments will command common obedience, is absolutely necessary. Local laws, while the intercourse between the States remains free, could accomplish nothing; a project of bounties could lead only to wasteful expenditure; while adjoining and surrounding States, pursuing opposite views and counteracting schemes, would unavoidably come into conflict, disturb the general harmony, and effectually undermine or defeat the policy. Our revolutionary statesmen perceived all this, and provided the only resource—such a Government as the one we enjoy. If that Government now halts—if it ever shall halt, it will fail to carry out the designs of the revolution to their true results; it will fail to achieve social, in connexion with political, independence.

I feel persuaded that the sentiments which I have expressed coincide with those by which the chosen statesmen of our country have been animated, when divested of partisan feelings. Names, indeed, no matter how great or glorious, sir, furnish little force to reasoning. Political infallibility is ascribable to no man. It tends, however, to make modern navigators in the wide ocean of legislation more confident of their course, when they ascertain it to have been approved by former pilots. The opinions and conduct of many of our most admired predecessors have been sufficiently dwelt upon by others who preceded me in this debate. I shall restrict my remarks on this head

to a few words as to the first and the last President of the United States; and this I do the more cheerfully, because, of all the eminent personages who have adorned our annals, I solemnly believe these two to have imbibed and exhibited more of the true spirit of the revolution of 1776 than any others.

Of General Washington, little need be said, beyond adverting to the fact of his being fairly considered the practical founder of the policy, by approving, as Executive Magistrate, the leading acts of Congress of 1789 and 1790. He did nothing so distinct and important, without full deliberation, and entire acquiescence: nor is it possible to reconcile with his known caution, his sanctioning laws, declaring an intent "to encourage and protect domestic manufactures," upon any other grounds than his favorable judgment and feelings. There is, however, an incident connected with his personal and political history, which leaves still less room for doubt as to his fixed sentiments. It is an incident recorded within a month after it occurred, in an address of a contemporary, the late distinguished Caesar A. Rodney, of Delaware, delivered in the city of Philadelphia. At the very moment when his influence upon the destinies of his country, and upon the deliberations of its Legislature, would be most powerful: when he would naturally strive to give to his fellow-citizens the plainest and most direct pledges as to his future course: when he would most solicitously study to accommodate his actions to the known principles and wishes of the whole American people—at that moment, about to take the oath of office, as the first President under the new constitution, in New York, he announced himself as clothed, from head to foot, in the produce and manufacture of American industry! Sir, this indisputable fact, preceding but a few days the action of Congress, is too eloquent in itself to require comment.

Of General Jackson I have somewhat more to say, because of the remarks made by Senators on both sides of this interesting and vital subject, tending, as I believe, to produce impressions altogether erroneous and unfounded. An honorable gentleman from Virginia, [Mr. TYLER], with apparently peculiar reference to the representatives of New York and Pennsylvania upon this floor, has described a small portion of the Jackson party as separating themselves from the main body on this question. Sir, it is not a party question: it involves none of the principles or measures of party: it is akin to other high topics for legislative deliberation even now before us, in character, operation, and result purely patriotic. On this, as on the others alluded to, I will take counsel from a sense of national honor and interest only.

The people of Pennsylvania, Mr. President, with an unparalleled majority, exceeding fifty thousand voters, and with all the moral force of a united democracy, placed the President at the head of the Government, in gratitude to his eminent services, and in reliance upon his avowed principles. They were not mistaken, and have not been disappointed. Of his services, known and appreciated by all who hear me, it is unnecessary to speak. Of his principles, in special allusion to the policy under discussion, I assert, with entire confidence; and will immediately prove the assertion, that they coincide now, as they coincided prior to his election, with those of the commonwealth whence I come. If, indeed, the Senators from New York, with my colleague and myself, have separated from the Jackson party, we are in excellent company; associated with several representatives from the sound and orthodox small States of the West, and cheered onward and led by the chief himself of that party; by the chief, under whose banners the victory was accomplished; by the chief whose political doctrines organized and rallied the party; by the chief, of whose conduct and practices the party is justly proud.

Sir, the Senator from Tennessee, [Mr. GARNETT], an able

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and determined opponent of our policy, than whom none of us can pretend better to understand the enlarged views and principles of the Chief Magistrate, candidly confessed the truth of my position, and regretted the difference of opinion between himself and his exalted friend. He frankly told you a letter written in 1824, and then published for the satisfaction of an eagerly inquiring people. That letter furnished a pledge which has never been denied; which has been signally redeemed; nay, which has been renewed, from time to time, with the mingled sincerity and forbearance characteristic of the man and the public functionary. There lie before me the three messages addressed, at successive sessions, to Congress, by President Jackson; and, in confirmation of what I have said, I beg to be indulged while I read an extract or two from each of them:

Message of 8th December, 1829. "We must ever expect selfish legislation in other nations; and are, therefore, compelled to adapt our own to their regulations, in manner best calculated to avoid serious injury, and to harmonize the conflicting interests of our agriculture, our commerce, and our manufactures."

"The general rule to be applied in graduating the duties upon articles of foreign growth or manufacture, is that which will place our own in fair competition with those of other countries; and the inducements to advance even a step beyond this point are controlling in regard to those articles which are of primary necessity in time of war. When we reflect upon the difficulty and delicacy of this operation, it is important that it should never be attempted but with the utmost caution. Frequent legislation, in regard to any branch of industry, affecting its value, and by which its capital may be transferred to new channels, must always be productive of hazardous speculation and loss."

"Looking forward to the period, not far distant, when sinking fund will no longer be required, the duties on those articles of importation which cannot come in competition with our own productions, are the first that should engage the attention of Congress in the modification of the tariff. Of these, tea and coffee are the most prominent; they enter largely into the consumption of the country, and have become articles of necessity to all classes. A reduction, therefore, of the existing duties will be felt as a common benefit; but, like all other legislation connected with commerce, to be efficacious and not injurious, it should be gradual and certain."

Message of 7th December, 1830. "The power to impose duties on imports originally belonged to the several States. The right to adjust those duties, with a view to the encouragement of domestic branches of industry, is so completely incidental to that power, that it is difficult to suppose the existence of one without the other. The States have delegated their whole authority over imports to the General Government, without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the States, the right to exercise it, for the purpose of protection, does not exist in them; and, consequently, if it be not possessed by the General Government, it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to foster their own industry, and to counteract the most selfish and distinctive policy which might be adopted by foreign nations. This, surely, cannot be the case. This indispensable power, thus surrendered by the States, must be within the scope of the authority on the subject expressly delegated to Congress. I am well aware that this is a subject of so much delicacy, on account of the extended interests it involves, as to require that it should be touched with the utmost caution; and that, while an abandonment of the policy in which it originated—a policy coeval with our Government, and pursued through successive administrations—is neither to be expected or

desired, the people have a right to demand, and have demanded, that it be so modified as to correct abuses and obviate injustice."

Message of the 6th of December, 1831. "A modification of the tariff, which shall produce a reduction of our revenue to the wants of the Government, and an adjustment of the duties on imports, with a view to equal justice in relation to all our national interests, and to the counteraction of foreign policy, so far as it may be injurious to those interests, is deemed to be one of the principal objects, which demand the consideration of the present Congress."

Now, sir, these passages, extracted from the highest and most authentic evidence we possess of the opinions of the Chief Magistrate, when fairly considered, in connexion, and in reference to his station, contain a broad and ample confirmation of the policy of encouraging and protecting domestic manufactures. They are strictly consistent with the "judicious tariff" to which he openly proclaimed himself decidedly partial in 1824. They assert, unequivocally, the doctrine and the right of protection. They inculcate a paramount attention to great national interests, and an adherence to measures counteractive of any foreign system injurious to those interests; and they impressively suggest extreme caution in adopting changes, at the same time that they designate imported articles which do not come into competition with any products or fabrics of our own, as the proper ones upon which first to commence a reduction of the revenue. It is also to be remembered that any variation in the tariff, within the purview of the President's recommendation, was always accompanied with the expectation that a surplus of revenue would be collected.

Beyond these just, and wise, and candid principles, it is unnecessary to argue. "Abuses" and "injustice," no one can ever sanction or defend upon this floor. It is only necessary to designate them, to secure any modifications by which they will be effectually arrested and remedied.

Sir, I have deemed it rigidly applicable to the scope of my remarks, and merely fair to the executive officer of the nation, to take this rapid review of his recorded sentiments. They are what the Senator from Tennessee could not but acknowledge them to be: and they unite him, as I conceive, in communion with Washington, in favor of our policy.

The relation, Mr. President, of the observations which I have had the honor to submit to the consideration of the Senate, to the two resolutions before us, is obvious and direct.

The first resolution—that of the Senator from Kentucky—presupposes the national debt paid, and proposes to reduce the duties on articles imported, as far at least as is consistent with the principle and practice of protecting the great national interests involved in domestic manufactures.

The second resolution—that of the Senator from South Carolina—proposes to reduce the revenue to the expenses of Government, and to abandon, gradually, but certainly, the principle and practice of protection.

The first asserts protection, but is perfectly compatible with modifications in detail: the second, in design and spirit, repudiates modification wholly, and insists upon entire relinquishment. It is possible and proper for any one to vote for the adoption of the first, and yet feel at perfect liberty to acquiesce in just and reasonable alterations of the policy. It is impossible and improper for any one to vote for the second, who is not prepared to lay the axe to the root, and to demolish the entire edifice of protection, to deny the existence or salutary nature of the power, in the federal system, to pronounce a sentence of condemnation and usurpation upon all who have preceded us, and to throw back upon the separate States, as unfit or unworthy of retention, the delegated and important authority of fostering the industry of the American people.

Believing, sir, as I do, that, whatever may have been

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the character of its origin, this Government actually emanates, under the forms of an adopted constitution, from the people of the United States, and is essentially as well national as federative: that the powers to levy imposts and to regulate commerce are powers not merely expressly granted by the States, but are powers without which the Government ought not and cannot exist: that the grant of those powers was accompanied with the full knowledge that they had been universally, and would be here, made the means of protecting domestic produce and manufactures from the injurious courses and incursions of other countries: that, in fact, such protection was one of the moving objects of the revolution, of the Union, and of the explicit delegation of those powers: and that a policy was promptly established in conformity with these views, and has unceasingly been pursued. I am unwilling, and, consistently with my understanding of the senatorial oath, I am unable, to sanction the proposition of the gentleman from South Carolina, by which all this is virtually, if not directly, repudiated and denied.

The resolution of the Senator from Kentucky is, perhaps, in itself unsatisfactory. Prevented as we are by the constitution from originating any revenue bill, I entertain some doubt as to the propriety of instructing a committee to report what we may be ultimately obliged to disavow as out of our competency. On this suggestion, however, I shall wait for explanation, giving my approbation to what is before us, merely as a resolution testing the sense of this body on a principle by which our future legislation is to be governed. I prefer it, then, sir, for two reasons: first, because the reduction of the revenue which it proposes to effect, is, at least *pro tanto*, right and proper: and, secondly, because it leaves us free to conciliate and concede, upon stricter examination of this complicated and multifarious subject, in the details of an adjustment.

1. The proposed reduction of revenue is *pro tanto* right. Agreeably to the estimates furnished by the head of the Treasury Department, in his annual report to Congress, the amount to be raised from imposts for the year 1833 is \$15,000,000. Supposing, as we reasonably may, that, at the present rates of duties, the customs for 1833 will yield a sum similar to the one they are estimated to yield for 1832, to wit, \$26,500,000, there would be an excess, beyond the amount desired, of \$11,500,000. But the amount of reduction to be produced by carrying into effect the objects of the resolution, is, according to belief, about \$8,000,000: leaving then, in fact, a surplus of revenue for 1833, not exceeding \$3,500,000. I am aware, sir, that I exclude from this calculation the annual proceeds of the sales of the public lands, and dividends on bank stock; and I do so, upon the suggestions and proposals made and enforced in the report of the Secretary of the Treasury.

It is advancing pretty far, in relief of the people from a system of impost duties which they really feel but little, to reduce at one blow to the extent of \$8,000,000, and to leave for further and more cautious reduction only \$3,500,000.

The objections, sir, made to advancing thus far, upon the plan of the resolution, do not appear to me sound or valid. Why, it is asked, will you diminish your taxes upon luxuries, and leave the necessities of life burdened? The question involves a mistake in fact, applying to two-thirds, perhaps three-fourths, of the objects on which the reduction of duty will operate. Tea, coffee, indigo, drugs, and some others, cannot be classed as luxuries; they ought to be considered necessities. But suppose otherwise: and let me ask honorable Senators, what, of all American produce, is more entitled to legislative protection than a necessary of life? And what is less entitled to it than a mere luxury? Admitting the allegation that the manufactures of England, or of Europe, are necessities of life to the American people, are we to be forever dependent for the absolute and essential means of subsistence and comfort,

upon the labor, the seasons, the market, and the goodwill of a distant country? Has, indeed, the argument come to this? Are we required to go back into a worse than colonial bondage? to look for the boon of prolonged existence to foreign trade only? to confide in rivals or enemies, nay, on winds and waves, for the necessities of life? Sir, it cannot, it must not be. Imposts and internal taxes are essentially different in the objects they are intended to reach, and in the rules by which their imposition is directed. The rule of taxing luxuries rather than the necessities of life, is inflexible in any system for raising internal revenue: but, in drawing revenue from objects of foreign commerce, the rule is reversed, not for the purpose of favoring luxuries, but to shield from destruction the native necessities of life. To say that the dutiable articles are necessities of life, presents the strongest possible reason for preventing their coming into ruinous competition with similar articles of our own growth or formation. If we cannot do without them, we must cultivate or make them for ourselves: and our means of cultivation or manufacture must be protected from the undermining and desolating effects of intrusive supplies from abroad.

The honorable Senator from South Carolina admits of one exception to his rule of free trade, in favor of articles "strictly necessary to national defence." Should not the same breath which characterized the manufactures of Europe as necessities of life have sanctioned another exception? Or does he deem the defence of the nation a higher purpose than the existence of the people who compose it? Sir, if our country be worth inhabiting, it can abundantly produce, within itself, shielded from exotic interference, all that is requisite for the life and comfort of man. I would disdain it otherwise.

But while you foster and protect the means of producing the necessities of life, what is the effect of abolishing the duties now exacted upon the imported luxuries? Certainly, bring those luxuries within the poor man's reach, if he has them not already: or, if he has them, as is the case generally with tea and coffee, to augment his fund by which to produce other articles of necessity or comfort, to the extent of the before existing duty. To that extent, at least, he is benefited and relieved.

But we are told, the proposition stops too suddenly short, and contemplates, nay, makes unavoidable, a surplus of revenue; and the oppression of drawing money out of the pockets of the people for nothing, merely to accumulate it in the treasury, has been glowingly imputed. This argument, sir, plausible and proper as it may seem, begs the whole question at issue. Prove the protection of your manufactures to be nothing; prove the national interests of domestic industry to be nothing; prove social independence, without which political independence is almost a shadow, to be nothing; prove these nothings, and then you may triumphantly retain in the pockets of the people the twenty-five cents a head which we propose to devote to nothing. Sir, these nothings constitute a great equivalent for which the American people will freely and cheerfully pay. Pay twenty-five cents each! Ay, pay quadruple the amount, and feel, as they in reality would become, tenfold richer by the payment.

The idea of a surplus is not a novelty; nor should it inspire alarm. It was long since foreseen, as the practical result of any modification of the policy reasonably to be expected, by the present Chief Magistrate, and he frankly laid before his countrymen a plan for its distribution. For my own part, sir, whatever modes of applying it might be adopted, I entertain no fears about a full, an overflowing treasury, while it continues, as now, under the control of the representatives of a prudent, sagacious, and virtuous people. It would be liable to no misuse or perversion, to which ordinary revenue is not liable. Its appropriation must pass through the same forms; be devised, debated, and directed by the same men; and be protected under

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[SENATE.]

exactly the same responsibilities. I can readily, indeed, conceive that a common treasure, locked up, if you will, as resource in sudden emergencies, might operate, as does even now the possession of the public lands, to preserve the confederacy, when mere patriotism restricts its energies and virtues to the narrow sphere of a State.

2. But that which principally recommends the original resolution to my preference, is the fact of its leaving me at liberty to concede any just and reasonable modifications or changes in the details of the policy, which may be satisfactorily designated.

I am inflexible, sir, as to nothing but adequate protection. The process of attaining that may undergo any mutation. Secure that to the home labor of this country, and our opponents shall have, as far as my voice and suffrage can give it to them, a "*carte blanche*" whereon to settle any arrangement or adjustment their intelligence may suggest. It might have been expected, not unreasonably, that they who desired change should tender their project; that they would designate noxious particulars, and intimate their remedies; that they would invoke the skill and assistance of practical and experienced observers on a subject with which few of us are familiar; and point with precision to such parts of the extensive system as can be modified without weakening or endangering the whole structure. They have forborne to do this. They demand an entire demolition. Free trade is the burden of their eloquence; the golden fleece of their adventurous enterprise; the goal short of which they will not pause even to breathe. I cannot join their expedition for such object. An established policy, coeval, in the language of President Jackson, with our Government; believed by an immense majority of our people to be constitutional, wise, and expedient; may not be abruptly abandoned by Congress, without a treacherous departure from duty, a shameless dereliction of sacred trust and confidence. To expect it, is both extravagant and unkind. But show us your scheme: call it one of revenue exclusively, if you will: names and epithets are immaterial: let it accommodate our policy with the new fiscal attitude of the nation, and with your wishes; and, for one, I will give it the favorable hearing and consideration to which the purity of your motives and your alleged sufferings certainly entitle it. It is not impossible, sir, (though I confess myself a very feeble instructor on this vast business) that some rational project may spring from sober and analytical inquiry, to reconcile us all. I have heard intimated that new regulations in collecting the revenue might make the protection to manufactures even more effectual than it now is, and yet remove every cause of complaint. Let gentlemen set them forth for candid scrutiny. Shall it be by exacting the payment of duties in cash? By a system of licenses to auctioneers? By abolishing the assessment of duties on minimum values? Develop the scheme, and enable us to judge. Do you prefer attaining your purpose by specific reductions of duty? On what articles, then? to what extent? by what gradual decrease? All we desire, to enable us to prove our readiness to accommodate this entangling and distracting theme of legislation, is, that generalities may be relinquished; that an unconditional surrender to the Utopian theory of free trade may not be invoked; and that such modifications of the existing policy may be chalked out as will be useful to our opponents without being destructive to the policy itself.

I lament, Mr. President, having been obliged, in the discharge of a supposed duty, to trespass so long upon the indulgent attention of the Senate. I would close cheerfully, and forbear, in conformity with my original determination, adverting to any topic not directly connected with the subject of discussion. One matter, however, has been incidentally introduced, and has, in truth, been often vehemently urged upon our reflection, as to which I might be deemed a faithless and unfeeling representative were

I to abstain from expressing the decided sense and anxious sentiments of the patriotic community who sent me here.

Sir, I have nothing so much and so deeply at heart, as the maintenance of the harmony and perpetuity of this Union. Whatever may be the contrary and irreconcilable appearance of opinions, no danger is to be apprehended, and no difference can be contended, while the preservation of our constitution, and the good of the country, are the leading and paramount objects of us all. If there be any—certainly there are none upon this floor—who seek to distract the peace and dissolve the bonds of our federative Government; who would put at hazard, in pursuit of temporary projects, or to indulge ambitious aspirants, the repose and institutions of the republic; who contemplate change and revolution; I beseech such men to extend their forecasting vision into the future, and to confront posterity. Let them be warned, by anticipating the judgment of that tribunal. The excitements of the day may be gratified: they may delude themselves into the belief that they are laboring to vindicate the constitution, or to uphold the principles of human liberty; but if they recklessly involve the American people in the horrors, uncertainties, and fatal consequences of civil war, and of violent disruption, they must be content to receive, as a merited reward, an immortality of detestation. Their party and paltry pretenses will be forgotten; their refined discriminations in theory, and their high-wrought declamation, will be forgotten; even their virtuous passions will cease to extenuate their offence; and all posterity, struggling in vain to recombine the elements, and to rebuild the edifice of our great, and glorious, and happy confederacy—amid the desolation of perpetual conflicts, and in the darkness of sectional bondage—will doom them to loud, deep, and everlasting execration. Let no man, sir, seek elevation or renown, at the price of the National Union and tranquillity. He will never find it. Failing, he must rank, during life, among the few outcasts whom we have yet engendered; and if he achieve his country's ruin, when dead, the burning lava of universal hatred will roll hissing over his grave; and, though like "the aspiring youth who fired the Ephesian dome," he should acquire fame, it will be the fame of bitter and boundless abhorrence.

TUESDAY, FEBRUARY 28.

THE TARIFF.

The Senate having again taken up Mr. CLAY's resolution respecting the tariff,

Mr. DALLAS resumed, and occupied about two hours in concluding the remarks he commenced yesterday, (which are given above entire.)

Mr. FORSYTH then took the floor, and commenced a speech against the resolution. After speaking a short time, he yielded to a motion for adjournment; and

The Senate adjourned.

WEDNESDAY, FEBRUARY 29.

The bill reported from the Committee on Public Lands, authorizing a reduction of the price of said lands, was taken up, and considered as in Committee of the Whole. The amendments to strike out the 3d and 5th sections, and to strike out seventy-five and insert fifty cents as the price per acre, were adopted; and, after some remarks by Messrs. BUCKNER, KING, and JOHNSTON, it was ordered to be engrossed for a third reading.

THE TARIFF.

The Senate having again proceeded to the special order of the day, being Mr. CLAY's resolution,

Mr. FORSYTH concluded his remarks against the resolution in a speech of two hours; after which,

Mr. ROBBINS took the floor; and

The Senate adjourned.

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Patent Office.—Apportionment Bill.

[MARCH 1, 1832.]

THURSDAY, MARCH 1.

PATENT OFFICE.

The resolution from the House of Representatives for recording patents for useful inventions, was, on motion of Mr. SMITH, taken up for consideration.

Mr. BENTON said the resolution passed the House seven or eight weeks ago, and was of an urgent nature. Patentees allege great losses on account of the delay and difficulty which occur in procuring copies of their patents. The papers have not been recorded for forty years; and the files must be overlooked, in search of each particular paper. The Patent Office, so far from being a charge on the Government, had paid into the treasury, over and above its expenses, one hundred thousand dollars and upwards.

Mr. RUGGLES asked how many clerks were now in the Patent Office, and what were their duties.

Mr. BENTON could not say how many clerks there were, but it was stated by the superintendent that the records were forty years behindhand, and could not be brought up without the employment of extra clerks.

Mr. SMITH stated that the number of clerks was small, and hardly equal to the performance of the current business of the office, without attending to the arrearages.

Mr. BENTON read from the National Calendar the names of the clerks and their salaries, and made further explanations. It was never contemplated, he said, that the Patent Office should be a source of revenue; and, at present, it was one hundred and three thousand dollars in advance to the treasury.

A report on the subject, from the Secretary of the Treasury, was then read.

The resolution was then read a third time, and passed.

- APPORTIONMENT BILL.

On motion of Mr. WEBSTER, the Senate proceeded to the consideration of the bill from the House to apportion the representatives among the several States according to the fifth census.

Mr. WEBSTER offered the following amendment to the bill:

Strike out all after the enacting clause, and insert:

"That, from and after the 3d day of March, one thousand eight hundred and thirty-three, the House of Representatives shall be composed of members, elected agreeably to the following ratio: that is to say, one representative for every forty-seven thousand persons in each State, computed according to the rule prescribed by the constitution of the United States, and one additional member for each State whose fractional numbers, remaining after dividing its whole numbers by forty-seven thousand as aforesaid, shall exceed twenty-five thousand persons, the said number of representatives in any State not exceeding one for every thirty thousand persons; that is to say, within the State of Maine, eight; within the State of New Hampshire, six; within the State of Massachusetts, thirteen; within the State of Rhode Island, two; within the State of Connecticut, six; within the State of Vermont, six; within the State of New York, forty-one; within the State of New Jersey, seven; within the State of Pennsylvania, twenty-nine; within the State of Delaware, two; within the State of Maryland, nine; within the State of Virginia, twenty-two; within the State of North Carolina, fourteen; within the State of South Carolina, ten; within the State of Georgia, nine; within the State of Kentucky, thirteen; within the State of Tennessee, thirteen; within the State of Ohio, twenty; within the State of Indiana, seven; within the State of Louisiana, four; within the State of Missouri, three; within the State of Alabama, six; within the State of Mississippi, three; and within the State of Illinois, two."

Mr. WEBSTER said this was an important and deli-

cate question for the Senate to act upon; for it respected the disposition of political power among the States of the Union. It settled the number of representatives from each State, and the number of electors of President and Vice President to be assigned to each State. Under our system of Government, this was always a delicate question, and to the Senate it presented peculiar difficulties, since it affected States which were here all equally represented. Though it might seem simple to assign members according to numbers, yet, in this case, it was attended with some embarrassment. The ratio assumed by the bill, as it now stands, is forty-seven thousand seven hundred—giving, when applied to the population of the States, two hundred and forty members to the House of Representatives, and leaving fractions considerably large. The additional seven hundred produced no relative effect whatever. It neither augmented nor diminished the number of the House of Representatives, nor affected the number of representatives of any one State. Forty-seven thousand gives the same number, and from the same States with forty-seven thousand seven hundred. The only effect of the seven hundred was to diminish the apparent amount of unrepresented fractions. He had come to the conclusion that the bill, in its present form, was liable to invincible constitutional obligations; but, before he considered them, he would draw the attention of the Senate to the inequality of the bill, since it was impossible that any individual should have a representative: perfect equality of representation was unattainable; but it was the object of Congress to attain to the nearest possible degree of equality. In this matter, equality was justice. This bill, assuming 47,700 as a ratio, leaves large fractions in the small States; it leaves large fractions in contiguous States. The three Southwestern States, Louisiana, Alabama, and Mississippi, had very large fractions; New Hampshire, Massachusetts, and Vermont had each a large fraction; New Jersey had a very large fraction. A little comparison will show how unequal the bill is as to these States. Massachusetts, New Hampshire, Vermont, and New Jersey had 51,180 persons for each representative, while New York had a representative to 47,800 inhabitants; New York and Pennsylvania had fractions amounting together to only seventeen thousand. Vermont and New Hampshire, with ten members of Congress, had fractions of seventy-three thousand. A corrected return from the southern district of New York gives to that State five thousand more inhabitants, which diminishes the disparity referred to, *pro tanto*. Massachusetts, Vermont, New Hampshire, and New Jersey had fractions amounting, in the aggregate, to 144,168. Another illustration of the unequal operation of the bill was this. New York had two members more than New England with a population less by forty thousand than that of New England. Six States, with 110 members, had a fraction of only forty thousand. To those, if you add North Carolina, you have seven States, with a majority of the whole number of members, and a fraction of only 53,000. Vermont alone had a fraction of forty thousand; New England had a fraction of 120 or 130,000. New Jersey and Vermont, with eleven members of Congress, had a fraction of 75,000, which was more than the whole unrepresented population of those States whose members constitute a majority of Congress. New England had forty thousand more inhabitants than New York, and New York had two more representatives than New England. The bill also threw large fractions upon new States—upon Alabama, Mississippi, and Louisiana; which States, before the next census, will be vastly increased in population. In many other statements and views Mr. W. illustrated the inequality of the bill. He next called the attention of the Senate to the means of remedying this inequality. A just and practicable remedy was to allow representatives for large fractions. The constitution prescribed that the representa-

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natives should be apportioned among the several States according to their population, meaning as near as may be. That there should be a precise distribution, was impossible; but it should be as nearly precise as may be. There was no greater inequality in allowing something more, than in allowing something less than a number which an accurate apportionment would require. We move to seek the greatest attainable degree of equality. It had occurred to him that, throwing aside seven hundred as immaterial to the effect of the ratio, and allowing a representative for fractions exceeding a moiety of the ratio, would produce greater equality, and do more justice than any other practicable mode. The present bill gives 240 members. The ratio of 47,000 would also give 240 members, while each State will send the same number to which 47,700 would entitle it. There are fifteen States whose fractions exceed a moiety of the ratio. The amendment fixes the fraction to be represented at 25,000: of these are fifteen States, whose fractions amount to 25,000. These are distributed throughout the United States with a respectable degree of equality. There are three in the East: Massachusetts, New Hampshire, and Vermont. Four in the middle States: New York, Pennsylvania, New Jersey, and Delaware. Four in the South: Maryland, Virginia, North and South Carolina. Two in the West: Ohio and Missouri; and two in the Southwest, Alabama and Louisiana. It leaves unrepresented no fraction greater than 16,000, except that of Maine, which is 23,000. It is not fair to consider that as a large fraction which falls short of a moiety of the ratio. The recommendation of the amendment was, that the time would come, by the natural operation of events, when the old States must consent to part with a considerable portion of their present representation. He confessed that he thought it an object not at present to anticipate this state of things, by depriving any old State of a positive degree of power. He would propose the reduction of the present number until it became necessary. Between the number 240 and the number 255, as the number of the members of the House of Representatives, there was no difference in principle. He had heard many say that the principle of his amendment was just, but that it was liable to some constitutional objections, which had their origin in the message of General Washington, returning the first apportionment bill, in 1792. Mr. W. had come to the conclusion that the principle was constitutional, if the bill, in its whole frame, was constitutional. The bill of 1792 was rejected, because, instead of apportioning the representatives among the several States according to a ratio, it assumed a certain number of representatives, and distributed them among the several States, assigning to each State its number of representatives, without laying down the rule. Mr. W. here read the passage, which objected to the bill, that there was no one number, on division, which would yield the number of members in this bill, and that it allotted to eight of the States more than one representative for every thirty thousand, contrary to an express provision of the constitution. There was a strong disposition on the part of Congress at that time to increase the number of the House of Representatives. None of the objections urged in the message apply to this amendment. It gives to no State a number of representatives exceeding one for each thirty thousand. The objection, that there is no one division which will yield the number of members proposed, does not now touch the amendment. General Washington did not mean such a division as would divide the representative numbers of each State without having any remainder. His objection, he understood, went to the fact that there was no equal ratio applicable to all the States. If the bill had said there should be one member for every forty thousand, and one for every fraction of 25,000, it would have had a ratio which, though complex, was equal in its operation upon all the States. He would

defy any body to find in the rejected bill what General Washington said he could not find—the principle on which the bill was drawn; for it was not there expressed. The number assumed in that bill was probably obtained by dividing the whole representative number by thirty thousand, which dividend was then apportioned among the several States. General Washington's objection went to this extent, and not further, that the bill seemed to apply no uniform principle to all the States, for he could find no division which would mark out the same results. How, then, was the amendment unconstitutional? The constitution looked to a division as equal as possible, and he believed that the proposition was strictly conformable to the constitutional requirement. He would now make some suggestions which would satisfy the Senate that the bill, in its present form, was unconstitutional. It was a mere mathematical question. The constitution says that "representatives and direct taxes shall be apportioned among the several States according to their respective numbers." These two hundred and forty members were not apportioned according to the respective numbers of the States. The members from each State should have the same proportion to the whole number of members, as the population of the State bears to the population of the United States. The whole representative population of the United States was 11,923,483. The bill proposes two hundred and forty members. Let us apply the rule to the bill: as the whole population of the United States is to two hundred and forty members, so should the population of New York be to her forty members. But, according to this proportion, New York would be entitled to but thirty-eight members. It is evident that what New York gains, other States must lose. Suppose, instead of two hundred and forty members, it was a tax of 240,000 dollars, to be assessed upon the several States; would you put forty thousand dollars on New York, when her fair proportion was only thirty-eight thousand?

Mr. W., after some further observations, touching the unequal operation and the unconstitutional character of the bill, moved that it lie on the table. At the same time he gave notice that he should call it up on Monday next, even at the risk of breaking in upon another important debate. Several State Legislatures, now in session, were waiting for the bill.

The bill was laid on the table.

FRIDAY, MARCH 2.

THE TARIFF.

The Senate then again proceeded to the consideration of Mr. CLAY's resolution, together with the amendment proposed thereto by Mr. HAYNE.

Mr. ROBBINS, of Rhode Island, rose, and addressed the Senate as follows:

The question before us, as I take it, is one of expediency. Is it expedient to give to the industry of the country the market of the country, by means of protecting duties, in preference to leaving that market open to the equal competition of foreign industry without restriction?

I know it has been urged here, and much insisted on elsewhere, that the expediency is not the only question; that a prior and paramount question is, has Congress the power, the constitutional power, to do this?

It is not denied that Congress has claimed and exercised this power, from the commencement of the Government to this hour; that it is now in practical operation; and that never, till since 1828, has it been seriously, if at all, questioned, by any party, at any time.

There are two or three reflections, which, if duly weighed, I should think would satisfy every reflecting mind that Congress, in exercising this power, has not usurped undelegated power.

If the power of taxation, *ad libitum* in amount, be in

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Congress, the exercise of that power must be discretionary with Congress; and whether, in any given instance, it shall be exercised, or to what extent it shall be exercised, must always be a question of expediency, and never can be a question of constitutional right. Now, the power of taxation is expressly given to Congress, and given without limitation as to the amount of revenue to be raised by it. That amount is left to the discretion of Congress.

Again: The regulation of commerce with foreign nations is expressly given to Congress, and given without restriction. Now, a tariff of duties on imports is strictly and literally a regulation of commerce with foreign nations; and whether that tariff shall be higher, or lower, or what it shall be, must be a question of expediency, and cannot be a question of constitutional right.

Besides, this power, as has been well stated, and ably argued by the honorable gentleman from Tennessee,* is essential to national sovereignty; and to deny it to our Government, would be, so far, to lay our country prostrate at the feet of every other sovereignty in the world. If all other sovereignties could wield this power against us, (as, undoubtedly, they can, and do,) and we could not wield it against them in self-defence—but the supposition is intolerable, and I will not carry out the idea, and depict the consequences.

For what American, justly proud of his nation, could brook, for a moment, the idea of a crippled and subordinate sovereignty, that could not meet any other and every other national sovereignty, with power against power, with prerogative against prerogative, as an equal? National sovereignties, whatever may be the form of the National Government, have all the same attributes; otherwise, they would not be equal and independent sovereignties. God forbid that this Government should ever admit the idea, or act upon the idea, of being an inferior, and, therefore, a degraded sovereignty! If, then, you admit (and who will deny it?) that our Government may exert this power against other Governments, to vindicate our equal and just rights, you give up the whole controversy; for then you admit the existence of the power in the Government. The power being admitted, its exercise, in all cases, must be regulated by the discretion of Congress.

How, then, I ask, can it be contended that, in exercising this power, Congress has usurped undelegated power?

If, instead of saying this, you vary your language, and say that Congress, in fixing a tariff of duties on imports, with a view to protection, has abused discretionary power, it brings the inquiry precisely to what I stated it to be—an inquiry as to the expediency of the protecting policy.

And let it be recollected that the question is not, whether a new policy, and hitherto unknown to the Government, shall now be adopted; but whether a policy, coeval with the Government itself, which has now been pursued for forty years and upwards, and with a gradually increasing intensity; which is now in the full tide of experiment; with which interests, almost too vast to be calculated, and hardly to be conceived, have grown up and are interwoven, and on which they are dependent—the question now is, whether this policy shall be continued, or shall be abandoned. Though this is really the question; though these considerations carry with them an imposing weight towards settling this question; yet I am not willing to rest it, and leave it to be decided on these considerations: for I am convinced that the policy is the true policy of this country; and that, if it had never been adopted, it ought now to be adopted; that we are invited to it by other considerations, that are irresistible.

With your indulgence I will attempt, as briefly as I can, to lay before you the grounds of that conviction. In a multifarious and extremely complicated question, as one involving effects immediate and remote, direct and conse-

quential of a scheme of national policy, must be, it is difficult to say enough for demonstration, without saying too much for patient attention. I will endeavor, however, to do the one, and to avoid, if possible, doing the other. Permit me to premise a few remarks.

We have a great country, possessing great natural resources yet to be developed, and a people, of all others, the best fitted to develop them—a nation of freemen, animated with the spirit, and possessing all the energies of freedom; remarkable for their intelligence, their activity, and their enterprise; sagacious, inventive, and fertile in resource; prompt and bold in adventure; ardent and indefatigable in pursuit. They are a hive without drones; all are active, all on the wing, every where, and ransacking every field that promises profit; in a country, too, where no mortmain, no perpetuities, prevent alienation and check circulation; where the accumulations of one generation are broken down in the next by distribution; where every new generation is made up of individuals thrown upon their own resources to make their way in the world for themselves; where there is no passport to distinction but eminent merit, and where that is an infallible passport; where the first abilities and the highest virtues connected, whatever may be their birth, vindicate their way to the first places in society—to the highest honors of the nation.

Now, what are those natural resources to be developed by this people, so fitted to develop them? They are many; a few only of the more prominent need now be indicated. There is the capital in our domain and its fertility; in its mineral treasures, not yet fully explored, but showing themselves in parts all over our country, and boundless in extent; its means of artificial power, by water and by steam, also boundless, and every where diffused; a domain more immense and more valuable than ever was possessed before by any other people; a domain that combines the elements of a world within itself; and when it shall be filled up with its happy millions, when all its facilities shall be unfolded, will rival Europe, will not be less in numbers, and will be far superior in condition. If our energies are directed by our true policy, the rising generation will not all have passed away before these things come. The infant born to-day may live to see that. Add to all this, our physical resource in the labor of our great and growing population, aided by their peerless mental energies. Labor—here lies the source of all wealth; this is the mine of all mines to work for its production, for its issues are unceasing and inexhaustible. To open and fully to develop this resource is to strike upon the fountain of national wealth; to open the spring-head of, and to realize, the fabled Pactolus, whose copious and unfailing stream was a stream of gold. Nothing, nothing is so omnipotent in producing national wealth as the labor of a nation profitably directed and fully developed.

We shall all agree, I suppose, that it would be beneficial to the country to have all her resources fully developed; that the policy which would have this effect is her true policy; that, if it be the only policy that could have this effect, it would be unwise not to adopt it; and that, if the protecting be that very policy, it ought to be continued. What, then, is the natural and necessary operation of the protecting policy?—I mean if it be effectively followed out according to its principle, and to the extent of its principle.

Its primary effect is to give to the country, in time, and rapidly, too, a body of manufactures equal to the supply of the demand for all the wants of all the country; and beyond, for exportation to other countries, to an indefinite but very great amount. Already, though we are but in the infancy of this policy, our export of manufactures stands next in importance to the export of tobacco, and that is next in importance to cotton: cotton stands first. The exports of manufactures, proceeding as they have hitherto proceeded, will soon exceed in value that of tobacco. Perhaps it will not soon rival in value the export of cotton; but if the

* Mr. Grundy.

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policy be not arrested, the day is coming when it will not only rival, but surpass in value, the export of cotton, and stand at the head of our export commerce. Let not this idea be thought extravagant. Look at the export commerce of England; vast as that is, nine-tenths of it is made up of their manufactures, acquired by this very policy.

Will it be pretended that we could have this body of manufactures without this policy? Pray, reflect for a moment, that, when the late war and double duties secured to the industry of the country the market of the country for the supply of manufactures, they sprung up on all sides, as it were, by enchantment. But when the war and double duties terminated, they went down at once, and would have gone down forever, but for the tariff of 1816; illustrating the prodigious effect of complete protection, and the prodigious difference between that and protection that is incomplete, and only judicious, as it is called; and illustrating, too, the necessity of protection to give birth to manufactures. In a country without manufactures, what man, in the present state of the world, would embark and hazard his fortune in the undertaking to begin them, against the equal competition of other countries, possessing every advantage over him, and ready, and willing, and interested, to crush the attempt? It would be folly to think of it, for it would be inevitable ruin. In what instance, in modern and recent times, I would ask, has any nation ever acquired manufacturing riches without a protecting policy? Why, the thing is impossible; in the nature of things, it cannot be. Since 1816, our manufactures have increased as the subsequent tariffs have increased the degree of protection; and now they are advancing with rapid strides. We have these manufacturing riches, then, by means of this policy; and without it we cannot have them.

Now, consider that, by acquiring these manufactures, we have acquired a new and almost boundless field for the profitable employment of capital, made profitable to the owner by employing the labor of the country, in giving a new value to the products of the country. Why is commerce beneficial to the country? and why is it protected at such an immense expense as it is? It creates nothing; it only exchanges what has been created. It is beneficial, because and only because, it gives profitable employment to capital, and because that employment gives employment to the labor of the country. Now, whatever the relative profits in capital may be in those two employments, (which must depend on times and circumstances,) it is certain that, in the employment of labor, the capital in manufactures, in proportion to the amount, far outstrips the capital in commerce.

Now, can the different fields of business for the profitable employment of capital and labor be too much multiplied in a country, for the good and prosperity of the country? Is it not for the good of the country that all its growing capital should be profitably employed in the business of the country, and should have the means of profitable employment? And is not the acquisition of every such new field, to the extent of that field, a gain to the country?

Consider, again, the demand which these manufactures make for the labor of the country; and the effect of that labor in improving the condition of the laboring classes, and in producing and augmenting the national wealth. Are the laboring classes of this nation few in numbers? In numbers, they far exceed all other classes put together. Is it no recommendation of this policy that it makes them happy, while they make their country rich?

This policy, then, will give us these manufactures as its primary effect. Now, what will be the effect of this effect—the effect, I mean, of manufactures? In the first place, it will be to create a market for our agriculture, and that secured to our agriculture by the same policy—a market, the magnitude and effect of which those who have not reflected upon the subject can have no adequate idea; a market sufficient for all our agriculture as it now is, and

all it may be hereafter; a market not confined to the seaboard, and a few ports, but diffused all over our country, wherever there is a waterfall, wherever there is a bed of coal, wherever coal may be water-borne; a market that, with the facilities of intercommunication which the country may have, and ought to have, will be brought, as it were, to every man's door. If you doubt the magnitude of this market, do but reflect upon the demand they create upon your agriculture, your crops, your flocks, your mines, and other agricultural treasures, for furnishing the raw material of their fabrics; and then for the supply of the wants of the whole manufacturing population; not stinted in their consumption of the necessities of life, because not stinted in their means to afford them; and you will doubt no longer. I should hope the honorable gentleman from Georgia would no longer doubt. Wherever manufactures are planted, they change the face of nature and the condition of the whole surrounding country, and by means of the market they create.

Ask the agriculturists within the sphere of those markets to give up this policy—you might as well ask them to give up their freeholds; you might tear them from the one as easily as the other; and those of us who represent them here, be assured, are far behind them in zeal for its continuance. Why is it, that, as manufactures have multiplied, and extended themselves, this policy has gained friends, and particularly with the agricultural population? It is because they have been made to feel its benefits; it has made proselytes by conferring benefits. They see these manufactures putting every thing in motion around them, evoking and evolving all the dormant energies of place and society; the old and the young, females as well as males, all employed; it is one scene of universal activity. With the dawn of the sun the busy scene begins, nor is the sun more constant in his course, nor more regular in his return to it, than they in and to theirs; contented, animated, and happy, their gains make their labors light, and the whole surrounding country rings with joy. For much of our agriculture it makes the only market it can have; for all that produce, for instance, that must be consumed at or near the place of its growth. For all that which admits of transportation and exportation, this policy, young as it is, has already made this country a greater and better market than all the world beside, except for the articles of tobacco and cotton. For cotton it affords a better market than any other country in the world, except England; it affords a better market than England did fifteen years ago; and in fifteen years hence it will afford a better market than England now does. So late as 1819, our whole export of cotton was but 87,000,000 lbs. The consumption by our manufactures now is 78,000,000 lbs. This country, by means of this policy, is rapidly making for itself, and within itself, a market equal to that of all Europe. I mean, however, if it be aided by making and completing the facilities of intercommunication of which the country is susceptible. The great evil of our situation arises from what is its great advantage—the immensity of our domain, and our dispersion over it. These improvements would remove this evil, and leave this advantage unmixed. Then, with all the advantages of our expanded domain, we should have united all the advantages of condensation and neighborhood. But, without this policy, we cannot have these manufactures; and without these manufactures, we cannot have this market; and without this market, we cannot have these facilities; or, if we could have them, they would be no object. The stock in them would be unprofitable; it would make no dividends; it would be a dead capital. The cause of this policy, then, and the cause of these improvements, is one and the same cause; they stand or they fall together. But the West is told that it is a delusion on their part to believe this; that this policy is not necessary to these improvements; and that they may have the improvements without the policy;

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and told this by the foes of both. Why not tell them they may have life without blood, and its circulation? The one is just as feasible as the other, and just as probable.

Of all the strange ideas thrown out in this debate, the most strange, according to my apprehension of the fact, was the supposed tendency of this policy to diminish our commerce, and particularly the foreign. The honorable gentleman from Tennessee, while he lamented, or affected to lament, the decline of our foreign commerce, admitted the great increase of the revenue paid by that commerce, and built upon that very fact his plan for its permanent reduction. If our foreign commerce is really dying of a consumption by this policy, why, the revenue will die with it, and we may dispense with our fears of having too much, and change them to fears of having too little. This policy, if foreign commerce is perishing by its withering blast, will dry up that source of revenue, and leave us to look to other sources for its supply. But the truth is, that it does not diminish our foreign commerce; the truth is, it augments that commerce; the truth is, that this policy tends, beyond all other means that ever were devised by the wit of man, to augment that commerce. The effect is not immediately so visible in the tonnage employed (though the effect is ultimately very great) as in the increased value of that commerce.* This policy, in the first place, by creating manufactures, creates a demand and a commerce for the foreign supply of materials necessary to their fabrics, infinitely greater than the commerce it displaces and supersedes. This policy, in the next place, by increasing the ability of the country to consume, in the same proportion, increases the foreign demand for all the supplies that foreign countries must furnish: for consumption is always regulated by income. I pray gentlemen to look at the effect of this policy on the foreign commerce of England, and examine the tables of that commerce. Vast as that is, you will see that nine-tenths of it is the fruit of this policy—of this policy, thoroughly followed out and steadily pursued; and, thereby increasing the ability to consume, it has increased the consumption in the same ratio. No nation can compare with that in riches; and none in public and private expense. To show the operation of this policy upon foreign commerce, take a single fact upon a small scale, and, *ex pede*, estimate the Hercules; estimate the gigantic effects to be produced by the whole system. The county of Worcester is an interior county in the State of Massachusetts. There they have begun, among other manufactures, the manufacture of woollens. Those establishments are yet small, though somewhat numerous; they are thirty-five in number. Now, what demand do they already create, which is to be supplied by foreign commerce?—to be supplied annually, and which otherwise would not exist?

Indigo, - -	52,112 pounds, at \$1 50,	\$78,168
Madder, - -	56,600 do. - -	9,270
Dye woods, - -	500 tons, - -	15,485
Olive oil, - -	55,706 gallons, - -	12,985
Sweet oil, in bottles, - -	- - - -	1,000
Hard soap, - -	175,000 pounds, - -	17,432

\$188,756

Why, the tonnage required to be employed in foreign commerce by one single manufactory, in one county, is more than would be required to import all the woollens that we ever imported from England in any one year; yet we are told this policy is to diminish our foreign com-

* The tonnage appears less in proportion to the commerce, on account of the great improvement of late in the structure of merchant vessels. A very intelligent merchant, and well acquainted with the subject, states that, by that improvement, some vessels carry nearly or quite fifty per cent. more of cotton, for instance, to the ton, than they did antecedently to that improvement.

merce, when, in truth, there is no calculating, hardly no conceiving, the extent to which it will enlarge it. It is true, our foreign tonnage is somewhat less than it was years ago, when it was made large by the then extraordinary state of the world, and when we had in our hands the commerce of other nations. With the final period to that state of things, when these nations resumed their commerce, our foreign tonnage suddenly fell off, and reduced itself to what was permitted to it by the general competition: it was much reduced. But, from that period to the present, it has been progressively increasing, and is now rapidly increasing. Though that tonnage be somewhat less than it was at the time, and for the cause just mentioned, yet our commerce is vastly greater than it was then, or ever has been, as is evinced by the revenue it pays: it has been made thus greater by this very policy.

But the effect of this policy on foreign commerce, vast as it is, is nothing; it is the rivulet to the flowing tides of the ocean, compared to its effect on the domestic commerce. This, the domestic commerce, it may be said literally to create; for it enlarges it to a magnitude by the side of which the foreign dwindles into comparative insignificance. In England, the estimate of Adam Smith made the home trade to the foreign as fifteen to one; both have grown since, astonishingly—the home the most, and both by this policy. The honorable gentleman from Tennessee admits that the coasting tonnage is increased, and well he may, for it has doubled within a few years; but surely that gentleman need not be informed that the coasting tonnage employed is no criterion even of the coasting commerce: for the cargoes have increased in value much faster than the tonnage has increased in amount. The coasting vessel that transported lumber and other gross products, now transports cotton. The two hundred thousand bales, required by our manufactures, is of more value than the whole of the coasting commerce was, or would be, without them. Then reflect upon the value of the returns to the coasting trade from that very cotton, in cotton fabrics, to a fourfold amount of the cotton itself, and you see, at once, that the growing amount of the tonnage employed is no criterion of the growing amount of the coasting commerce. But the coasting commerce itself, though some criterion, is no measure of the total amount of the domestic commerce. The separate internal trade, by internal communication, is to be added, vastly exceeding the amount of the coasting. Here I beg leave to recur, again, to the woollen manufacture of Worcester county, now, for the illustration of the effect of this policy on the domestic, as I then did for its effect on the foreign trade. There is required for the supply of that manufacture, annually,

2,530,000	pounds of wool,
52,112	pounds cotton, for warp of satinet,
190,000	pounds pot and pearl ashes,
21,300	pounds pastel and woad,
75,517	pounds alum, copperas, blue vitriol, and other chemicals,
61,395	pounds glue and pates,
3,176	barrels of soft soap,
11,700,000	teasels for napping cloth,
454	barrels of lime and bran,
10,323	cords of wood, for fuel,
275	tons of mineral coal,
	Leather for belts and repairs, 5,191 dollars worth.

Let it be noted that, in this table is omitted the lumber and other materials employed in the factory buildings, and in their machinery. And here it may be remarked that these manufactures create more demand and a better market for the article of lumber, with which our country so abounds, than all the West Indies, and all other foreign markets of the world, put together.

These manufactures, then, which some gentlemen look upon with so evil an eye, are necessary to these grand re-

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sults: they are the cause of them—the *causa sine qua non*. We see that, valuable as they are in themselves, as an end, they are still more valuable as means to other ends—as the means of giving a spring and impulse to agriculture, beyond any other and all other possible means; and as the means of extending the sphere and augmenting the value of our commerce, both foreign and domestic, beyond any other and all other possible means. These manufactures are, indeed, the grand purchase, the compound lever, by which all the great interests of the country are to be raised from their dormant state, so far as they are dormant, in the manner I have endeavored to point out, and to a height, but far beyond the height which I have been able to portray or illustrate. Archimedes said, give me ground to stand on, and with the lever I can lift the earth from its sphere. Manufactures have a force seemingly as infinite; and here we have not to suppose means impossible in their nature for its exertion; we have them at command; we have them in this policy. If any one think these ideas extravagant, let him consider what manufactures have done for England, acquired solely by this policy—what wealth she has derived from them—what power from that wealth—and say, if these ideas are extravagant. If all the mines of all the precious metals, of all the diamonds, and all the precious stones, dispersed all over the world, were combined, and planted in the soil of Great Britain, they would be nothing for wealth—nothing, compared to the mine of wealth she has found in this policy. Look at that prodigy of all prodigies on earth—the mass of British capital, accumulated as it has been by this policy. It baffles every effort of the imagination to embrace its magnitude. It fills all the channels of her industry, diversified and multiplied as they are, to overflowing. It employs more than twenty-four thousand trading vessels, exporting and importing more than two and a half millions of tons of merchandise annually; and the merchandise exported of the highest value, and nine-tenths of it the fabrics of her own industry. It employs all the establishments by which those fabrics are produced. It supplies all the demands of her agriculture, and that on a more improved scale than ever before existed. It supplies all the demands of the internal trade to fifteen times the amount of the external. It supplies the capital of every object of internal improvement—her one hundred and thirty-eight thousand miles of turnpike road—her three thousand miles of canals—her securities for every anchorage on eighteen hundred miles of coast—her railroads, and every other object and every other project of internal improvement. It supplies her Government with a loan of more than eight hundred millions sterling; and foreign Governments with a loan of more than two hundred millions sterling. Still, it is not exhausted, and seems inexhaustible. The surplus remaining, and idle, is sufficient and ready to supply the demands of the whole world, provided the security be not doubted. The representation of it by my honorable friend from Ohio, so startling at the moment, was within the letter of the truth: it is capital that would buy a continent.

What but this capital, acquired by this policy, could have sustained her as she sustained herself, in the wars begun the last century, and continued into this? What but this capital, so acquired, could have enabled her to bear up against the pressure of a world, and to set that world at defiance? Her power was founded in her riches, and her riches were derived from this policy. Can there be any doubt of this? What but this policy has given her manufactures? What has made her agriculture what it is, but the market which these manufactures have created for it? What has made her commerce, external and internal, what it is, but these manufactures, which make nine-tenths of its value? But the very success of the experiment of this policy, as made by England, is now turned as an argument against the experiment being made

by ourselves. For what is that argument? It is the superior perfection and cheapness of English manufactures, which are the results, the necessary results, of this very policy; and which would take place here, just as they have taken place there. And this policy promises greater and better things for us than it has done even for England; for we undertake it with greater advantages. Besides others, we have the raw material for manufactures, in greater abundance, beyond all comparison; we have the means of artificial power, in greater abundance, beyond all comparison; but our greatest advantage is in the boundless extent of the home market which we may build up for ourselves, and which will be a world within itself. Not to mention that we start with all their inventions and improvements—“*Venimus ad summum fortune*,” to enter on the same career. And, as to the circumstances on which Adam Smith lays so much stress, and in which he is echoed by Mr. Gallatin, in his free trade report, namely, the freedom of their institutions, the enterprise of their people, and the security of their property, surely no American, whatever a foreigner may do, will admit his country to be inferior to England in these respects.

I have said that the value of this policy depended upon its being followed out according to its principle, and to the extent of its principle; and I will now add, upon its being steadily pursued.

No State ever became great by its policy, but by a steady and persevering pursuit of that policy; and wonderful is the efficacy of such steadiness and perseverance. I beg leave to refer to a few instances.

Great Britain owes her astonishing opulence and power to this steadiness of pursuit. It is now about two hundred years since she began in earnest the policy of securing to her own industry the monopoly of her own markets; and never for a moment has she relaxed in the least from the pursuit of that policy. It involved her in one war; but no force without, no complaint, no clamors within, ever induced on her part any, the least wavering, in the pursuit. The astonishing results, I have just now given. Other nations have not profited equally by the policy, only because they have failed of equal steadiness in the pursuit. With them, the policy has been fluctuating; sometimes pursued, and sometimes abandoned, and sometimes relaxed into a “judicious tariff.” It is hence that they have been thrown so much in the rear of Great Britain. But their eyes are now opened; the scales have fallen from them; they are wide awake to the importance of this policy; and Great Britain can no longer delude them with the fine theory of her Adam Smith, which she recommends to them, but repudiates for herself.

Again: Ancient Rome was once an inconsiderable village, on the banks of the Tiber. That village reared itself into a vast empire, embracing the fairest portions of the habitable globe; extending, on one line, (as the poet expresses it)

“A Gadibus usque
“Auroram et Gangem.”

“from Cadiz to Aurora and the Ganges;” on the other, from the burning desert of Lybia to the Danube and the Rhine—an empire of which all present France was but a province, and Great Britain but an appendage of that province. In Europe, in Asia, in Africa, she saw her eagles, like the delegates of her Jove, bear her thunders in triumph over their subjugated and trembling nations. How is this prodigy to be accounted for? Solely by steadiness of pursuit. That ambitious village proposed to herself the acquisition of military power, and nothing else—

“He tibi erunt artes; pacis que imponere morem,
“Parcere subjeclis, et debellare superbis.”

and the whole scheme of her policy had reference to, and was centered in, that leading object; and that policy was steadily, and unwaveringly, and exclusively, pursued, for seven hundred years. The same policy that progres-

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sively reared up this gigantic power against the world, afterwards sustained it over the world for another seven hundred years. The power and the policy fell together. Rome remained invincible, till corruption, after having triumphed over every thing else, came at last to triumph over her military institutions—then Rome fell, and avenged the conquered world with her own suicidal hand.

But the most interesting instance of the efficacy of this steadiness of pursuit was given by the city of Athens; the most interesting, because the object was most so. From the earliest times, Athens aspired to literature and the elegant arts. They were made, as Montesquieu remarks, a direct and leading object with the Government; singular in this respect, and differing from every other. By a steady pursuit of the policy adopted with a view to this end, the city of Athens became such a monument of the arts, that even her imperfect and dilapidated remains are at this day the wonder of the world. What splendors, then, must she have emitted in the day of her splendor! When, in her freshness, she met the morning sun, and reflected back a rival glory! When she was full of the masterpieces of genius in every art—creations, that were said to have exalted in the human mind the ideas of the divinities themselves! The fervid eloquence of Demosthenes failed, unequal to the task, to do justice to those immortal splendors, when employed, as it occasionally was, for that purpose, in his addresses to the Athenian people. It was by the steady pursuit of the same policy, that their literary works of every kind (and in every kind they were extremely numerous) came to be equally the masterpieces of human genius; and being more diffused, and less impaired by the injuries of time, than the other monuments of the arts, they were, and still are, more the wonders of the world. They were carried to such a height of perfection, that, after it, the Athenians themselves could never surpass them; while others have never been able to equal them. Now, what has been the effect? Literature and the arts have gathered around that city a charm that was, and is, felt by all mankind; which no distance, no time, can dispel. No scholar, of any age or clime, but has made (in fancy, at least) a pilgrimage to its shore; there to call around him the shades of their mighty dead, whose minds still live, and delight and astonish in their immortal works. It is emphatically the city of the heart, where the affections delight to dwell; the green spot of the earth, where the fancy loves to linger. How poor is brute force—even the most magnificent, even the Roman—compared to the empire of mind, to which all other minds pay their voluntary homage! Her literature and her arts acquired to Athens this empire, which her remains still preserve, and always will preserve. In contemplating the phenomenon of her literary achievements, a great and profound writer could not forbear saying, "that it seemed a providential event, in honor of human nature, to show to what perfection the species might ascend." Call it providential, if you please—as every event is, in some sense, providential—but it was the effect of artificial causes, as much so as the military power of the Romans; it was the effect of a policy, early adopted, and always afterwards steadily pursued. I know the opinion that ascribes all this to a peculiar felicity of nature. Horace, I know, says—

"Gravis ingenium; Gravis dedit ore rotundo
"Musa loqui; pr. ter laudem nullius avaria."

But what gave them that absorbing avarice of fame? It was infused into them by their institutions; it was that one universal sentiment, generated by those institutions; and what he calls the gift of genius, bestowed by the muses, was the common mind, exalted and refined by the operation and force of the same institutions. It was these which had refined an Athenian mob, as the Athenian people are sometimes called, into an audience of critical taste. The Attic eloquence, called so by way of pre-eminence, was but a conformity to the requirements of that taste.

Such is the wonderful efficacy of steadiness of pursuit, (as we have seen displayed in those instances,) by a nation pursuing national objects by adequate means.

But to return to this protecting policy. It seems to me strange, passing strange, that enlightened, and reflecting, and patriotic men should doubt the expediency of this policy for our country, or be cold in the pursuit. But the bitter hostility it encounters from such men, is to me astonishing; it puzzles and confounds me when I would account for it. But for my respect for them, I should say it was like the fanaticism of hallucinated minds, feeding on their own chimeras; so irrational, so visionary, it appears to me, to impute any distress that may exist, in any part of our country, to this policy as its cause. It appears to me like the insanity that mistakes a friend for a foe, and under that delusion is fatally bent on destroying that friend.

We have an ample revenue from imports, an increasing revenue from imports, and made so by this very policy; unincumbered with debt, or soon to be disincumbered; ample for our civil list; ample for all the works of external defence, and all works of internal improvement—works called for by all the interests of the country—works that would cost the Government nothing but the advance of the capital, to be again returned to the treasury with interest—works that would reimburse themselves, ten times told, in the increased wealth of the country thereby. And this policy, from which this ample and increasing revenue springs, as from a perennial fountain, is to be abandoned; not suspended, but abandoned, now and forever! The idea of improving the condition of the country for intercourse is to be abandoned now and forever, at least, so far as this Government is to be concerned. The depreciation, the loss, the ruin, as to works of this kind, now in being or progress, whether by States or individuals, which will be involved in the abandonment of this policy as its necessary consequence; the final bar, as another necessary consequence of such abandonment, to further like enterprises, either by States or individuals; the entire and the eternal loss of this whole object to our country; are disregarded, and treated as trifles light as air. This ample revenue—ample for all the purposes indicated, and ample for the further purpose of laying those foundations which, in due time, would make this country as illustrious in mind, and its immortal productions as pre-eminent for physical resources and prosperous condition—this ample revenue, that does not bear upon the country with the weight of a feather—that is not felt by the people as a burden, more than the air they breathe, is to be abandoned, and for what? To favor foreign industry, at the expense of our own: for, whatever may be intended, this will be the effect. The stimulus it gives to our industry, and the increased profits of that industry, make the supposed burden merely imaginary. Besides, the necessary effect of the policy is to reduce prices; this is not denied, nor can it be; but it is said the effect is not immediate. In legislation, are we to look only to the present moment and immediate effect? Is the State the being of a day? Have we not children to come after us? Will they not have children to come after them? Have those who are to descend from us no claim to our providence for their good? The patriot statesman acts for the State, and with reference to the being and the wellbeing of the State, now and hereafter—for a long hereafter—and in the hope of a never ending hereafter. Are we, as patriot statesmen, in order to avoid a slight and transient burden to ourselves, (if it be one,) to throw away the opportunity and means of providing for the great and permanent interests of the country for all future time?

I do not mean to deny that there is distress in the Southern States. The gentlemen of the South tell us so; they are better judges of that matter than I, who have never been there, can be; and I believe them. I hope these gentlemen will, in turn, reciprocate the courtesy; and

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when they talk of the unprosperous condition of the Northern States, and the unhappy state of their manufacturing population, that they will allow us, who live in those States, to be better judges of that matter than they are. We ask them to believe us, when we tell them, as we do, that their condition is not unprosperous; that the state of their manufacturing population is not unhappy; that, on the contrary, our prosperity is great, and daily increasing; that the vivid picture drawn of that prosperity by my honorable friend from Kentucky is not overdrawn; it is true to the life; and it belongs only to eloquence like his to give to the picture its true expression and its true colors. I do not deny, I repeat, the distress of the South; but I deny that the revenue is the cause, and challenge them to the proof. Here we are all equally competent judges; that is, all have equally the means of judging. Show the connexion between the revenue as the cause, and your distress as the effect; show it as a matter of fact, and without the aid of the metaphysics of that *ignis fatuus* of a science called political economy. For no *ignis fatuus* was ever a more treacherous guide. It has no certainty in it but its uncertainty; almost every age has some new system of the science broached and bruited. If it take, the older system, its predecessor, is laid on the shelf, or consigned to the tomb of the Capulets. I do not know how many of these systems have successively appeared; each has had its day, and then has gone into the dust of oblivion. A real science has not these mutations; the geometry of Euclid is still the geometry of the world. But if this pseudo science were exempt from this uncertainty, it still would be an unsafe guide. For it is not predicated upon the actual existing state of the world, but supposes a state of things that does not exist, and cannot; and this is especially true of the free trade system. That supposes the system to be adopted by all nations, and then that all would find their account in it. Even then this result would not take place; for, to take place, all nations must be equal in knowledge, and skill, and capital, and political institutions, when they start in the race. The metaphysics of this pseudo science; why, the legerdemain of necromancy will not show you more surprising feats. They will show you, for instance, that the cotton planter, on the banks of the Savannah, pays the duties on the penknife in my pocket; and so of any other article that is imported from England, provided his cotton goes there; and no matter who sends it. If these metaphysics did not distress the South more than the revenue does, I believe they would be a much more contented people. Show me, I again ask it, the connexion between the revenue as the cause, and your distress as the effect, and show it without the aid of these juggling metaphysics. Your complaints—what are they? One is, that your lands are worn down, and that your crops are unprofitable. Pray, is the revenue the cause of that sterility? Another is the low prices of your crops. Now, but for the revenue, those low prices would be still lower; for that enlarges the demand, and sustains the market of your crops. The last is, the prices you pay for your supplies. But these prices are lower than they were before the “accursed tariff” was imposed. To this, you say that these low prices would have been still lower but for the accursed tariff. Here lies your whole case; for, unless you show this, every cause of complaint against the tariff, as the cause of your distress, vanishes at once. Now, this is a question of probabilities, and admits of no certain solution. All we can do is, to weigh the probabilities, *pro* and *con*, and strike the balance as well as we can. The probabilities, *pro* and *con*, have been stated in this debate, and need not now be re-stated. If the foreigner had now the supply and control of our market, as he would have, had we no tariff, to me it appears probable that these prices would be higher than they now are; to you the contrary appears probable. At best, then, the

thing is uncertain. I ask, then, are these gentlemen willing and prepared to break up this Union, because it may be that the low prices they now pay for their supplies would have been still lower if we had no tariff, to do that irreparable injury to their country, and to themselves as a part of the country, and to themselves more than to any other part?

The gentlemen of the South seem to think there is wanting to them a fraternal feeling in the North, that refuses to do them justice in this case. This is not so. When has the South appealed to the justice of this Government, in a just cause, and has made the appeal in vain? Never. When have we refused to do justice to the virtues of the South, public and private? To their liberal sentiments, their chivalrous spirit, their patriotic merits, to their ardent genius, and its brilliant demonstrations? Never. Is not their pride in the fame of their great men our pride too? When have we withheld from that fame the meed of praise? When have we stunted that praise, or given it grudgingly? Never. Why, then, if they ask, why do we not reduce the revenue in order to relieve their distress? It is because we do not believe it to be the cause of that distress, or that it contributes to that distress in any degree; and because we believe that, if we yielded to their wishes, they would find that distress aggravated by it, instead of being relieved. To yield to their wishes would be death to us, and to them it would do no possible good. The South, we even believe, beside their common interest—common with their country—have a peculiar interest in this policy. Are their immense resources, now dormant, forever to remain dormant? Are they never to be developed? I mean their resources in power, by water and by steam, so abundant as it is, (in New England it is not so abundant,) and in the abundance of the raw material for manufacture within themselves. These can only be developed by this policy. If that be continued, its march will be onward; it will in time fill their high lands with thriving villages, and cover them with a thriving population. Their streams will not be idle; they will carry mills, and feed canals; the rich products of their soil and industry will be water-borne from place to place; and this reprobated policy “will scatter plenty o’er their smiling land.” Capital and enterprise will find their way there; and if they have not there the population fitted for the labor, population will flock there that is fitted. This will give to their slave and field labor a new value, and to them a new source of security.

I have done. In pleading the cause of this policy, I have the most intimate convictions that I have been pleading the cause of our country, of our whole country, and of every part of our country—of every man, woman, and child, in our country—not as its importance required—no, by no means—but as my feeble powers permitted. To our natural parents we owe all the pious offices of life; but to another parent, our country, we owe more—we owe life itself, when her good requires its devotion. Were this effort, poor as it is, the effort of my expiring life—expiring by the effort—in that final moment, and last struggle, I should be happy in the feeling and belief that I was expiring in my country’s cause.

Mr. MOORE then gave notice that he intended to address the Senate on the subject; when

The Senate adjourned to Monday.

MONDAY, MARCH 5.

APPORTIONMENT BILL.

The apportionment bill being under consideration, Mr. WEBSTER said he had made some slight variation in the amendment which he submitted on Thursday last. This proposition now assumed the number of the House to be 256, and ascertained the number of representatives

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of each State by the simple rule of proportion. Taking the representative numbers of the United States as the first term, the number of the House (256) as the second term, and the representative population of each State as the third term, forty-six thousand nine hundred and ninety-seven would be the common representative number; and, at this ratio, the number of the House would be 240. There would then be left sixteen members to distribute to the large fractions, that is, to fractions exceeding a moiety of the ratio; the other fractions left would be exceedingly small.

Mr. MARCY said, having been a member of the select committee to which the apportionment bill from the other House was referred, and also one of the majority that instructed the chairman to report that bill as it came to us, it is proper that I should submit to the Senate my views in relation to it, and in opposition to the amendment offered by the honorable Senator from Massachusetts. He places his opposition to the bill on two grounds; upon its inequality and its unconstitutionality. If I rightly apprehend his remarks, the latter objection is a consequence of the former. He holds it to be unconstitutional, because it is strikingly unequal. I think, sir, I shall be able to show that the amendment, on his own principles, is liable to the same objections, and, in my opinion, to another still more formidable: it is not only unequal, but it allots members upon fractions, contrary, as I conceive, to a construction of the constitution, settled forty years ago. The ratio of forty-seven thousand seven hundred was adopted by the House; and, when applied to the federal or representative numbers of the several States, it resulted in bringing out a representation of two hundred and forty members. The fractions produced by this ratio, it is said, are very unequal. They are large in small States, and small in large States. As the honorable Senator grouped the States together, he presented cases of considerable inequality: this inequality he would remove by adopting a second ratio, much smaller than his principal one, and applying it to the large fractions, and thereby allot fifteen additional members upon the fractions. He distributes these additional members for the express purpose of producing equality; but it is a little remarkable that he does not allot them to the fractions which he has used to show the inequality of the bill. He uses a different ratio from that in the bill, which, though it does not alter the number of the representatives in any one State, it makes great and striking changes in the fractions on which he allots the additional members. He does not apply his remedy to the same patient whose case he has presented to us. The fractions produced by the use of his principal ratio are not small in large States, and large in small States. The ratio of forty-seven thousand produces large fractions in the four largest States. New York, Pennsylvania, Virginia, and Ohio, the four largest States, have fractions in each, varying from 32 to 42,000. Their aggregate fractions amount to more than 150,000; almost equal to the aggregate fractions of any other four States that can be selected from the remaining twenty. If the States are divided into large and small States, the twelve large ones have an amount of fractions of 40,000 more than the twelve small States. The Senator from Massachusetts says that the seven hundred in the ratio in the bill is illusory, because the number of representatives in each State, and consequently, in the whole House, will be the same whether the ratio be 47,000 or 47,700. Whether the one or the other be used, is material only when members are allotted to fractions. If the ratio of 47,700 is used, and an additional member is allotted to every fraction of 25,000, there will be only nine fractions that will draw a member; but if the ratio of 47,000 be used, as it is in the amendment, there will be fifteen fractions over 25,000 each, which will be each entitled to a member. If fifteen members are distributed on the fractions produced by the ratio of 47,700, they will not fall to the same States

as the fifteen distributed on the fractions created by the use of a ratio of 47,000. In the first case, New York and Pennsylvania would not get members, but Maine and Mississippi would; in the second, New York and Pennsylvania would each get a member, and Maine and Mississippi would not. There are at least 700 ratios, and I believe many more, which, when applied to the federal number of each State, will produce the same number of representatives, yet each of these ratios will produce different fractions. This fact proves that the fraction does not indicate the true relative loss of the State. The truth is, sir, you may sport almost as you please with the fractions, and produce almost any result. This alone shows, if there were no constitutional objection, the impropriety of allotting members for fractions. I might ask the honorable mover of the amendment why he adopts 47,000 instead of 47,700, or any other number between these two; why he designates 255 for the number of his House; or why he takes 25,000 for the ratio to be applied to the fractions to give additional members. But I will not press these questions, because he has intimated an intention to make some changes in these numbers.

The honorable mover of the amendment contends that the bill is unconstitutional. The constitution requires, it is said, members to be apportioned among the States according to their respective numbers. New York gets forty members by the bill, and the six New England States, with a population of between 30 and 40,000 more than New York, get only thirty-eight. This is so; it is occasioned by the loss on account of fractions. There must be, I contend, a loss on fractions, and the inevitable consequence is, that six States will be exposed, in the operation, to lose six times as much as one State. But, sir, does the amendment improve the matter? It is true it restores an equality between the representation of New York and New England, but it creates inequalities in other parts of the Union. It gives to New York forty-one members, and to New Hampshire, Vermont, New Jersey, Delaware, Maryland, Alabama, Louisiana, and Mississippi, whose aggregate federal or representative numbers are less than that of New York, forty-three members. Again, sir, the States of Maine, Connecticut, Indiana, Mississippi, Illinois, and Tennessee can raise the same complaint on the amendment as to inequality, when compared with New York, that New England can, on the bill. These States have an aggregate representative population about equal to New York, yet the amendment gives them two less representatives than are apportioned to New York.

The bill gives to New York one-sixth of the whole representatives in the other House; but she has not, it is said, but one-seventh of the representative numbers of the Union. This is stating the case too strongly. She has one-sixth and twenty-two hundredths of one-sixth of the population of the Union. It is true she has less than one-sixth of the whole population, and a full one-sixth of the representation; but if this is objectionable in the bill, a similar objection lies against the amendment. Delaware has only a hundred and fifty-eighth part of the whole population, and the amendment gives her more than a hundred and twenty-seventh part of the whole representatives. If the other States should be all represented as fully as Delaware will be, if we adopt the amendment, the House would have three hundred and sixteen members; if represented as Maine would be, according to the amendment, it would be composed of two hundred and thirty-nine members. If the largest States were to be as fully represented by the amendment as Delaware is, New York would be entitled to nine more members than is assigned to her, Pennsylvania to six, Virginia to five, and Ohio to four.

We were asked by the honorable Senator from Massachusetts, if a tax of \$240,000 were to be levied on the United States, would New York pay \$40,000? I answer no? I would ask, in return, in reference to the amend-

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ment, if she would pay \$41,000 of a tax on the United States of \$255,000. No! Not precisely. Would Delaware pay of such a tax \$2,000? No, sir, she would only pay \$1,580, or thereabouts.

Taking into view these inequalities produced by the amendment, I come to this conclusion—a conclusion from which I think the Senator from Massachusetts cannot escape—that, if the bill is unconstitutional, by reason of the inequalities it produces in the representation of the different States, his amendment is unconstitutional. If his argument on this point is strong enough to overthrow the bill, it is equally potent for the destruction of his own amendment. Indeed, sir, it will apply to any bill that can be formed. Equality, perfect equality, cannot be obtained; and, therefore, it is beyond the ingenuity or the wit of man to form a bill that will not be obnoxious to the constitutional objection interposed to the bill now before the Senate.

Inequality, which I regard as inevitable, arises when the apportionment is made, as it is by the bill, and as it always ought to be made, by the application of a single division to the federal number of each State. In that case, each State is exposed to a loss on account of fractions; and that loss may be—indeed, sir, it will be, as large in some of the smallest States as in some of the largest. If the fractions in a small State and in a large one are absolutely equal, there will be great relative inequality. If Delaware has a fraction as large as that of New York, and the chance is equal that she will have, her relative loss must be twenty-five times as large as New York, because New York has twenty-five times her population.

There are considerations which I must be pardoned for alluding to, that ought to repress, at once, any rising discontent which the small States may at first view feel disposed to indulge on account of this comparative inequality of loss. If New England, with a little larger population than New York, gets by the bill a less number of representatives in the other House than New York, by two, she has in this House ten more voices than New York. She has six times the power here that New York has. She has eight more votes in the election of a Chief Magistrate. The Senate has a check upon every thing the House does; but in many things it is without any check from the House. When we consider the amount and importance of Executive business, and the preponderating, unequal power which the small States have in the choice of a President and in legislation, we ought not to feel so much anxiety and sympathy for their comparatively small loss of power in the other House, occasioned by an inevitable loss on fractions, nor ought we to busy ourselves in inventing curious theories of allotting members, unknown in any former practice, and contrary to a settled construction of the constitution, for the purpose of repairing and more than repairing their loss. I do not allude to the advantages of the small States, by way of complaint. They have them by the constitution, and they are entitled to them. The large States submit to this condition of things as to a dispensation of Providence, designed and operating, as we are willing to believe, for our common good; but we think the small States ought to submit, in the same spirit, to the little loss they sustain in organizing the other House; it is imposed on them by the constitution, and they have abundant reasons for resignation to it; for, in the organization of the Senate, and in the choice of a Chief Magistrate, they are most munificently rewarded for any loss they may sustain by apportioning members in the long established mode.

I trust that neither the remarks I have made on the superior power that the small States have in this House and in the choice of the President, nor the frequent allusion to such States to show the unequal operation of the amendment under consideration, will be regarded as furnishing the slightest evidence of an unfriendly disposition

to those States. I would not withhold from any one of them the smallest particle of its legitimate power or influence, nor would I transfer to it any power or influence that rightfully belongs to any large State. Let each have all that the constitution gives, and no more. New York and Delaware, the largest and the smallest States, are the two prominent points of comparison. When reference is made to the former to sustain an objection to the bill for giving large States too much, it would be injustice to infer that the reference is prompted by illiberal feelings towards that State; and when reference is made to Delaware to show that the amendment confers on her undue advantages, it is done only to prove an objection or illustrate an argument, and should not, I presume, will not, be considered an exhibition of an unkind spirit towards that State.

The amendment offered by the Senator from Massachusetts presents to us for adoption the principle of allotting members to States for fractions. This is a grave constitutional question, which was raised, much discussed, and settled, as I think, in 1792. The Senator has attempted with great ingenuity, but, so far as regards myself, without success, to convince us that his amendment does not present either of the constitutional objections which General Washington interposed to the apportionment bill to which he affixed his veto. It does not, I concede, present the second ground of objection, but it meets the first directly in the face; and we cannot adopt this amendment, without trampling it under our feet. He attempts to avoid that objection, by raising a second ratio of 25,000, and applying it to the fractions. This he calls a complex ratio. I call it a double ratio, and the use of it effectually destroys the proportion which the constitution requires. He applies both ratios—the large and small one—to fifteen States, and the large one only to nine States; and this is called apportioning equally among the States the representatives according to their numbers. This twofold operation violates, necessarily violates, the rule of proportion.

General Washington's first objection to the bill of 1792 was, that "there was no proportion or divisor which, applied to the respective numbers of the States, will yield the number and allotment of representatives proposed by the bill." Now, sir, I ask the mover of the amendment to tell us what proportion or divisor, applied to the respective numbers of the States, will produce his House of 255 members. I venture to assert there is none. If General Washington had conceived that he was at liberty to resort to what the Senator from Massachusetts calls a complex ratio, and what I think would be better described by being called double ratios, he could soon have worked out a result corresponding to the provisions of the bill of 1792. If two ratios would not have done it, I see no stronger objection to three than to two, provided equality, or a greater approximation to it, is thereby obtained. The bill of 1792 confessedly produced a great degree of equality. The truth is, sir, the bill of 1792, and the amendment, proceed on the same principle; and that principle, and not the second ground of objection mentioned in the message of General Washington, was mainly considered in pronouncing that bill unconstitutional. Neither Judge Marshall's account of this measure, nor the debates in the House, so far as I have seen them, have a single allusion to the second ground of objection stated in the President's message. I will read those passages in Marshall's Life of Washington, which relate to the bill of 1792:

"Construing the constitution to authorize a process by which the whole number of representatives should be ascertained on the whole population of the United States, and afterwards 'apportioned among the several States according to their respective numbers,' the Senate applied the number thirty thousand as a divisor to the total population; and taking the quotient, which was one hundred and twenty, the number of representatives given by the ratio which had been adopted in the House where the bill had

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originated, they apportioned that number among the several States by that ratio, until as many representatives as it would give were allotted to each. The residuary numbers were then distributed among the States having the highest fractions."

It is admitted by Judge Marshall that this resulted in a more equitable apportionment. It produced what the Senator from Massachusetts thinks his amendment will do. Looking at the effects of the amendment, some of which I have stated, it may well be doubted whether his expectations, in this particular, will be realized. "But the rule," says Judge Marshall, "was novel, and overturned opinions which had been generally assumed, and were supposed to be settled." There was a difference of opinion in the President's cabinet. "The Secretary of State, (Mr. Jefferson,) and the Attorney General, (Mr. Ed. Randolph,) being of opinion that the act was at variance with the constitution; the Secretary of War, (General Knox,) rather undecided; and the Secretary of the Treasury, (General Hamilton,) thinking that, from the expression in the clause relating to the subject, neither construction could be absolutely rejected, and that, therefore, it would be proper to accede to the interpretation given by the Legislature." "After weighing the arguments which were urged on each side of the question, the President was confirmed in the opinion that the population of each State, and not the total population of the United States, must give the numbers to which alone could be applied the process by which the number of representatives was to be ascertained."

The bill was returned to the House wherein it originated, and it was rejected. "Thus," says Judge Marshall, "was this interesting part of the American constitution finally settled." I have read, I believe, all those passages that have a bearing on the constitutionality of the question decided by the rejection of the bill of 1792, and it will be remarked that there is not a single observation that has relation to the second ground of objection in the message. The proposition of dividing on fractions is explicitly considered, directly passed, and clearly repudiated as unconstitutional. The number of representatives is to be ascertained by a single process, not by a series of processes, applied to the population of each State; it must result from the application of a proposition or divisor, and not two or more propositions or divisors, to the respective numbers of the States.

To show what the views of Mr. Madison were on this constitutional question, I will present to the Senate two short extracts from the debate on the apportionment bill of 1792.

"The idea of fractions, said he, was not there contended for, but has since become the very essence of the opposition; and we are called on to violate the constitution, by adopting a measure that will give representatives to those separate and distinct fractions in the respective States. If this reasoning is good, why do the gentlemen stop at this boundary of representation by States? Why not proceed to erect the whole United States into one district, without any division, in order to prevent the inequality they conceive to exist in respect to individual States?"—*Debate, 19th Dec. 1791.*

"Mr. Madison repeated the substance of what he had before offered in objection to this proposition. Fractions will exist, said he, on every possible plan. This is to be a permanent law, and in its operation will probably increase those fractions. The constitution refers to the respective numbers of the States, and not to any aggregate number. The proposition breaks down the barriers between the State and General Governments, and involves a consolidation."—*Debate, February 16, 1792.*

I cannot understand, from the language of these passages in the Life of Washington, and these extracts from the debates on the bill of 1792, any thing less than an ex-

PLICIT condemnation of that principle of the amendment, which proposes to distribute members on fractions; and, coming from the quarter this language does, I cannot withhold from it the highest respect. It was uttered by the framers of the constitution, who are to be presumed to have understood, better than any others, the import of the expressions they had used. Though we are not absolutely concluded, by any authority on such a question, we ought to yield the greatest deference to such opinions. They are a contemporaneous exposition of the constitution, given by five of Virginia's most distinguished sons—more distinguished, probably, than any other State, in any other age, will ever produce. On another occasion, which I may not specify, there was an emphatic call on Virginia for an opinion on what was regarded a constitutional question. It was then said, "I want to hear a voice from Virginia; I want to see if she will stand by the constitution." On this most important constitutional question, we have heard a voice from Virginia, and she did stand by the constitution. That voice was uttered forty years ago by her most wise and patriotic sons, then on the scene of action. It was powerful in effect; it put to rest this pretension of distributing members on fractions, which has remained quiet for forty years. It is now awakened again. I want, on this occasion, to hear the voice of Virginia, and to see if she yet stands by the constitution. I flatter myself that the distinguished men of that State, now on the stage of action, will speak as her sages did in times past; and will again put this pretension to rest, where, I hope, it will not only sleep forty years, but to the end of all time.

The constitution requires us to apportion members according to numbers. This is said to mean as nearly as possible. The qualification is not expressed in the constitution. Our powers are circumscribed by a line; and it is contended that if we cannot come up to the line on one side, which I call the constitutional side, by reason of a natural impossibility, we may get around on to the other side, and take our position there, provided we can, in that way, get nearer to that line. We are bound to approach as nearly to it as practicable, but it must be on the constitutional side, and not on that side that lies beyond the limits of our power. The amendment attempts to come to this line on the wrong side.

I know, sir, that supposititious cases, though intended for elucidation, very often produce confusion; but I think I can state one that will give to the Senate a better comprehension of my views than I have yet been able to convey to it. I will suppose that a company of twenty-four persons are the owners of certain property, and, as we have been made during the last six weeks exceeding familiar with cotton, I will name, as this property, two hundred and fifty-five bales of cotton. The interest of the respective partners in this cotton corresponds with, and varies according to, the population of the respective States. They wish to distribute among themselves the bales of cotton according to their interest in it; but, not being able to do it to the satisfaction of all, they call upon some common friend to do it for them. He undertakes the friendly office, and calls upon them for their directions. They explain to him the amount of their respective interests, and then say, apportion among the owners according to their respective interests; but understand no bale can be divided into parts. He meets with no difficulty in distributing two hundred and forty of the bales, but serious embarrassment exists as to the residuary fifteen. He finally concludes that it is best to dispose of these fifteen bales, by giving one to each of the fifteen partners who he finds have an interest in them exceeding one-half of a bale. He calls the company together, and explains his views relative to the surplus bales. Fifteen of the company, who own each a major fraction of a bale, see no objection on the score of interest, and are disposed to approve of the

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determination of the distributor; but a member, who has an interest equal to two-fifths of a bale, says to the distributor, will you be so good as to explain to me by what right you assume to give my interest in one of those bales to my partner? The common friend replies, your partner owns more of that bale than you do; he owns three-fifths, and you only two-fifths of it. I admit that; but does his right to three-fifths give him a right to my two-fifths also? The friend says, strictly considered, perhaps it does not, but he owns more of it than you do, and it will be more equitable to give it to him than to you, and I shall therefore give it to him, and it will be generous in you to consent to this disposition of it. The reply to this would be, I do not ask you to give the bale of cotton to me, and therefore there is no question as to the balance of equity. You talk about generosity where it is strictly an affair of justice. When you are disposing of your own property, you may be generous; but in this matter you are disposing of my property, and you have no right to show your generosity at my expense. Your authority is to distribute in a particular manner. A deviation from this manner is a violation of your instructions. You cannot apportion one of the fifteen bales, without a violation of those instructions. The question is asked, what shall be done with the undistributed bales? If you cannot distribute them in the manner you are directed to distribute them, let them alone. They must remain the joint, undivided property of the company. Our situation, Mr. President, I consider to be precisely similar to the person appointed to apportion the bales of cotton. We cannot distribute on fractions without violating the rule given us to regulate our conduct in this matter. Will Maine consent that her fraction shall be transferred to Massachusetts, for the purpose of having another member apportioned to the latter State? or, if it is not regarded as a transfer, will she consent that a member shall be given to Massachusetts, by the use of a ratio of 25,000, applied to a part of her members, while we refuse to apply to Maine, and several other States, any ratio less than 47,000? Maine is disposed, I presume, to stand on her strict rights. She will not, and she ought not, to yield a single inch of her territory to the British provinces; and I venture to say she will not submit to the transfer of a single particle of her political power to Massachusetts, or any other State. Will her champion near me, [Mr. HOLMES,] after being devoted to her service for thirty years, now, when about retiring, as he has publicly announced, from the bustle of public life, to meditate on death and eternity, be unfaithful to her interest, and sit silent, and see her curtailed of any portion of her positive or relative power? No, sir. I venture to affirm he will not. The honorable mover of the amendment scarcely need be reminded that inequality is as certainly and fully produced by giving too much, as by not giving enough. He has truly said that what one gains, another must lose. The result of my reflections is, that the inequality is not essentially diminished by the amendment. In some respects there is a greater approximation to equality than is produced by the bill; but, every thing considered, the improvement is not, I presume, as great as was expected. The great, and, to my mind, invincible objection to the amendment is, that it establishes the principle of allotting members upon fractions. This I regard as unconstitutional, and must, therefore, ever resist it.

Mr. CLAYTON had, he said, formed the opinion that the bill is unconstitutional, incorrect, as it does not apportion the representatives according to the respective number of the several States. Congress, he thought, had fallen into an error in applying to the several States a common division. The principle was unequal in its operation, and led to monstrous results. The injustice to the smaller States, from the application of a common ratio or division, would increase every census. The fair proportion of New York, with her population of 1,908,553, in a House of two

hundred and forty, was thirty-eight; but the bill gave her, as the result of the ratio, forty members. Suppose the population of New York to be double, as it soon will be, and 3,837,106, divided by the ratio of 47,700, will give eighty members; but the number to which the State would be fairly entitled, according to the rule of three, would be but sixty-six. Fourteen members would be gained by the application of a common division, not one of whom would have a single man at home to form his constituency. He would like to know if this was constitutional, if this was an apportionment according to numbers. This evil has heretofore been submitted to, because it was not very great; but as the large States increase, or as the divisions increase, the evil will become intolerable. By the very next census, if the principle of apportionment by the common division be continued, New York will have six members on the floor, who have no constituency; for, if her population be then two and a half millions, as it probably will be, the ratio will give her fifty-two representatives, though her population would entitle her only to forty-six. Delaware and South Carolina had hitherto suffered more than any other States by the present system of apportionment. The aggregate fractions of South Carolina, since the last census, had been 118, and those of Delaware 111,000. The unrepresented fractions of those States had been 229,000, while the aggregate fractions of New York were only 40,153. It was not possible that the small States, in assenting to the constitutions, contemplated such striking inequality in the popular representation. But the Senator from New York says, it was foreseen that the small States would suffer by fractions, and, therefore, they were compensated for the anticipated loss by their admission to equality of representation with the large States in the Senate. A reference, said Mr. C., to the history of the adoption of the constitution, will convince the Senator that he is wholly mistaken in supposing that the representation of the small States in the Senate was allowed in consequence of the surrender by them of any right to equal representation in the popular branch. If he looks to the bond which Delaware signed, he will find that she made equal representation of the States in the Senate *a sine qua non*. That was a fundamental and unchangeable provision of the constitution, without which the small States would have preferred a foreign alliance to a Union. It was this provision which marked the Government as a confederated instead of a consolidated republic. Mr. C. made several statements, showing the unequal and unfair operations of the ratios adopted under this and former apportionments, in regard to the State of Delaware; and he urged the necessity of arresting the evil now, by adopting a different rule of apportionment. He contended that the representation of fractions was constitutional and unavoidable. Pennsylvania has twenty-eight members by the bill; but her proportion was only twenty-seven and one-tenth. But Delaware has but one member, and her proportion is one and six-tenths. Do you give a member to the fraction of one-tenth in Pennsylvania, and refuse it to a fraction of six-tenths in Delaware? The proportion of Rhode Island is one and nine-tenths, and you give her two members; and yet you say to represent fractions is unconstitutional. Mr. C. then considered the objections urged by General Washington against the bill of 1792, and argued that they applied chiefly to the fact that the bill gave more than one member to every thirty thousand, and that it did not affect this bill.

Mr. FOOT remarked, that the great injustice done to his native State, Connecticut, at the last apportionment in 1822, by which she was deprived of one member, and left with one of the largest fractions in the Union, had called his attention particularly to this subject; and he had examined it with care and attention, with a view to find a remedy for the unequal representation, produced by the

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present mode of apportioning representatives to the several States. He could feel no particular interest in this bill; his State would not be affected by it.

On glancing at this bill when it came from the House of Representatives, said Mr. F., my mind was forcibly struck with the great inequality in the representation it proposed, and the palpable injustice to the smaller States. Believing, as I do, that it is the right as well as the special duty of the Senate to guard the interests of the States, whose representatives we are, in a peculiar sense, my attention was turned to the constitution, to see whether some remedy might not be found; or whether that sacred instrument had left us without the power of securing an equal representation, or had failed to secure the rights of the States, and their citizens, on this all-important and fundamental principle of free Government.

The inequality and injustice, in the apportionment by this bill, are too palpable to require from me any elucidation; and they have been already fully exposed; and, in my opinion, its provisions are inconsistent with the provisions of the constitution, which declares that "representatives shall be apportioned among the several States according to their respective numbers." Can it be possible that New York, with a population of 1,919,136, can be entitled to forty representatives, while the New England States, with 1,954,593, is entitled to only thirty-eight representatives? Is this equal? Is it just? Is this consistent with the provisions of the constitution?

The second section of the first article of the constitution contains every provision in relation to this subject. What is the language? "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers." It then proceeds to declare in what way the representative population shall be ascertained: "the number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative."

The language of the constitution is perfectly plain, and its meaning cannot be misunderstood. The entire population, entitled to representation under the constitution, is to be represented as nearly as it can be done. The representatives are to be distributed among the several States in proportion to their relative population; and it is the duty of Congress to make such distribution as will do as equal justice as possible in the apportionment—exact equality is impossible; for there will be fractions in any distribution which can be devised; and it is our duty to approximate as near to equality as possible. The question then presents itself, in what way is this to be effected?

The House of Representatives in this bill have declared that the ratio of representation shall be 47,700. Taking this ratio as a divisor for the whole representative population, and it gives two hundred and fifty-one representatives, with a small fraction. The bill apportions to the several States but two hundred and forty representatives; leaving eleven representatives, to which the people are entitled, under the ratio fixed, to be provided for, unapportioned, or rejected. Did the framers of the constitution ever contemplate such a result? Does the constitution warrant such a measure? Can Congress, acting under the constitution, say to 480,000 citizens of the United States, you shall not be represented? Impossible! Congress has not the power to deprive any portion of the citizens of their just proportion of representatives. They are entitled to those representatives which your ratio gives, and we are bound to apportion them among the several States according to their "respective numbers," as the constitution has directed. If these eleven members are apportioned to those States which have the largest unrepresented fractions, the distribution will be in strict accordance, not only with the spirit, but the letter of the constitution. The representatives will be apportioned

among the several States according to their respective numbers. It is impossible to make the distribution more equal by any calculation which I have been able to make.

By such a distribution equal justice will not only be done, but a complete check will be provided against combinations of States, for the purpose of securing an undue proportion of representatives. Under any other mode of distribution, it is very apparent that, by fixing a ratio which shall throw the fractions upon the smaller States, it is in the power of a few large States to combine their influence so as to have their whole population represented, and exclude two-fifths of the population of some small States. By this bill, New York, with a population less by 227,000 than seven smaller States, has the same number of representatives! and is left with a small fraction, when these seven States have a fraction of 233,178. Does not this injustice and inequality require correction? Look for a moment at its effects upon the ratio of representation as fixed by the bill. The ratio for New York is 47,700; the ratio of representation for the other seven States, collectively, is 57,540, for Missouri, 65,000; and for Delaware, 75,417!

It will be readily perceived that, as the population and the ratio increased, the loss to the smaller States will be constantly increasing—the aggregate fractions always bearing a proportion to the number of States whose population will entitle them to the same number of representatives as one of the largest States.

By adopting the principles of the constitution as our guide, without any dispute about fractions, and apportioning the eleven representatives to those States having the highest numbers unrepresented, we shall not only approximate very nearly to perfect equality, but produce a very equal distribution of this surplus apportionment in the different sections of the country, as they have often been classed.

To the six New England States, having an aggregate fraction of near two hundred and fifty thousand, it will give three representatives. By this bill, New York, with a less population than New England of near fifty thousand, has two more representatives than New England. This will adjust the claims and rights of each.

To the four Middle States it gives three representatives, to which their fractions entitle them.

To the four Southern States it gives one, upon the same principle of equality.

To the five Northwestern States it gives one, their fractions being small.

To the four Southwestern States it gives three—and I will cheerfully give my vote for it.

What objection can be made to this apportionment, which comes so near equality, and gives an equal representation?

It is said fractions cannot be represented; and why? The Senator from New York [Mr. MARCY] has told us that General Washington returned the bill of 1792 as unconstitutional, because it represented fractions. I do not so understand his objections. Nothing is said of fractions. His objections were, that eight States were represented by more members than one for each thirty thousand, which is clearly unconstitutional. But this objection does not apply, at all, in the present case. No member will represent less than thirty thousand.

Representation and taxation are to be equally apportioned; and we only require that they shall be made equal. On what principle was your tax of six millions of dollars laid in 1815? The answer is, in exact equal proportions. The quota of New England was \$1,328,555 90—that of New York was \$860,283 24. How is the representation? New England has but thirty-eight members; New York, by this bill, has forty members. Apply the same principle to the direct tax which this bill apportions to representatives, and you will find New England pays *per capita*

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082.7; while, in New York, each pays but 075.5. This is manifestly unjust; it is unconstitutional.

We claim only our just and equal rights—the constitution secures us equal rights—and, by adopting the principle of the amendment, those rights will be protected against any combination which can be formed by shifting fractions to oppress the smaller States.

The Senate then adjourned.

TUESDAY, MARCH 6.

The apportionment bill was taken up.

Mr. CLAYTON explained his views of the bill, and of the various amendments which had been moved or suggested, and corrected certain misapprehensions of his meaning which had been expressed by gentlemen opposed to his views.

Mr. TAZEWELL addressed the Senate at considerable length in support of the bill as it came from the House of Representatives, and against the amendment which had been offered.

After some further remarks by Messrs. CLAYTON, TAZEWELL, and EWING,

Mr. WEBSTER offered an amendment.

Mr. W. explained and defended the amendment which he had proposed, namely, to allow to those States having a major fraction, one member, in addition to the number which would be given them by the ratio proposed; which was to be considered and divided according to the simple rule of proportion, as far as this rule extended; and then to add one member to every State having a fraction exceeding five-tenths of the ratio. After Mr. W. concluded,

Mr. CLAY asked the Senate to postpone the bill, and take up the question on the tariff; but, on the suggestion of gentlemen opposed, he waived his suggestion; and,

After some further remarks from Messrs. TAZEWELL, BIBB, CLAY, HAYNE, WEBSTER, and FOOT, The Senate adjourned.

WEDNESDAY, MARCH 7.

APPORTIONMENT BILL.

The Senate resumed the consideration of this bill—the question being on the amendment submitted yesterday by Mr. WEBSTER, viz. to strike out the provisions of the bill from the other House, and insert the following:

“That, from and after the 3d day of March, one thousand eight hundred and thirty-three, the House of Representatives shall be composed of such a number of members, chosen within each State, as shall bear to the representative population of such State the same proportion as the number two hundred and fifty-six bears to the whole representative population of the United States; and of one additional member to every State in which the addition of such member will bring its number of representatives nearer to its exact proportion than the omission of such additional member; the said number of representatives in any State not exceeding one for every thirty thousand persons: that is to say, within the State of Maine, nine; within the State of New Hampshire, six; within the State of Massachusetts, thirteen; within the State of Rhode Island, two; within the State of Connecticut, six; within the State of Vermont, six; within the State of New York, forty-one; within the State of New Jersey, seven; within the State of Pennsylvania, twenty-nine; within the State of Delaware, two; within the State of Maryland, nine; within the State of Virginia, twenty-two; within the State of North Carolina, fourteen; within the State of South Carolina, ten; within the State of Georgia, nine; within the State of Kentucky, thirteen; within the State of Tennessee, thirteen; within the State of Ohio, twenty; within the State of Indiana, seven; within the State of Louisiana, four; within the State of Illinois, three; within the State of

Alabama, six; within the State of Mississippi, two; within the State of Missouri, three.”

With his amendment, Mr. WEBSTER submitted the following explanatory statement; which was, at the same time, ordered to be printed, viz.

The representative population of the United States is eleven million nine hundred and twenty-nine thousand and five. A House of Representatives, consisting of two hundred and fifty-six members, would give forty-two thousand five hundred and ninety-seven as the common representative number, and would leave a fraction of only 173.

The following table exhibits the apportionment of two hundred and fifty-six members among the States, according to their representative population, upon the principle of giving to each State the number of representatives nearest to its true proportion. Where a fraction exceeds a moiety of the common representative number, it is considered that the greatest attainable equality requires an additional representative; and where it is less than a moiety, that the same equality requires that there should be none.

The first column gives the representative numbers or population of the several States; the second column gives the proportion of two hundred and fifty-six members, to which each State is entitled, in numbers and decimal fractions; the third column gives the number of members proposed for each State, being that number which is nearest to its exact mathematical proportion; the fourth and fifth columns contain the fractions belonging to the States respectively, being the excess or deficiency in their representative numbers, over or under their exact proportion.

STATES.	Representative numbers.	Proportion of 256.	No. proposed.	Fractions represented over true population.	Fractions not represented.
Maine,	399,435	8.58	9	19,938	
N. Hampsh.	269,326	5.78	6	10,256	
Vermont,	280,657	6.02	6	-	1,075
Massach'tts,	610,407	13.10	13	-	4,646
Connecticut,	297,665	6.39	6	-	18,083
R. Island,	97,194	2.09	2	-	4,000
N. York,	1,918,623	41.18	41	-	8,146
N. Jersey,	319,922	6.87	7	6,257	
Pennsylv'a,	1,348,072	28.93	29	3,241	
Delaware,	75,432	1.62	2	17,762	
Maryland,	405,843	8.71	9	13,530	
Virginia,	1,023,503	21.97	22	1,631	
N. Carolina,	639,747	13.73	14	12,611	
S. Carolina,	455,025	9.77	10	10,945	
Georgia,	429,811	9.22	9	-	10,438
Alabama,	262,508	5.63	6	17,074	
Mississippi,	110,358	2.37	2	-	17,164
Louisiana,	171,904	3.69	4	14,484	
Tennessee,	625,263	13.42	13	-	19,502
Kentucky,	621,832	13.34	13	-	16,071
Ohio,	935,882	20.08	20	-	3,942
Indiana,	343,030	7.35	7	-	16,851
Illinois,	157,147	3.36	3	-	17,356
Missouri,	130,419	2.80	3	9,372	
	11,929,005	256.00	256	137,101	137,274
Deduct aggregate fraction,	-	-	-	-	173
				137,101	137,101

[The main object of the amendment is simply to approximate more nearly to an equitable representation, by giving to each State, having a fraction exceeding a moiety of the ratio representation, one additional member.]

WEBSTER addressed the Senate at considerable length in support of his plan, and in reply to Messrs. MARCY and TAZEWELL.

Mr. FORSYTH demanded a division of the question, so as to take the sense of the Senate separately on that part which proposed to give representatives to the major fractions.

Mr. TAZEWELL rejoined in further opposition to the amendment.

Mr. SPRAGUE followed in a speech in support of the amendment; and,

After some additional remarks by Messrs. MARCY, WEBSTER, and CLAYTON,
The Senate adjourned.

THURSDAY, MARCH 8.

Mr. HENDRICKS, from the Committee on Roads and Canals, to which the petition was referred, praying for the aid of Congress to construct a railroad from Buffalo, in New York, to the Mississippi river, asked to be discharged from the further consideration of the subject.

Mr. CLAY requested of the gentleman from Indiana, the reasons why the committee asked to be discharged.

Mr. HENDRICKS said he was not instructed by the committee to communicate to the Senate the reasons of their decision. He would say, however, that the constitutional question was not taken into consideration, because the committee were of the opinion that the country was not in a condition to sustain the expense which the work would necessarily require.

The resolutions submitted yesterday were taken up, and agreed to.

The bill providing for the continuation of the Cumberland road in the States of Indiana and Illinois, and for the erection of bridges over the Scioto and Wabash rivers, was taken up.

Mr. HENDRICKS said that the progress which had been made in the construction of this road through the States of Indiana and Illinois, was perfectly satisfactory to the people there. The money had been expended in a proper manner. The present appropriation was made in consequence of a bill which originated in the Senate some years since. The bill was then ordered to a third reading.

APPORTIONMENT BILL.

This bill was then again taken up, together with the substitute offered by Mr. WEBSTER, and the motion of Mr. FORSYTH to strike out from the substitute the clause providing for the representation of fractions.

Mr. CLAYTON contended that no apportionment bill had ever passed, which did not, in effect, represent fractions. The bill of 1792, rejected by President Washington, represented fractions, and was rejected solely on the ground that it gave more than one representative for each thirty thousand to several of the States. The rule applied to that bill must have been this: that the representation of each State should bear to the whole number of representatives the same proportion which the representative population of each State bore to the population of the United States. By that bill, New Hampshire had five members, and was entitled to but four; Massachusetts had sixteen, but was entitled to only fifteen, and had a fraction of seventy-seven hundredths; Delaware was entitled to but one by the rule, with a fraction of eight-tenths, but had two members by the bill, &c. Gentlemen say the bill was rejected because fractions were represented by the bill. General Washington said there was no common divisor, or ratio, applied to the bill. He found no proportion, no equality, in the bill. There was, in fact, no possible common divisor which would give the results of that bill; and this was a fair ground of objection. But, by the bill which General Washington did sign, fractions were, in fact, represented. The whole number of representatives,

without fractions, given by the bill, was but ninety-five, and the House of Representatives was composed of one hundred and five. It was not true that any President ever declared that representation by fractions was unconstitutional. The next bill, which was approved by President Jefferson, was drawn upon the very same principle with that now submitted by the resolution of the Senator from Massachusetts. The same ratio adopted in 1792 was continued in 1802. He showed that, by this bill of 1802, eight or ten States got each one member more than the rule entitled them to. Georgia had four members by the bill, and was entitled by the rule to only three, with a large fraction; and yet the gentleman from Georgia now says that the representation of fractions is unconstitutional. The third apportionment bill, which was approved by Mr. Madison, also allowed representations for fractions. The ratio assumed by the House was thirty-seven thousand. It was rejected in the Senate, on the ground that it was unequal in its operation, giving an undue advantage to the larger States. The Senate did not consider themselves bound by the decision of the House. They undertook to do justice. They put the ratio at 35,000, and increased the number from 170 to 186. Mr. C. then showed that several States, by that bill, had got one more member than the rule of apportionment entitled them to. Georgia again was entitled to but five members, with a fraction of seventy-three hundredths, but she got six members by the bill. The Senate objected to the bill from the House on the very grounds which are now urged against the bill before us, and the bill, as amended by the Senate, was finally passed. Mr. C. then went on to show that the apportionment bill of 1822, signed by Mr. Monroe, gave representatives for fractions. Georgia again had one more representative by the bill than the rule of apportionment entitled her to; and several other States a similar proportion. Under the bill now before us, sent to us from the House, the apportionment was, he contended, grossly unequal and unjust. It allowed representatives, in several cases, for small fractions, and refused them to very large fractions. This resulted from the assumption of an arbitrary divisor, which gave a result favorable to the large States, and oppressive to the small States. He went on to give many statements in support of this position. The objection to the bill, resulting from its operation in regard to New York, was to him insuperable; and he could not conceive how honorable gentlemen could, by any mathematical or metaphysical subtlety, reconcile it to their sense of justice and propriety. New York, by the rule of proportion, was entitled to thirty-eight members. The bill gives her forty. She had those two representatives without constituents at home. Who were the people whom those two members represented? Where did they reside? The member from Delaware is chosen by 76,000 freemen; and he, their representative, sits by the side of two members who represent nobody. The Senator from New York calls upon the State of Virginia to support the bill. I call, said Mr. C., upon South Carolina, upon Illinois, upon all the small States, to help me in opposition to those large States; for they are all small in comparison with those two States—New York and Virginia. But he remembered the time when Virginia, too, stood by the small States, in the contest for equal representation, against the assumption of the large States: he referred to the course of Messrs. Giles and Brent in 1811, in relation to the apportionment bill in that year passed. The hard bearing of the bill upon the new States he next considered. Missouri was left with a fraction of six-tenths, while Tennessee had one member for a smaller fraction. This injustice arose from the arbitrary assumption of the number of the House, and the assumption, at the same time, of an arbitrary divisor. Mr. C. went into several statements to show that this mode of apportionment must necessarily operate to accumulate the fractions upon the small States. This mode of apportionment was

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adopted for the benefit of the large States; and as long as the Senate suffers them to continue it, they will have an advantage over the small States in the popular representation. The five large States had a representation of 121 members, but were entitled only to a representation of 113 members. The nineteen smaller States, with a population of 232,000 more than that of the large States, had only 119 representatives, but were entitled to 122 members. After some other remarks, Mr. C. concluded by invoking the aid of the small States in the support of the rights of the small States. He hoped they would send the bill back to the House, as the bill of 1812 was sent back; and, if the House objected to it, he hoped the Senate would insist upon their amendment, as the Senate did in 1812.

Mr. FORSYTH replied briefly to the Senator from Delaware, insisting that he had, to make out his proposition, assumed what he ought to have proved—that his rule of apportionment was the rule which the constitution required. The State of Georgia, in his view of the rule, had always had a large fraction unrepresented; and the rule by which the gentleman would represent that, was altogether arbitrary. If the application of 30,000 as a common ratio, in 1792, was constitutional, then the similar application of a higher ratio at this time was constitutional. The State which he represented had no particular interest in this matter. Her number of representatives would be the same under the amendment as under the bill. He had listened to the arguments in favor of the amendment, with a disposition to be convinced; but he had come to the conclusion that the representation of fractions was unconstitutional.

Mr. CLAYTON said, in reply, the ratio he had established was not arbitrary. The true ratio must be obtained by a fair proportionment. This is the only rule which, in the nature of things, can be just and equal. Any ratio, got from other process than fair proportionment, must be arbitrary, and therefore unjust. Unless the gentleman can show that the good old rule of three is incorrect, he cannot sustain the bill, nor the ratio adopted in the bill. The gentleman does not undertake to show us how it is that the representation given to New York by the bill is her fair proportion. Some one was evidently mistaken as to this subject, and it was important that it should be ascertained who it is. It was to him important—because he was sworn to support the constitution. The gentleman says his State is not interested in the result. But he contended that Georgia, by the bill, got an advantage which she denied to other States. The bill was not, as the gentleman said, temporary in its operation. For five successive Congresses it gave an undue portion of political power to the large States.

Mr. HAYNE had, he said, listened attentively to the argument on both sides, but he now found a difficulty. He had, at one time, come to the conclusion to vote against the amendment. But he had been struck with the argument, that, under the apportionment proposed in the bill from the House, fractions were represented. Now if fractions were to be represented at all, he thought the most equitable mode of representing them was that presented in the bill. He wished the Senate to fix its attention upon this fact: New York has more than one-sixth of the whole representatives, but she has less than one-sixth part of the whole population. If so, she has a representative for her fraction. He wished to see this view met. He could not conceive how we could give a State more than belonged to her; though he would imagine that sometimes it might be necessary to give her less. By the assumption upon arbitrary ratio, or an arbitrary number of members of the House, it would be easy, as he showed by cases which he put, to do great injustice to the smaller States. This resolution would be to send the bill to a committee with instructions to inquire what apportionment would be the most equitable and constitutional.

Mr. WEBSTER again advocated, and Mr. MARCY and Mr. TAZEWELL further opposed, the amendment. At half past four the Senate adjourned.

FRIDAY, MARCH 9.

APPORTIONMENT BILL.

This bill being again taken up,

Mr. SILSBEE said that, although the inequalities, and, as he thought, the injustice of the existing provisions of the bill seemed to have been demonstrated, yet he was induced to present some other expositions of those inequalities, in which, however, he should be very brief, as the Senator from Delaware [Mr. CLAYTON] had already presented several views of the effect of the bill, in its present form, to which he [Mr. S.] should otherwise have solicited the attention of the Senate; but which he should now no further notice, than to express his confidence in the correctness of the calculations and views of that gentleman upon this subject.

The first objection which he should make to this bill, Mr. S. said, was, that it reduced the representation of some of the parent States to four less than it then was, by depriving each of the States of New Hampshire, Massachusetts, Maryland, and Virginia, of a portion of their present representation.

In behalf of one of the copartners upon whom it was intended to impose this reduction of power, (it was not for him to explain the views of the others,) he would say that such consequences ought, in his judgment, to be avoided if it could be done without inflicting greater injury upon other sections of the Union. Although not an advocate for an overwhelming legislative body, Mr. S. observed that he had ever entertained the opinion that the representation of the old States should not be reduced either earlier or faster than was absolutely necessary, and he could not perceive the necessity for such a reduction at this time. Another, and stronger, objection to the bill was, Mr. S. said, that it caused a most unequal distribution of the unrepresented fractions, as he would endeavor to show by some statements which, he believed, had not been presented by any one who had preceded him in this debate, and as supplementary to some of those which had been presented by others.

Mr. S. said that the whole population to be represented was 11,928,731, which, at a ratio of 47,700, as proposed by the bill, would give 250 representatives and a fraction of 3,731. That the number of representatives proposed by the bill was 240, with an aggregate fraction of 480,731: that this aggregate fraction was equal to four per cent. of the whole population to be represented: that the aggregate fraction of the six New England States, upon their population, was about seven and one-third per cent., while the fractions of all the other States than those of New England was only three and one-third per cent.; and the fractions of eleven of the States, having 175 of the 240 representatives, and more than two-thirds of the whole population, was only about one and three-fourths per cent.: that these eleven States, with a population of 8,497,935, and 175 representatives, have fractions of only 150,430, while the six New England States, with a population of only 1,954,684, and 38 representatives, (less than one-fourth the population, and but little over one-fifth the representation of those eleven States,) have fractions to the amount of 142,084; and three adjoining New England States, viz. New Hampshire, Massachusetts, and Vermont, with a population of 1,160,390, and 22 representatives, have fractions to the amount of 110,990, very nearly one-tenth of their whole population, besides losing two of their present representation.

Sir, said Mr. S., I know that an inequality of these fractions cannot be entirely avoided; but I doubt if another ratio can be devised, which will impose upon any six con-

tiguous States of the Union, or upon any six States that are not contiguous, and that have a population of about two millions, such an inequality as is imposed, by this bill, upon the six New England States.

Mr. S. proceeded to state that the average number of constituents represented by each of the 175 delegates from those eleven States would be 48,559; the average number by each of the 202 delegates from eighteen States would be 49,377; while the average number represented by each of the 38 delegates from the six New England States would be 51,439. That, under the provisions of this bill, the seven States of Virginia, Maryland, Delaware, New Jersey, Vermont, Massachusetts, and New Hampshire, will not only lose four representatives, but will have fractions appertaining to their remaining 58 representatives, to the amount of 218,490, equal to an excess of 3,767 to each representative—while seven other States, viz. New York, Pennsylvania, Georgia, Kentucky, Tennessee, Indiana, and Rhode Island, with 112 representatives, have fractions of only 41,425, or an excess of only 369 to each representative, being less than one-tenth of the excess to be represented by each of the 58 delegates from the other seven States: that Vermont, with only 5 representatives, would have a larger fraction than the seven States last named, with 112 representatives: that Pennsylvania, with 28 representatives, would have a fraction of 12,472; Kentucky, Tennessee, and Rhode Island, with 28 representatives, would have fractions to the amount of 8,739; but Vermont, New Hampshire, Massachusetts, and New Jersey, with the same number of representatives, (28,) would have fractions to the amount of 144,712: that the State of New York, with a population of 1,918,623, would have 40 representatives; while the New England States, with a population of 1,954,684, would have but 38 representatives, with a population 33,061 less, New York would have a representation of two members more, than the six New England States. The State of New York would have one-sixth part of the whole representation of the Union, with 69,544 less than one-sixth of its population. The 18 members from Vermont, New Hampshire, New Jersey, and Missouri, Mr. S. said, would have an excess of 141,724, or, 7,873 to each member; while the 90 members from New York, Pennsylvania, Georgia, and Kentucky, would have an excess of only 25,338, or 281 to each member; the average number of constituents to the first 18 members being 55,573, and to the other 90 members only 47,981.

Mr. S. said he knew it to be tedious to hear, even more so than to prepare, these arithmetical calculations; but he had felt it to be his duty to present them to the Senate, for the purpose of showing, better than he could do it in any other way, some of the injurious, and, as he could not but think, unjust effects of the existing provisions of the bill; and, with one or two further expositions of the same kind, he should take leave of them, and, probably, of further participation in this discussion.

It will be seen, said Mr. S., that a division of the fractions of the seven States of New Hampshire, Vermont, New Jersey, Delaware, Missouri, Mississippi, and Louisiana, amongst their 24 members, will give to each of those members a fraction very nearly as large as that of the whole New York delegation at 40 members; the 24 members from those seven States have fractions to the amount of 213,218, proportionable to which the fraction to the 40 members from New York should be 355,363, whereas it was only 10,623. Thus, while the average number of constituents represented by each of the 40 members from New York will be 47,963, the average number represented by each of the 24 members from the other seven States will be 56,584; and the number represented by the member from Delaware will be 75,432.

The whole representative population of the Union, said Mr. S., is 11,928,731; one-half of which is 5,964,365.

The five States of New York, Pennsylvania, Virginia, Ohio, and Kentucky, with a population of 5,947,844, being 16,521 less than one-half of the whole population, are entitled, by the provisions of the bill, to 121 of the 240 members of which the House of Representatives is to be composed; while the other nineteen States, with 16,521 over a moiety of the whole population, are entitled to but 119 of the 240 members—giving to a minority of the population a majority of the representation, and to a majority of the population only a minority of that representation.

The six States of New York, Pennsylvania, Ohio, Tennessee, Kentucky, and North Carolina, with a population of 6,089,351, being 124,986 over one-half the whole population, are entitled by the bill to 126 members, leaving a population, in the other States, of but 124,986 less than one-half the whole population, and entitled to 118, with only 114 members.

Can this, said Mr. S., be called a representation "apportioned amongst the several States according to their respective numbers?" He thought it could not, and hoped the bill would be so amended as to approximate somewhat nearer to such a representation than it then did, before it received the sanction of that body. Touching the constitutionality of the bill, or of any amendment which had been, or which might be, offered to it, Mr. S. said he had but a single remark to make, which was this—that he had previously believed, and had become more and more confirmed in the belief, that by regarding fractions we should approach much nearer to such a representation as is prescribed by the constitution, than by disregarding them.

Let us suppose, said Mr. S., that this bill had come to us, from the other House, without any mention of the ratio which had been adopted there, (and it is not necessary that the ratio should be stated in the bill,) but with merely the provisions that the House of Representatives should be composed of 240 members, of which number the State of Maine should have eight, &c. &c. &c. In such case, what mode of calculation would most naturally occur, to ascertain if those 240 members had been correctly apportioned to the several States? Would it not be this—as the whole population of the Union is to 240, what is the proportion of these 240 members to the population of each State? The result of such a mode of apportionment was upon all our tables, and so far differed from the provisions of the bill, that, by disposing of the extra 12 members (beyond the 228 which would be disposed of by the first process) to the twelve States having the largest fractions, and exceeding the moiety of a constituency, each of the three States of Vermont, Delaware, and Missouri, would get one more member, and each of the States of New York, Pennsylvania, and Kentucky, would have one member less than by the provisions of the bill.

As between this mode of apportioning the 240 members amongst the States, and that which has been adopted in the bill, Mr. S. said that, with his present impressions on the subject, he could not but consider the former as the most correct of the two. He hoped the bill would not, in its present form, be sustained by the Senate.

Mr. WHITE, of Tennessee, said the proposition now before the Senate was, whether that part of the substitute of the Senator from Massachusetts, which proposes the direct representation of fractions, shall be stricken out. Unless something more should suggest itself to his mind on the subject, he should determine that the representation of fractions, as such, was unconstitutional. The natural course by which the representatives were to be apportioned, was to assure a convenient number for the House, and then to adopt a common divisor, by which the number of representatives from each State should be ascertained. The divisor would be ascertained, after experiment, and chosen in reference to its equal operation

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on the several States. The object to be attained is to be made a just apportionment. If a just apportionment be attained, it is of no consequence what is the process taken; but whatever rule you adopt, must be one which applies to the respective numbers of each State. To the rule proposed by the Senator from Massachusetts, he objected that it was not an equal rule, applicable to each State, and operating in like manner upon each State. The rule gives an additional member to each of the twelve major fractions, and withholds it from the twelve minor fractions. What one State gains the gentleman says truly another State loses, and, therefore, the States having the major fractions have the full benefit of the aggregate minor fractions. It was the same old plan, presented in a new shape, which, forty years ago, was repudiated as unconstitutional. Each State must be received as a distinct body, to be distinctly and separately represented. The doctrine that a part of the political power or representative number of one State could be transferred to another, was the doctrine of consolidation. This was the fifth time that the subject has been before the Senate; and how is it that this plan of representing fractions, of operating upon the States as a consolidated body, was never before proposed? At the last apportionment, the State of South Carolina would have been entitled to one more representative, by lowering the ratio adopted only one or two hundred; but her Senators did not suggest the idea that this fraction ought to be represented. The apportionment, according to the whole spirit of the constitution and form of the confederation, must, according to the respective numbers of the States, be considered as distinct, separate communities. Perfect equality was not expected; it was known to be unattainable, in the apportionment of men—for they are not, like money, divisible. It is true that the large States have an advantage in the apportionment, because their fraction, whatever it is, must bear a less proportion to their whole number of representatives than the fractions of the smaller States to their number of representatives. But this was an advantage of which you cannot deprive the large States, constitutionally. You give, however, to four of the large States, which, you say, have already more than their proportion, an additional member to each. Tennessee has a fraction of 19,902, but is not to have an additional member; but Maine, which, according to the original bill, had a fraction of but 17,000, is to have an additional member. Thirty-one thousand persons are to be transferred from Tennessee to Maine, to be there represented as citizens of a State they were never in, and by a person whom they never saw. This was the practical effect of this scheme, which was forced and urged upon us as one of equal operation. Pennsylvania, by this scheme, was to have a representative for a number short of the ratio by three or four thousand, and Tennessee was to have but one representative for a number exceeding the ratio by nineteen thousand and over. Twelve States were to be over-represented, and twelve were to be under-represented—and the over-represented States were those among the largest States, and those under-represented were both small and new States, and yet the plan was recommended as promotive of equality. The bill was better as it stands. It produced less injustice than the plan proposed by the gentleman from Massachusetts. He would risk nothing in saying that, if the census of six new States, Tennessee, Alabama, Mississippi, Indiana, and Illinois, would be taken over again at this moment, it would be found that they had an increased population added to them since the census was taken, which, in addition to the fractions, would entitle each of them to another representative; and yet this scheme was recommended to us by the Senator from Massachusetts as being especially favorable to new States. The fractions, if he could fix them, should fall upon the old States, whose population was stationary, and not upon the new States, whose population

was increasing with unparalleled rapidity. He did not consider that the substitute was as favorable to the new and growing States which he had named, as the original bill. In regard to Tennessee, if the substitute prevailed, this would be the fourth time that that rapidly growing State will have been put off with a large unrepresented fraction. If the bill, as it stands, is unequal, it can only be changed by altering the ratio, or the number of the members of the House; and he believed it was the part of the House, exclusively, to fix upon such a number as to them may seem most fit and convenient, unless, indeed, it should be manifest to us, that, by an alteration, some great benefit was to be obtained. As to the ratio proposed in the bill, he believed it was productive of as much equality and justice, in relation to the several States, as could be obtained by any other ratio. Even if the constitutional objection to the substitute, which with him was insuperable, was out of the question, he would prefer the bill as it came from the House, to the substitute proposed by the Senator from Massachusetts.

Mr. SPRAGUE spoke in reply to the Senator from Tennessee, and in opposition to the motion to amend the substitute. He contended that fractions had, by every bill, been substantially represented, though not so by provisions expressed on the face of the bill; that such representation was in accordance with the spirit of the constitution, which required a just and equal apportionment of representatives; and that the provisions of the substitute attained a greater degree of equality than those of the original bill.

Mr. HOLMES also advocated the amendment at some length; and then

The Senate adjourned to Monday.

MONDAY, MARCH 12.

APPORTIONMENT BILL.

The Senate resumed the consideration of this bill, with the amendment thereto offered by Mr. WEBSTER, and the amendment offered by Mr. FORSTER.

Mr. DICKERSON said: Coming, as he did, from a State which has severely felt the unequal and unjust operation of the laws heretofore adopted, and again to be adopted, if the present bill should pass, for apportioning the representatives of the United States among the several States, it was his duty to his constituents to join Senators from States similarly situated, in an effort to arrest, as far as practicable, this system of oppression.

Great injustice has been done to the small States, said Mr. D., in withholding from them their proper share of power, weight, and influence, in the councils of the nation; more especially as it respects their numerical force in the House of Representatives, while they have been compelled to bear their undiminished share of public burdens. The condition of the State of New Jersey, contrasted with that of her potent neighbors, New York and Pennsylvania, will put this subject in a strong point of view. In the apportionment of 1810, when the ratio was fixed at 35,000, New Jersey had an unrepresented fraction of 31,222, while New York had a fraction of 8,043, and Pennsylvania a fraction of 4,773, added together amounting to 12,816. The fraction of New Jersey being nearly three times as great as that of New York and Pennsylvania together; while New York had a representation of 27, Pennsylvania of 23, and New Jersey 6. In the apportionment of 1820, when the ratio was fixed at 40,000, New Jersey had a fraction of 34,551, while New York had a fraction of 8,775, and Pennsylvania of 9,449; and in the apportionment of 1830, according to the present bill, with a ratio of 47,700, New Jersey has a fraction of 33,632, while New York has a fraction of 9,953, and Pennsylvania of 12,052. In this way several States have suffered nearly as much as New Jersey, and the State of

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Apportionment Bill.

[MARCH 12, 1852.]

Delaware much more. And shall the Senators of these States not complain? Shall they not inquire whether the constitution, which was adopted for the common benefit of all, can, when fairly construed, authorize such gross injustice? And being convinced that a fair construction of the constitution would secure to them a more equal representation, shall they not avail themselves of their strength, in this body, to assert and obtain their just rights?

By the constitution of the United States, representation and direct taxes shall be apportioned among the several States according to their respective numbers. It is impossible to comply strictly with the terms of the constitution; but it is the duty of Congress to approach, as nearly as possible, to a just apportionment of representatives as well as of taxes.

The plain meaning of the constitution is, that, of whatever number the popular branch of Congress shall consist, it shall be so divided, adjusted, and apportioned among the several States, that the representative strength of each State in that body shall be, as its actual comparative strength, measured in federal numbers in the Union, that the whole representative population of the United States shall be to the whole number of representatives, as the representative population of any State shall be to its share of such representatives. And this division, adjustment, or apportionment, cannot be made in accordance with the constitution, until we have arrived at the nearest practical approximation to this principle. And has this been attained in the bill before us? It has not; on the contrary, this bill is a reiteration and continuation of old abuses, which have become more oppressive as our population has increased; and when the Senators from the States, feeling the oppressive operation of this bill, endeavor to amend it, they are met with the most determined opposition from the Senators of States having more than their share of this joint stock of power; and the great States seem to make it a common cause, to deprive the small States of their proper rights and influence in the House of Representatives.

The Senator from New York, [Mr. MARCY,] after urging all the arguments which the case admits of, for the bill and against the proposed amendment, calls loudly upon the Senator from Virginia, [Mr. TAZEWELL,] and begs that the voice of Virginia may be heard upon this question; whereupon the Senator from Virginia comes forward with a formidable array of unaccommodating ratios, and similitudes of ratios, and various scientific, technical, and mathematical terms and phrases, calculated to exlude every principle, not based upon the exact sciences, from the rules to be adopted in making the apportionment of the representatives among the several States. And he managed his weapons with such admirable skill and address, that he seemed to perplex the whole Senate—at least, I am quite willing to acknowledge that he perplexed me; and all these strict and accurate principles are made to depend upon the word apportion.

Now it so happens that the word apportion is decidedly ungeometrical; it is neither technical nor scientific, it does not imply mathematical accuracy, nor is it found in any mathematical book. Perhaps terms of mathematical accuracy were studiously avoided in this part of the constitution, from a fear that they might be used to prevent a just, fair, and equitable apportionment of representatives among the States; for fear of giving just cause for the difficulties which gentlemen now urge against the amendment to this bill.

The Senator from Virginia does not seem willing to rest upon his mathematical principles alone. He calls to his aid the decision of Washington in 1792, and the practice under it for forty years. The arguments of the Senators from Massachusetts and Delaware [Mr. WEBSTER and Mr. CLAYTON] have entirely convinced me that the objections to the apportionment bill of 1792 do not apply to the

amendment now under consideration; and if they did, I should not consider them as finally conclusive. The small States have always resisted, as far as they constitutionally could do so, the passing of the different apportionment bills which have operated so injuriously to their interest. Any right to a more fair and equitable rule of apportionment, which they possessed before the first apportionment, they possess now. Their acquiescence in laws to which they were obliged to submit, cannot be considered as a relinquishment of any right.

I am surprised that the Senator from Virginia should place so much reliance upon decisions of constitutional points, as to give them the force of precedents, even when they are of forty years' standing. If I am not much mistaken, I have heard an opinion from that Senator, that no decision against the principles of the constitution could acquire the force of law by any lapse of time. If the principle of the law of 1792 was in accordance with the constitution then, it is so now: and if the present bill is upon the same principle, it cannot want the aid of precedent, but may safely rest upon constitutional grounds alone. The precedent can only be of service, upon the supposition that the principle of the bill wants constitutional support. And, in such case, it would be desirable to know how long a precedent like that of the year 1792 must remain undisturbed, before it becomes an amendment to the constitution. The precedent, as carried out in the different apportionment laws, is decidedly that the large fractions shall be thrown upon the small States; from which there is no departure in the bill before us. And shall an unwilling acquiescence in this abuse, for forty years, give sanction to an exercise of power against every principle of justice, and against the plain and undoubted meaning of those who formed this compact of our Union?

By the bill sent to us, the whole number of representatives is fixed at 240. It is altogether immaterial by what process the House of Representatives came to the conclusion that this should be the number: it is arbitrary, and altogether independent of any constitutional provision; but when adopted, it forms an indispensable datum in the calculation by which the apportionment is to be made among the States. The whole representative population of the United States, and the whole representative population of the individual States, are also given, upon which the constitution directs the mode of apportionment, which must be among the several States, according to their respective numbers.

As the whole federal number of people in the United States is to the whole number of representatives, so must be the whole federal number of the people of any State to its share of such representatives. The truth of this principle has not been contested, and cannot be; yet, when applied to New York, gives her but 38 representatives out of the 240, whereas the bill before us gives her 40. As 11,928,935 is to 240, so is 1,918,553 to 38 and a fraction. In this proposition, the first and second terms are constant, being the whole population and the whole number of representatives; the third term, the population of any State, must be multiplied by the second term, and divided by the first, which will give the fourth proportion, or number of representatives to which such State is entitled.

By dividing the first and second terms by any number whatever, we obtain equivalent terms which may be substituted for those respectively. If we divide both terms by the number 240, we obtain 49,707 for the first, and 1 for the second. The proportion will then be as 49,707:1 :: 1,918,553:38, with a fraction of 29,687. As the second term is unity, the multiplication is dispensed with, and the first term becomes a common divisor, for each State, when the whole number of representatives is 240.

In fact, however, the common divisor of 47,700 has been adopted for a representation of 240, when that number, or rather 47,715, is the proper divisor for a representation

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of 250. For as 11,928,935 : 250 :: 1,918,533 : 40. Divide the two first terms by 250, and we have 47,715 : 1 : 1,918,533 : 40; so that forty representatives are all that New York can claim from a House of 250. And in this consists the error in the bill before us. Several of the States are allowed their full share of a House of 250, which is to consist of no more than 240. It is true that if you apply this common divisor to all the States, without allowing representatives for any of the fractions, it will leave you with a House of but 240 representatives, as the aggregate of all the fractions will amount to a sufficient number to give ten representatives. Yet it is equally true that no State can have, under any just construction of the constitution, more than her proper share of the actual House of Representatives. To give to the States having their full share of a House of Representatives of 250, a just claim to such representation, the House must actually consist of that number; and this cannot be done, but by giving the ten fractional representatives to the States having fractions; and justice requires that they should be given to the States having the largest fractions, as this will be the nearest possible approximation to a just apportionment. It is clear that all the States having representatives over their just proportion of a House of 240, have them in consequence of the fractions; their extra representatives, therefore, are the representatives of fractions. The House is to consist of 240 actual and 10 constructive members, the last being representatives of the fractions; but they are all to stand up together, as good enough representatives, till the apportionment is made, and certain States have received their full share of the whole number; and then these ten are to be dismissed the service. These constructive members—these men of straw, are to be counted, to swell the dividends of certain States, and then to vanish, as being of no further use; but when they vanish, they carry off with them every pretence, on the part of these States, for having a single representative over and above their strict proportion of 240. The aggregate of fractions amounts to 477,335, which, divided by 47,715, gives ten representatives. If these fractions are to be of no avail, to give Vermont, with a fraction of 42,000, another representative, then let them have no avail in giving to New York two more representatives than she is entitled to, and to several other States one each more than they are entitled to. Deduct these fractions from the whole population, throw them out of the calculation, and let these States take their share of the representatives of the whole population so reduced. The aggregate fraction taken from the whole population would leave but 11,451,600, which, divided by 47,715, will give no more than 240 for the House of Representatives, instead of 250; and this number will give New York but 38 for her share. It is therefore demonstrably true that, under the present bill, 2 of the representatives of New York rest upon fractions; and if the Senator from Virginia insists upon the application of his strict mathematical principles to this case, he is met with an insuperable difficulty in giving to any State more than her proportion of 240 representatives. The rule of apportionment adopted in the bill is neither consistent with the principles of mathematics, the principles of justice, nor the principles of the constitution. A strict mathematical rule will operate much more decidedly against the bill than against the amendment.

The amendment under consideration is founded upon correct principles. The assumed number of 256, of which it is proposed the House of Representatives shall consist, will require as a common divisor the number of 46,596,* and each State having a fraction over the half of

that number, to have one representative for such fraction. This rule is uniform; applies with equal justice to all the States, large and small; is not restricted by any fair construction of the word apportionment; is in accordance with every principle of justice, and with the spirit of the constitution.

The small States have complained, from the year 1792 to this day, of the unjust operation of the apportionment bills; and they will probably continue to complain, for I have but little hope that justice will now be done them.

Mr. HAYNE said, if the motion of the gentleman from Georgia should fail, he should move a recommitment of the bill. His mind, he acknowledged, had fluctuated much in regard to the question during its discussion; but he had come to the conclusion that great injustice might be done by the mode of apportionment adopted by the House. By the process adopted, assuming the number of the House at 240, twelve members are taken from the fractions, and thrown upon the large States. The fractions were thus represented, but not in such a way as preserved the relative power of the several States according to their respective numbers. He should move, if the Senate should determine that fractions may be represented, to recommit the bill, with general instructions to the committee to apportion 240 members among the several States, as equally as may be, according to their representative population.

Mr. WEBSTER said he should not oppose the recommitment, and he agreed that much of the amendment might be omitted, and the committee be merely instructed to distribute the members of the House, assuming their number at 240, among the several States according to their respective numbers.

Mr. FREELINGHUYSEN said he had listened with the most anxious interest and attention to the discussion on the important and exciting question involved in the amendment proposed by the honorable Senator from Massachusetts. Every personal and political consideration unite to persuade him in favor of it. But sir, said Mr. F., after the best reflection in my power has been devoted to this subject, I feel constrained to differ from those with whom I generally agree, and to vote for the proposition that will reject the amendment.

I cannot but regard this amendment as presenting the same difficulties which arrested the ratio bill of 1792. It is an endeavor to accomplish a more equitable representation, by bringing the fractions of the several States into account; and it will readily be perceived that the process adopted by the honorable Senator from Delaware to illustrate his objections to the bill, is substantially of the nature of the calculations which led the way to the rejected bill of 1792. My friend takes for his first number the aggregate population of the United States, amounting to 11,928,731; and then states that as this number is to the proposed number of the House of Representatives, (240,) so is the population of any State to its share of the representation. Now, sir, the first great mistake in this rule is committed in the very first number; that is, the population of the whole Union, combining, of course, all the fractions of the several parts, is constituted the controlling number to bring about the distribution of representatives among the several States according to their respective numbers. It cannot fail to strike the mind that the constitutional apportionment is based upon the federative principle. It regards not the whole twenty-four States as consolidated, but separated, distinct, individual. It is true, sir, the bill of '92 invaded another clause of the constitution, besides the one which is opposed to this amendment. It gave to some of the States more than one member for every 30,000 of the inhabitants of such States.

But I hope to show that this other clause flowed out of the one which is now considered, and was its just corollary.

* The calculation upon the ratio of 47,715 is made upon returns giving the whole population at 11,928,935; that of Louisiana at 171,604. The corrected returns give the whole population at 11,923,731, and the population of Louisiana at 171,694. The calculation for a House of 256 is made upon the corrected returns.

I insist, then, in the first place, Mr. President, that a construction was given to the constitution by President Washington, in 1792, that settles and concludes the present question; and it has received the constant acquiescence of this whole Union, at four eventful periods since. He distinctly resisted a process that subjected the whole federal number of the United States to a common divisor; and as distinctly required the application of such divisor to the population of each State.

He felt most sensibly that the rule of the constitution dealt with the States individually, and that the call for this share of power could not be made as from small States combined, or large States combined; that it could be claimed only by each State on the ground of its federal numbers, and as often as these could meet some common ratio or division, of universal application to all the members of the confederacy. Such was the state of the question under the constitution. Apportionment was to be made among twenty-four different subjects, each differing from all the others in numbers, and an apportionment too of representatives—benefits that were integral in their nature, and not susceptible of division or liable to fractions. Now, what could be done, sir, but first to settle how many persons should constitute one representative; and, when that was ascertained, to go with this number or ratio around to these twenty-four States, and to grant to each a member for as many times as its population could involve the ratio? That, in the result of this process, fractions would remain, was, no doubt, seen by the framers of the constitution—as these necessarily are incident to the case; you cannot avoid them—the amendment proposed does not get rid of them—the ingenuity of man, no matter how acute it may be, can devise no mode with such materials, whereby we can escape the consequences of unrepresented numbers. And, sir, I cannot yield to the argument as satisfactory, that the amendment approaches nearer to this equalization than to leave fractions unrepresented altogether. For, in the first place, although it may be so, under the arrangements of the honorable Senator from Massachusetts, yet I can conceive of various propositions that, by his principle of distribution, would aggravate the evil. But, in the second place, my embarrassment arises not from its being more or less equal in its operation, but because it is not warranted by the constitution. I cannot better illustrate the nature of the rule that was adopted by President Washington, as he deemed to be in conformity with the constitution, than by applying the clause in question to the representation in the Legislature of any State. Take, for example, the State of New Jersey; suppose a law should there be passed, directing that representation should be apportioned to the several counties according to their respective numbers. It should next be determined that 10,000 inhabitants should have a representative; we go with this ratio to Essex county, and find 48,000—giving four representatives, and a fraction of 8,000; what could we do with it under this rule? Could we give Essex another member? Surely not; if so, we exceed the limits of the rule. Well, sir, we go next to her neighbors, the county of Morris, and find there 26,000 inhabitants, yielding two members, and a fraction of 6,000. Could we give Morris another member? or, under any sound construction of the rule, could we combine these fractions, and assign another member to either county, on account of the combination? Why, sir, nothing can be plainer to my humble apprehension, than that such a disposition of the subject would be utterly indefensible. But here it is urged that the proposed amendment brings the representation as near to just proportions as may be. That although it does apportion members to States, as to fractions for a less number of federal numbers than it apportions the other members, yet it is most ingeniously argued that the rule does not so far exceed the general ratio as

Our principle falls short of representing all the people. But, sir, it should not be forgotten that our rule performs all its functions—equally distributes to all their full share of representation, and only ceases to operate, when, from the indivisible nature of a representative, it can proceed no further. But the spirit of the amendment transcends the constitution, as it distributes political power unequally, and not according to numbers; as in the case of Maine, that would receive a portion of representatives for 19,938 more federal numbers than live within her territory; and the general result of the amendment shows, that, to accomplish its object, fractions, amounting to 137,101 persons, are represented above the true population of the States to which fractional members are assigned. The truth is, that in this matter of representation the States are not, and cannot be, considered in any collective sense. The rule applies to them as political sovereignties, distinct in their existence, and each entitled to claim only its own portion of power, by reason of its own federal numbers.

So President Washington treated the subject when it came before him, under the imposing authority of both Houses of Congress. The National Legislature of that day had subjected the whole population of the United States to a division of 30,000—the proposed number for each representative; and the process gave 120 members more members, of course, than the same divisor, when applied to the separate States, would produce; and they disposed of the surplus members, by distributing them among the States having the highest fractions. The bill was warmly debated in Congress, and eventually sent to the President by a very small majority. It presented to his mind a very interesting case, and a very solemn duty. He was called upon to give a practical exposition to the constitution of the United States, and on a branch of it well calculated to excite very warmly the public feeling. He examined the act with the sagacious scrutiny of a statesman, about to settle a great question in the apportionment of political power. He was not content, on finding one fatal objection to this bill, to rest his rejection there, and return it to Congress; he made his exceptions as broad as the case presented to him. He detected two substantial objections; and that which struck him as prominent, and which he placed in the foreground of his communication, was, as I apprehend, the very difficulty into which the present amendment will bring us. Without further remark, I will now read the reasons urged by President Washington for returning the ratio bill without his consent.

“APRIL 5, 1792.

“Gentlemen of the House of Representatives:

“I have maturely considered the act passed by the two Houses, entitled ‘An act for an apportionment of representatives among the several States according to the first enumeration,’ and I return it to your House, wherein it originated, with the following objections: First. The constitution has prescribed that representatives shall be apportioned among the several States according to their respective numbers; and there is no one proportion or divisor which, applied to the respective numbers of the States, will yield the number and allotment of representatives proposed by the bill. Second. The constitution has also provided that the number of representatives shall not exceed one for every 30,000, which restriction is, by the context, and by fair and obvious construction, to be applied to the separate and respective numbers of the States, and this bill has allotted to eight of the States more than one for every 30,000.

“GEORGE WASHINGTON.”

The Senate perceive, then, that the objections are distinct in their application, but that both insisted on the same principle; that the States in their separate population were to be regarded; and it is further worthy of

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notice that the second objection, instead of being the principal, or, as has been insisted, the only substantial difficulty with the President, was, in truth, only a just inference which he drew, as he explicitly states, from the first objection.

In presenting the first objection, the President seemed to consider it quite sufficient barely to state the fact of there existing no one proportion or divisor that would produce the result of the bill before him. He enters into no argument, but thought he had said enough to produce conviction with any mind. The debates that were had on this rejected bill in the House of Representatives, confirm the views which I had the honor to urge. The representation of fractions was then resisted on constitutional grounds.

Mr. Madison opposed it in terms for this cause, and urged the following cogent consideration: "You are calling upon us to invade the constitution, by adopting a process that will give representatives for those several and distinct fractions of the different States."

When this bill was returned, the Congress passed a new bill with a ratio of 33,000, and applied that to the population of each State: New Jersey, having at that time 179,570 federal numbers, received by the bill five members, with a fraction remaining of 14,570; and the whole apportionment of representatives on the population of that era, (being 3,615,920,) left an amount of fractions exceeding 150,000. Yet, sir, it was submitted to—so in 1800—again in 1810—and last, in 1820, with increased fractions at each period, but with the same acquiescence in the construction of President Washington, in 1792. Mr. President, if I could think this a debatable point originally, such an adjustment of it, followed by such confirmation, would prevail to quiet all scruples. I should feel bound to bow with respect to the weight of a precedent of such commanding authority. While I consider the present bill as far from adopting that just ratio which would relieve as much as practicable the heavy fractions upon the small States, yet I must, though with reluctance, vote against the amendment, because it is opposed, in my judgment, to the provisions of the constitution, as expounded in 1792, and since approved of.

As a general question of public policy, I can find some consolation in the suggestion of Mr. Hamilton, when he was urging the adoption of the great charter—that the large States can make no law for the smaller States, that will not be law for themselves. Sir, excepting in our electoral colleges, there is no national interest of agriculture, commerce, or manufactures, on which New York and Pennsylvania can give a vote, that is not as deeply important to them as to New Jersey. I feel this to be a security, as well as a consolation. At this crisis, sir, it is no matter for regret that these States stand forth as the sustaining pillars of the great system of domestic industry so vitally essential to the prosperity of New Jersey, and every other State, great or small.

The honorable Senator from Delaware complains that his State has been hardly dealt by, and I agree, sir, that he has good cause; but I fail to be convinced that Delaware has greatly suffered on this account. If right has been withheld, I am aware that it is no plea to justify wrong; but it is to my mind a grateful palliation that her feeble, numerical strength has, through her whole history, thrown her upon her moral and intellectual resources, and attracted to the public councils of the country from that small, but honored State, something vastly more powerful than mere numbers; something that exalted her to a niche as elevated, and an influence as commanding, as any—even the proudest of her sisters on this floor.

Mr. SPRAGUE and Mr. WEBSTER spoke briefly in reply to Mr. FRELINGHUYSEN.

Mr. MANGUM gave his reasons for his intended vote in favor of the motion to amend the amendment, and in favor

of a motion, should one be made, for recommitting the bill, for the purpose of modifying it so as to render it less unequal in its operation.

Mr. CLAYTON added some remarks in reply to Mr. FRELINGHUYSEN.

The question being then taken upon the motion of Mr. FORSYTH to strike out the clause of the amendment which provides for the representation of fractions, it was decided in the affirmative, as follows:

YEAS.—Messrs. Bibb, Brown, Dallas, Dudley, Ellis, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Kane, King, Marcy, Mangum, Poindexter, Robinson, Ruggles, Tazewell, Tipton, Tomlinson, Troup, Tyler, White, Wilkins.—24.

NAYS.—Messrs. Bell, Benton, Buckner, Chambers, Clayton, Dickerson, Ewing, Foot, Hayne, Holmes, Johnston, Knight, Miller, Moore, Naudain, Prentiss, Robbins, Seymour, Silsbee, Smith, Sprague, Waggaman, Webster.—23.

Mr. WEBSTER remarked, that the other portion of the amendment offered by him was no longer of any consequence, and he would withdraw it, or vote against its adoption. The amendment was rejected.

Mr. HILL moved to strike out 47,700 from the bill, and insert 44,000.

At the request of Mr. TAZEWELL, the motion was divided; and the question being taken on the motion to strike out, it was decided in the negative.

Mr. WEBSTER said he should now vote against the bill as a practical violation of the constitution.

The question being on ordering the bill to a third reading, it was decided in the affirmative by the following vote:

YEAS.—Messrs. Benton, Bibb, Brown, Dallas, Dudley, Ellis, Ewing, Forsyth, Grundy, Hayne, Hendricks, Kane, King, Knight, Mangum, Marcy, Moore, Poindexter, Robinson, Ruggles, Tazewell, Tipton, Tomlinson, Troup, Tyler, White, Wilkins.—27.

NAYS.—Messrs. Bell, Buckner, Chambers, Clayton, Dickerson, Foot, Frelinghuysen, Hill, Holmes, Johnston, Miller, Naudain, Prentiss, Robbins, Seymour, Silsbee, Smith, Sprague, Waggaman, Webster.—20.

Mr. Benton, on giving his vote in the affirmative, remarked that he was much dissatisfied with the provisions of the bill, but voted for it because it was necessary to pass it, even in this shape.

The Senate then adjourned.

TUESDAY, MARCH 13.

BANK OF THE UNITED STATES.

Mr. DALLAS, from the select committee appointed on the subject, reported a bill to renew the charter of the Bank of the United States for the term of fifteen years, to take effect subsequent to the expiration of the present charter in the year 1836; which was read, and ordered to a second reading.

The following resolution, submitted by Mr. ROBBINS yesterday, was taken up for consideration, viz.

Resolved, That the Secretary of the Senate be authorized to subscribe for sixty copies of the Legislative and Documentary History of the Bank of the United States, compiled by M. St. Clair Clarke and D. A. Hall, whereof one copy shall be distributed to each member of the Senate, one copy to the President and Secretary of the Senate, and the residue retained for the library of the Senate, provided, that the price of the work shall not exceed the sum of five dollars.

Mr. ROBBINS said that the resolution submitted in the House of Representatives, providing for the purchase, had been considered by the committee to which it was referred, and they had reported in its favor. The committee in the Senate were also of the opinion that the work should be furnished to the members of this body, as the

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information would be of great advantage in enabling them to come to a decision on the question of rechartering the bank. He therefore hoped there would be no objection to the passage of the resolution.

Mr. HILL, of New Hampshire, said: The proposition is to procure sixty copies of a book relative to the Bank of the United States, of which each one of us is to have a copy. It may not become me to oppose such a proposition—it may be considered obtrusive in a new member to do it. Our tables have been loaded (and the burden continues almost daily to accumulate) with documents in behalf of the Bank of the United States. The printing on that subject alone, during the present session, probably amounts to some thousands of pages; and as yet we have had but a foretaste of what is to follow. Numerous petitions from the several local banks are here presented, with an array of such names as may be gathered in behalf of any subject whatever, in the purlieus of our cities. A few days since I found before me an elaborate printed argument in favor of the bank from the directors of a country bank in New Hampshire, which bank, I am confident, could have no other motive than fear to induce it to make such a request. Is it not a fact that most of the local banks, in several States, have been imperiously required to prefer petitions for the renewal of the charter of the Bank of the United States? Has not the President of the mammoth monopoly told Congress that he had it in his power to close the doors of the local banks? What can they do but petition when they are required to petition? Can it be supposed that these local banks, which are liable to State taxation, and which are taxed by the States, will voluntarily ask Congress to place a rival establishment among them, having the Government deposits at all times in its hands, with which to wrong and oppress them, and exempt from every species of State taxation? No man of sense will believe it. If an humble individual, having an honest claim on the Government, would lay the merits of that claim before Congress, he is obliged to pay the expense of printing himself; but every possible argument, whether founded on fact or fallacy, that can be presented in favor of perpetuating a monstrous monopoly—a monopoly that has the means of corruption in its own hands, and may apply them if it will—must be printed at the public expense! I venture to say that a majority of the members have been unable to read one half of what has already been ordered to be printed in relation to the bank. They cannot read it, and attend properly to the other public business. It is now proposed to furnish an additional volume of some eight hundred pages—a very pretty volume, gilt, and bound in calf, perhaps to decorate the libraries of gentlemen, when they shall return home, after the bank bill shall have been passed: for that must be passed (so say its friends) during the present session. I am satisfied with the information that is daily developed in relation to this bank, without making an additional charge on the public treasury for the purchase of this book. I want to know no more of its history than to know that this institution can control the whole currency of the country—that it can, at pleasure, raise and depress prices—that it can make money plenty or scarce—that it is the source of action and reaction on business—that it can force speculation by liberal issues, either of bank bills or illegal orders, and produce consternation and ruin, either by omitting discounts or calling in its debts. The charge for printing, in relation to this bank, during the present session, on the treasury, will be several thousand dollars; and the mass of printing, as well as of original papers and documents as of those heretofore presented and printed, appears to be enormous. In addition to the ordinary printing, thirty thousand dollars were expended on the diplomatic correspondence—some one or two hundred thousand dollars are expending in reprinting the old documents of Congress; and other projects are on foot, the printing of which may involve the expenditure of half

a million of dollars. The members of Congress will undoubtedly be credited for great liberality by the gentlemen printers who are favored with the munificent contracts; but would it not be quite as much to the credit of our disinterested liberality if we furnished our libraries at our own expense, as if we do it at the expense of the public treasury? A Senator from Maine said, the other day, that "this Senate was constituted as a bulwark against the popular will." I hope to see the time arrive when this body, and all other bodies in this Government, who take part either in enacting or executing the laws, shall be amenable only to an enlightened and virtuous popular will. I do not believe that an intelligent people will countenance the principle of the public servants converting the public property to their own future use while engaged temporarily in the public service; and, for the purpose of contesting this principle, I move that the resolution be laid upon the table.

Mr. FRELINGHUYSEN said, the Committee on the Library had been induced, by public considerations, to offer the resolution, not imagining that they would elicit by it a philippic against the bank. The book contained valuable information against the bank, and in favor of it; all the arguments ever used against it by its opponents were here to be found. All the debates and decisions had in reference to the bank, for the last thirty years, were contained in this volume. It was true that our tables were laden with papers respecting this institution; but were they from its friends or its opponents? From day to day we have had resolutions, and answers to resolutions, laid on our tables at the wish of those who were opposed to the bank. At this stage of the business, when the bill for rechartering the bank has been reported, and is about to come before us for discussion and decision, what is so opposite, what so proper, what so necessary, as to place before the Senate the information furnished by this book? He would not step aside from the question to defend the bank. It had been called a monopoly. What did it monopolize? Nothing but the public confidence. It had brought a spurious currency into a sound currency, and, thereby, it was the poor man's friend. If he sought popularity, if he could stoop to the dunghill for praise, he would vote in favor of the bank, as the poor man's friend. Nothing but this bank stood between the poor, honest, and industrious citizen, and the dealers in spurious local currency, by which the poor were defrauded of a large portion of their hard earnings. The other day, the Senator from New Hampshire had voted, without compunction or dispute, for a resolution for printing a report of the British House of Commons on alum salt—a subject of much less importance than that which was to cost one thousand nine hundred dollars. The sum which this resolution appropriated was not over three hundred dollars. He loved the people, but would not stoop to flatter them. Popularity or no popularity, he would support such measures as this. He was not afraid that his constituents should know that he voted public money to purchase books for his private use—books to acquaint him with information which, in his public station, he required.

Mr. BENTON had not intended, he said, to say a word in relation to this question, nor should he now rise to speak upon it, but for what had fallen from the Senator from New Jersey. That gentleman had gone from the resolution to the bank, and from the bank he had gone to statements respecting his resolution on alum salt, which were erroneous. Day by day, memorials were poured in upon us by command of the bank, all representing, in the same terms, the necessity of renewing its charter. These memorials, the tone of which, and the time of their presentation, showed their common origin, were daily ordered to be printed. These papers, forming a larger mass than we ever had on our tables before, and all singing, to the same tune, the praises of the bank, were ordered

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to be printed without hesitation. The report which he had moved to have printed for the benefit of the farmers, was struck at by the Senator of New Jersey. In the first place, the Senator was in error as to the cost of printing the report. He had stated it to be one thousand nine hundred dollars, whereas it was only one thousand one hundred dollars. A few days ago, two thousand copies of a report of the British House of Commons on the subject of railroads was ordered to be printed. Following the language of that resolution, he had moved the printing of another report of that body, which would interest a thousand of our citizens, where that report would interest one. There was not a farmer in America who would not deem it a treasure. It covered the whole saline kingdom; and those unacquainted with its nature had no more idea of it than a blind man had of the solar rays. It was of the highest value to the farmer and the grazier. It showed the mineral kingdom upon the animal kingdom; and its views were the results of the wisdom, the experience, and the first talents of Great Britain. The assertion of the Senator, that the bank aided in producing a sound currency, he would disprove by facts and dates. In 1817 the bank went into operation. In three or four years after, forty-four banks were chartered in Kentucky, and forty in Ohio, and the United States' Bank, so far from being able to put them down, was on the verge of bankruptcy. With the use of eight millions of public money, it was hardly able, from day to day, to sustain itself. Eleven millions of dollars, as he could demonstrate, the people had lost by maintaining the bank during this crisis. But for a wagon load of specie from the mint, as Mr. Cheves informs us, it would have become bankrupt. In addition to this, the use of Government deposits, to the extent of eight millions, was necessary to sustain it; and the country lost eleven millions by the diversion of those deposits to this purpose. Congress authorized the purchase of the thirteen millions of three per cents.—at that time, they could have been purchased at sixty-five cents, now they were at ninety-six per cent. This was one item of the amount lost, and the other was the interest on the stock from that time to the present, amounting to six millions more. It was shown by Mr. Cheves that the United States' Bank owed its existence to the local banks—to the indulgence and forbearance of the banks of Philadelphia and Boston, notwithstanding its receipt of the silver from Ohio and Kentucky, which drained that country, destroyed its local banks, and threw down the value of every description of its property. The United States' Bank currency was called by the Senator the poor man's friend. The orders on the branches—these drafts issued in Dan and made payable in Beersheba—had their origin with a Scotchman; and, when their character was discovered, they were stopped as oppressive to the poor; and this bank, which was cried up as the poor man's friend, issued those same orders, in paper so similar to that of the bank notes, that the people could not readily discern the difference between them. It was thought that the people might mistake the signature of the little cashier and the little president for the great cashier and the great president. The stockholders were foreigners, to a great extent—they were lords and ladies—reverend clergymen and military officers. The widows, in whose behalf our sympathy was required, were countless dowagers, and the Barings, some of whom owned more of the stock than was possessed in sixteen States of this Union. He would not go further into these things at present, and he was sorry that the attack made on his alum salt bill had made it necessary for him to say so much.

Mr. HILL, in reply to the Senator from New Jersey, said that the resolution for printing the report on the salt tax was no measure of his, and had passed the Senate without attracting any attention from him or from any one. If it was a crime to charge the bank with monopoly, he con-

fessed his criminality—but he could produce to the Senate the authority of high names in support of that, and other still harsher language, in regard to this institution. He begged the attention of the Senate to a report on the subject of the bank, made in the Senate in the year 1811.

[Mr. H. here read the report made to the Senate in 1811 by Mr. CLAY against renewing the charter of the Bank of the United States.]

Mr. HOLMES said the whole question is whether we shall purchase a document, furnishing us with much important information on this subject, at a reasonable price, or whether we should rely for information upon *ex parte* statements. The alarm was sounded that the bank was dangerous. There was, he believed, no great danger arising from the possession of its notes—not more, at all events, than from the possession of the money—all which had been denounced as the root of evil. He would not now enter into a discussion of the bank question. When the bill, this morning reported, came before us for discussion and final action, he should guide his course in regard to it by the instructions of his own understanding. His instructors at home needed instruction. Moreover, he believed that the instructions from the Maine Legislature were secondhand instructions. They went from this city to Maine, and are now returned. He was sorry that his neighbor from New Hampshire had seen fit to reply to the remark he had made upon another subject, in regard to the popular and federative will. He did say that the Senate was not the representative of the popular will, and, were it otherwise, the small States might be swallowed up by the popular will. In the convention, a member from Connecticut held it as a *sine qua non* that the small States should be equally represented with the large States in the Senate; and, if this principle were not admitted, he should, he declared, take his hat, make his bow, and leave the assembly. The time may come when the popular will may predominate—when the will of the people, as expressed in the other House, may overcome the will of the States as here represented, but that day will be the last of the constitution.

Mr. BIBB spoke in favor of the resolution. He had, he said, examined the work, and, in his opinion, it ought to be possessed by every member of Congress, and was worthy of a place in the Library. It was an impartial and full digest of the debates and decisions on the subject of the bank.

Mr. JOHNSTON said this debate was very irregular; but, as the gentleman from Missouri has deemed this a proper occasion for renewing a charge of a very serious nature against the Bank of the United States, he hoped the Senate would indulge him with a simple explanation.

Mr. J. said he understood, then, that the gentleman now stated that the Government had lost ten millions of dollars in sustaining the Bank of the United States.

This charge had been made at the close of the last session, under circumstances that precluded a reply: it had been printed and circulated, upon his authority, very extensively through the country.

The charge was founded upon the fact, that there were ten millions in the treasury during the year 1817, which might have been employed in purchasing the three per cents. at sixty-five in the hundred.

Now, said Mr. J., what had the bank to do with the money in the treasury, or the purchase of the stocks? The Government had appropriated ten millions to the sinking fund; they had placed this fund in the hands of the commissioners; and they had directed them to apply it to the payment of the public stocks, and had authorized them to buy, among the others, the three per cents. if they could be had at sixty-five.

The fair and reasonable presumption is, that that very able board, with the aid of the Secretary of the Treasury,

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executed this trust according to the best of their judgment, for the interest of the country.

It was not necessary for him to vindicate them; their high character will defend them against the imputation of having mismanaged the public funds committed to their care, or having the design to sustain the bank at the public expense. They did precisely what was proper and practicable to be done. They did purchase one million and a half of the three per cents. at sixty-five; but the price rose, and they could buy no more; and that is an answer to the whole charge.

There were nominally in the bank, at the credit of the Government, ten millions during the year 1817. But what were they? Transfers of the deposits in the banks of the several States! Could they be rendered immediately available? Could discounts have been made upon such capital?

But it was not until March of that year that Congress passed the act appropriating ten millions annually to the payment of the public debt, which fund was placed in the hands of the Vice President, the Chief Justice, the Secretary of State, and others, to be by them applied to that object. They directed, at the proper time, how and when the payments should be made, and the bank paid their warrants on demand. If the money remained in bank during that year, it was an affair of the Government; it may have resulted from a defect of the law, but it cannot attach any blame to the commissioners, either for the want of attention or judgment in discharging this duty. But what had the bank to do with it, except to pay the money when ordered?

But the commissioners applied this money to the purchase of stocks bearing six per cent. instead of buying the three per cents. at sixty-five, by which operation the gentleman says Government has lost ten millions of dollars.

Mr. J. said he should like to know by what curious process of calculation such a result could be obtained.

It must be apparent that, if the fact is true that the Government have lost ten millions by not purchasing the three per cents., the holders of the stock have saved it by not selling, or, rather, they would have lost it if they had sold.

Now, it is not reasonable that those sagacious men who deal in stocks would have sold thirteen millions of stock upon such terms as to lose ten millions in fifteen years. It is, moreover, not to be presumed that the intelligent men who manage the public funds, did not know the difference between three per cents. at sixty-five, and the other stocks in the market. Nor can it be imagined that the stockholders did not know their interest too well to sell at any such sacrifice. But the gentleman has miscalculated the difference, and committed an extraordinary error. The actual difference between having purchased the three per cents. at sixty-five, and buying now at ninety-five, is only \$2,186,250. But this is enough to show, to any man conversant with stocks, that the Government could never have made such an advantage by purchasing stock. Why did the Government direct the purchase at the limited price of sixty-five? It was because that was more advantageous than to buy six per cents., and it was because three per cents. at sixty-five, were worth more than six per cents. that no one would sell them for that sum, and they rose as high or higher than other stocks in the market.

The three per cents. amounting to,	-	\$13,250,000
Interest, three per cent. fifteen years,	-	5,962,500

		19,212,500
To be purchased now at ninety-five,	-	662,500

\$18,550,000

These stocks, at sixty-five, would have been bought at	-	\$8,612,500
Which, at six per cent., for fifteen years,	-	7,751,250

Makes,	-	16,363,750
Difference,	-	2,186,250

\$18,550,000

But, said Mr. J., the gentleman arrives at his conclusion by this summary process. If the three per cents. had been bought at sixty-five, there would have been a reduction of capital of four millions, and six millions have been paid in interest upon the three per cents., making ten millions—a very short and convenient calculation; but he has entirely forgotten that the money was employed in extinguishing a debt bearing six per cent., and for which, amounting to near eight millions, he has totally omitted to give credit.

But, said Mr. J., the point of the charge does not lie here. The charge is, that the Government lost ten millions in sustaining the bank.

Now it is most obvious that the bank was the mere depository of the money; that it had nothing to do with the purchasing of stocks; that it paid the money as demanded; that the commissioners could not purchase the three per cents. at sixty-five; that they purchased what was most advantageous to the Government; that two millions only, and not ten, would have been saved if this stock could have been purchased at the price limited; that this two millions would have been lost by the holders, if they had taken that price; that the Government had no right to expect her citizens would take less than the value of their stocks.

But how was the bank sustained?

The bank went into operation the 1st January, 1817. It had thirty-five millions of capital, besides individual deposits. It was impossible, during the first year, to employ its own capital. It must be apparent it did not and could not employ the Government deposits. But suppose it could, at the rate of six per cent. The sinking fund act passed near the end of the first quarter of 1817. The money remained in hand for three quarters of that year, which would have amounted to \$450,000; but one-fifth of that belonged to the Government, which reduces the amount to \$360,000. But, then, as they had to pay it out on the 1st January, they could not employ it during the last sixty days.

In this manner it is made to appear that the Government has lost ten millions of dollars in sustaining the bank, while it is clear the bank had not the capacity of employing its own capital so soon after it went into operation.

Mr. J. said that he had asked the indulgence of the Senate merely to set this matter right.

Mr. BENTON rose in reply to the gentleman from Louisiana, [Mr. JOHNSON,] and, to avoid all chance for error, would have recourse to official statements. He had, at an early period of the session, called for information from the Treasury Department, on all the points necessary to understand the nature of this loss of nearly eleven millions of dollars for not paying the three per cent. stock in 1817, according to the authority in the sinking fund act of that year. He had called for the price of the stock, and the answer to that call (page three of the document he held in his hand) showed it to be from sixty-three and three-fourths to sixty-four cents in the dollar. He had called for the amount of public money in the hands of that bank, at the end of each month to the end of the year, (1817,) and it was shown to average about ten millions, being in July as high as sixteen millions, (lacking a fraction,) and about seven and a half millions at the end of the year. He had called for the amount of stock when

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a sinking fund act was passed, (March 3, 1817,) and it is shown to be a fraction over sixteen millions. He had lled for the amount purchased under that act, and it was own to be a fraction less than three millions. He had call for the amount of interest paid since on the three per cent stocks, and it was shown to be a fraction over six millions of dollars. He had called for the present price of this stock, and it was shown to be about ninety-six cents the dollar. Upon these data he had bottomed his estimate of a loss of near eleven millions of dollars to the United States for not purchasing it in 1817, and the fact is clearly made out. The stock had risen one-third, and had added upwards of four millions to it; we had paid over six millions of interest; and the two sums made near eleven millions of dollars. The stock might have been bought for about eight millions in 1817, and so prevented the increase and saved the interest; but the money was in bank, and she had the benefit of it without paying any interest. Mr. Cheves, in his report to the stockholders in 1819, says, the bank had the benefit of upwards of eight millions of public deposits: and the list of balances, in the hands of the bank, proves the same thing.

The gentleman from Louisiana says, the United States saved two millions by purchasing six per cents. instead of three per cents.; and here lies the cardinal error of that gentleman. He supposes all the money was taken out of bank to pay the six per cents., when the fact is proved that it was not taken out for that or any other purpose; it remained in bank, to an amount of average of ten millions, the whole year, and the bank had the use of it without interest. Mr. B. had nothing to say against men. He was not trying to blame this or that man; he was going against an institution which was in its nature too powerful for the Government. He was friendly to Mr. Crawford and Mr. Cheves; but it is incontestable that the United States had lost eleven millions of dollars by favoring the bank with the gratuitous use of the public deposits in the year 1817. The bank was now doing business upon the deposits and the credit of the United States. She had eight millions of deposits in the name of the treasurer, and near two millions in the name of public officers, and but seven millions of specie, and twenty-two hundred dollars of funded debt. Her capital could only consist of specie and funded debt. So said the charter. She had not capital enough to pay the public deposits, and had about eight millions of private deposits, besides an issue of nearly forty-one millions of notes, as they were called. It is evident she was doing business upon the credit and revenues of the United States. And who were those favored people, who thus had the public money and the name of the United States to bank upon gratuitously? They were, in a great part, foreigners! Lords and ladies of Great Britain; knights and barons; military and naval officers; reverend clergymen and country squires: they held eight and a half millions in their own name, besides what was in the names of their trustees. The name of the bank was a misnomer. It was essentially a British institution! And what was striking was, that these English people made no compensation for the use of the people's money in their bank here, while they had to make a large compensation to the British Government for the use of the Government deposits there.

And what was still more curious was, that a member of the British Parliament, who issued orders from his country bank in England in 1826, and had them suppressed there, is now doing the same thing in the United States, and we cannot suppress them here! Mr. B. said it would be amusing, if it was not distressing, to see the people in the West call for more capital to their branch banks. He said that the printed returns lying on (or under) every Senator's table would show that not a cent of capital was ever sent to Mobile, Natchez, or St. Louis; but he was certain these branches were about as well off in that par-

ticular as others to whose name a million is assigned. It was all moonshine! They had as well have a vial of moonshine lying under the steps of the bank, as this statement of a million in the vaults. The capital could be nothing but coin or funded debt. The charter fixed that. She had but seven millions of coin in the whole, and that was due, and doubly due, and nearly three times due, to depositors. She had but twenty-two hundred dollars of funded debt; which was nothing in so large a concern. She had little to go upon but the credit and revenues of the United States. Foreigners enjoy this credit and these revenues. They wear the name of the United States. They blazon it in huge letters on their bank notes, and on the orders which were intended to be palmed upon the ignoramuses of the West for real bank notes. The correspondence of the president of the bank with Mr. Rush shows that these orders were intended to be passed for notes.

They were to have the same marks, and figures, and devices, and edgings, and general appearance, and to be signed by a little president as well as a little cashier, who the people might think were the president and cashier intended in the charter. And they got these "substitutes for notes" received in payment of public dues, though the present Secretary, in his report to the Senate, shows us that he has no official information that they are received.

Mr. JOHNSTON, in reply to Mr. BAXTER, said, the gentleman has entirely forgotten the point he rose to explain. The charge was, that the bank had been sustained by a loss of ten millions to the Government. The point of the charge is the loss to the Government. It was my object merely to explain away that error; but not in this irregular way to be drawn into a discussion of the whole affairs of the bank. I looked with some interest for the facts and reasons upon which he maintained this extraordinary proposition. The gentleman has merely reiterated the charge, and has contented himself with showing from the tables that ten millions were in bank, unemployed, in 1817. That is not the question. The point in issue is, has the Government lost any thing? Could the commissioners have employed the money differently or more advantageously? Could they have purchased the three per cents. at sixty-five, and did not? and if they had purchased, would that have made a difference of ten millions? And was this loss incurred with a view to sustain a bank just going into operation? and had it that effect? These are the points necessary to maintain this serious charge, and which I thought the gentleman had risen to make good.

The gentleman says it was not his intention to impugn the conduct of the commissioners of the sinking fund; but the conclusion is irresistible. The money was placed in their hands to pay the public debt; if they have so managed the fund as to lose ten millions to the Government, it would evince the grossest mismanagement; and if with a view to support the credit of the bank, it would become a charge of a more serious character. But the fund has been ably administered; and there is no just ground of censure or complaint any where. They have regularly applied the money to the purchase of the stocks bearing the highest interest, and which were most advantageous to the Government.

I have shown that the difference between three per cents. at sixty-five, in 1817, and at ninety-five now, is little more than two millions. But the advantage of buying at sixty-five is a mere question of time. If they were to be redeemed in fifteen years, they were worth more than sixty-five; but in twenty-five years they were worth comparatively, with the other stocks, less than sixty-five. It was therefore a mere matter of speculation, then, whether the Government would redeem the three per cents. at par, in fifteen, or twenty, or twenty-five years. The holders, believing the stock would be redeemed, in all

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probability, in fifteen or sixteen years, refused, of course, to take sixty-five, and the result will justify the calculation. They were just as able to estimate all the probabilities, and all the advantages, as the Government. The value of these three per cents. now depends on the will of the Government—they are not demandable. The Government may postpone the payment indefinitely; and does not the gentleman perceive, if the payment is deferred only six years, the effect will be the same as if they had been purchased, in 1817, at sixty-five; and, if to ten years, we shall have done better than to have bought at that time; and that, by prolonging the payment, the Government will gain, every year, the difference between three per cent. and the interest which she now receives from the bank; that is, seven per cent.? That is, in other words, the seven millions of stock in the bank will pay the interest on the thirteen millions of three per cents. forever. The administration is now urging us on to pay this debt, at this sacrifice of six millions of dollars. The loss which will arise from paying the three per cents., will be three times as great as any loss that might have arisen from not purchasing the three per cents at sixty-five.

But the gentleman says there were ten millions in bank in 1817. That is true; it was deposited there, and paid out when called for. This charge, at most, could only amount to the interest that year. But then, in order to make good the charge, it must appear that they employed the money. But it was the first year of their operations, and they could not put in activity, in so short a period, all their capital. It will be seen that, during the year 1817, they had much less in circulation; so that it must be apparent they derived no benefit, and were not sustained by the Government.

It will also appear, that, during the year 1819, the period of the greatest distress, almost all the funds were withdrawn, there being little more than half a million. In 1820, it amounted to near a million, but, in the year following, it was overdrawn as much. In 1822, it did not exceed a million and a half. In 1823, and part of 1824, five millions remained in bank, because there was no application of the money by the commissioners, in consequence, probably, of there being no debt redeemable, and no authority to purchase; but, in the last quarter, there was half a million overdrawn.

But, admitting the whole fact, to what does it amount? That the United States Bank received twenty-four or twenty-five millions a year in deposit for the Government, and pay it over, upon the warrant of the treasurer, to meet appropriations by Congress, and that the Government have in general an average balance of three millions in bank in advance.

Now, every dollar of this whole revenue is appropriated in anticipation; and every dollar of this three millions is appropriated, and is no longer the property of the Government. It waits to be called for by those who have claims upon it, and have a right to demand it. But it must be obvious that all individuals, in the military, naval, and civil service, in different parts of the United States, and in the Mediterranean and Pacific, cannot close their accounts, and draw the money during the precise year; it must require six weeks, or two months, to draw out all the appropriations of the preceding year.

But the money is applied but twice a year to the public debt, and it must, in the interval, accumulate.

This sum of three millions is not more than the revenue of six weeks, and the Government have not had, on an average, for twelve years, more than six weeks' receipts in the hands of its agent to meet all demands; and this sum has been at all times appropriated, and not properly the fund of the Government. But if this operation was performed by the treasury or State banks, it would be necessary to have, at all times, a certain fund on hand to meet engagements.

It is now urged, as matter of complaint, that the bank has the use of this sum without interest, which would amount to \$150,000; a sum too inconsiderable to be the subject of so much complaint.

But does the bank perform no duties, and render no services to the Government? Does it not receive and pay out, at various places, during each year, twenty-five millions of dollars? Is the labor, and responsibility, and expense of this, no equivalent?

The gentleman now varies the attack, and the charge now is, that the bank has no resources, or, as has been said in another place, "cannot pay its debts."

Sir, here is a bank that has forty-nine millions of notes falling due in sixty days, and sixteen millions of bills falling due on an average of ninety days, with seven millions of specie, and two millions of notes of other banks, besides real estate, with eight millions of regular individual deposits, besides those of the Government, which, it is now said, has not the means of paying its debts, and which amount to only twenty-one millions, independent of the deposits; that is, the bank has sixty-five millions of paper falling due, and seven millions of specie, and two millions of bank notes, and has less than twenty-one millions in circulation.

Is it possible that any man who understands the principles of banking can suppose such an institution unsafe, either for the stockholders or the people of the country? The Bank of England, with a capital of fourteen millions of pounds, issues twenty millions, while that of France, with ninety millions of francs, issues two hundred and thirty millions; the Bank of the United States has less than two-thirds of hers in circulation.

The country may well trust its administration to the experienced men who have been chosen to direct it. The bank could not fail, without the loss of thirty-five millions to the stockholders; and what motive or interest can there be to endanger, in the slightest degree, the safety of the institution? The bank has been in easy, and regular, and safe operation for ten years; it discloses its business every month; there are five directors on the part of the Government: it enjoys the highest confidence every where, and is, in fact, in most successful operation.

But the gentleman says the bank has no capital. There is but two thousand two hundred dollars of funded debt, and why? Because the bank has permitted the Government to redeem its stock. How can the bank have funded debt, when the Government is paying it off, and it is ceasing to exist? It is but three years since the bank held sixteen millions, but the Government has extinguished it.

But the charge is seriously made, that the bank has but seven millions of its capital in its vaults. Does the gentleman suppose the bank is to lock up its capital in specie? That this institution is to withdraw from circulation thirty-five millions of specie; for the public funds will now cease to be capital. What would the bank operate upon? She could not have in circulation notes to an amount greater than her capital; and what advantage could she derive from an issue equal to her capital, if she retained her capital?

The bank formerly held a large amount of funded debt. That has been paid off, and was replaced in bank by specie. What must the bank do with it? Lock up so large a portion of the circulating medium of the country? Then we should hear of embarrassment and derangement, of the withdrawal of specie, and of inundating the country with bank notes. But now the argument is turned in the other direction. The bank has been too liberal. It has put in activity its own capital, and increased its circulation. It has extended its accommodation, and given facility to commercial operations, it is said, to the extent of twenty millions.

The whole of this arises from the imperfect knowledge of the subject. The bank held the funded debt of the

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Government to the amount of sixteen millions, which has been changed into money, and has, besides, received seven millions from the Government in payment for its own stock, making twenty-three millions. What was to be done with this part of the capital? Let it lie idle and unproductive in the vaults? It more wisely determined to put the funds in circulation. But, instead of having the effect of inducing over-dealing, it has had the effect to relieve the country from its necessary consequences: in the place of curtailing its operations, when the pressure was felt, as the local and limited banks are compelled to do, it extended its accommodation, met the crisis, and gave relief. The gentleman from Missouri has also charged that the bank has forty millions of paper, as well as its capital, in circulation. This is an error. I cannot be mistaken, when I repeat, as I do, with perfect confidence, that the paper in circulation is not more than twenty-one millions. It is necessary to distinguish between the paper issued, which I believe does amount to forty millions, and the amount put into circulation. The amount retained on hand, deducted from forty millions, gives the circulation, or the amount for which the bank is indebted, which is about twenty-one millions.

Another objection is now taken to the foreign stockholders, and an attempt is made, by parading their names and titles, to produce some personal prejudice. They are persons of rank, entitled, from their character and condition in life, to our respect here. They are holders of stock, because the necessities of the country, and the policy of our laws, gave them the privilege. The country was exhausted by the war; there existed a great scarcity of the precious metals. It was the interest of the country to draw foreign capital, or to induce investments in this bank, as the other public stocks were paid off.

This was rendered the more necessary, as the whole monetary system, in a very short period, underwent an entire revolution, and the paper circulation was reduced near sixty millions; and it must be borne in mind that, in reducing the specie circulation to fifty millions, three to four millions were annually paid to foreign holders of public stock.

The investment of foreigners evinces the universal confidence in the stability of this institution.

This question may properly arise under the bill for re-chartering the bank. It is certainly of much less consequence now than formerly; but there are considerations now that ought to be duly weighed. Foreigners now hold about ten millions of the public debt, which it is proposed to pay off in the course of a year. This sum displaced, cannot fail more or less to disturb the circulation. The country now feels the effect of this drain, produced as much by paying off stocks held by foreigners, as by over-impetration.

The gentleman objects that the Bank of the United States may exert great political power and corrupt influence. Money is power, certainly, whether in the hands of individuals, of local banks, or in the Bank of the United States. The concentration of a large sum, under the direction of men having little to do with elections, or with political parties, under the general superintendence of five directors, appointed by the Government, divided into twenty-four States, under separate boards of directors, chosen among the most respectable persons of different political principles, acting under public instructions, cannot become a political engine, and will exert less influence than in the hands of individuals. The object of the stockholders is profit, not power. They have the highest motives not to interfere, and not to excite prejudice against them.

No such argument or inference can be drawn from what has hitherto occurred. They have acted upon general principles, and have not permitted even the officers of the Government to dictate to them, and they have resisted

the improper interference of Government. They have deserved the public confidence as much by their independence as by the just and liberal administration of their affairs. There is as little danger of their becoming a tool of power, as a tool of party.

I trust a suitable occasion will occur to reply to all the charges that have been put forth; they are all susceptible of as clear and satisfactory explanation as those he has set forth to-day.

Mr. SMITH, of Maryland, said, he seldom took part in discussions in which there was no particular object—the vote on which concluded nothing; but as the day was nearly spent, and nothing else would probably be taken up, he asked leave to submit a few observations.

The motion now before the Senate, said he, is, whether the Senate will authorize the purchase of sixty volumes of a work which I consider highly useful to a correct understanding of the affairs of the Bank of the United States; which work contains every document which has been heretofore presented, and every speech which has been delivered on the subject of this institution, and on this question. The whole subject of the renewal of the charter of the bank has been indulged in. And what will the vote on this question show? That the Senate has, or has not, agreed to purchase the books. Of course, then, the vote on this question will show nothing whatever relative to the bank itself; and thus do we waste the time which ought to be devoted to the essential business of the session.

The Senator from New Hampshire [Mr. HILL] came prepared with a speech on this subject, and, after its delivery, moved to lay the resolution for the purchase of the books upon the table, and called for the yeas and nays, thus concluding debate. In some way or other, (and contrary, in my opinion, to order,) the debate has been continued; and now, by unanimous consent, it has been permitted to proceed.

I ought, perhaps, Mr. President, to entertain some doubts whether I am at all acquainted with the subject of banking, differing, as I do, with the Senator from Missouri, [Mr. BENTON,] who has been making it his particular study, and who, after laborious investigation, has brought forth opinions so directly opposite to my ideas of banking. At the last session of Congress, that Senator presented a resolution in relation to the bank, and accompanied it with a speech of great length, which speech was circulated in pamphlet form from Maine to Louisiana. It met here with no reply from any Senator. It therefore had a fair chance to inform the public mind on the particular side of the question which it represented. And what has been the result? Why, that the bank, it appears, has become more popular than even its friends had believed; and why? Because the charges contained in the speech induced men to inquire into them; and the more general this inquiry was, so in proportion was the public satisfied that the bank was eminently beneficial to the nation—to the treasury—to the people, and, in fact, that the Government could not conduct its business with promptitude and with safety, without the aid of a bank over which it could, at all times, exercise a salutary control.

The Senator [Mr. BENTON] has stated the issues of notes made by the bank to be forty-one millions of dollars: whether he is right or wrong in his statement, I know not. Now, Mr. President, Senators may believe that "issues" mean notes in circulation—not so; there is a wide difference between notes issued and notes in circulation. Notes issued mean simply notes which have been signed by the president and cashier. Whenever that duty has been performed, the amount of notes thus signed is always added to the amount of issues: but every one who is in the least degree acquainted with banking operations, knows that one-third or more of such notes are always in the bank or its branches, ready to meet any demand which may be made for bank notes; so that the Senator [Mr. JOHNSON]

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was probably right when he said that the notes in circulation did not exceed twenty-one millions of dollars.

The Senator [Mr. BENTON] complains of the deposits made in the bank by Government and others. The amount of the deposits is that on which the bank is to make its profit. If the bank discounted only on the amount of its capital, it could not give a fair dividend. A bank, after three years' operations, may find that the deposits amount, on an average, to one-third of its capital stock: the bank, therefore, has a right to consider these deposits as a fund on which it may safely calculate, and, as a matter of course, the business of the bank in relation to discounts is arranged accordingly, by considering these deposits in the same light as capital. Hence arises a profit, of which all banks of discount and deposit avail themselves. Merchants, capitalists, and others, deposit their money in the bank, because they consider it safer while in the vault of the bank, than in their own iron chests. The Government makes its deposits in the bank, because it is safer than in a strong box at the treasury. The money necessary for the expenditures of the Government can be drawn from the bank as occasion may require, and this, too, without any risk, or the possibility of loss. Can this be said of any other mode of securing the public funds? The Senator [Mr. BENTON] says, that, from the Government deposits in the bank, the bank derives an advantage—granted; and so it does from individual deposits to a greater amount. Does the Government, or do individuals, sustain an injury thereby? Suppose there was no United States' Bank, the Government deposits would necessarily be made in some of the State banks, and these State banks would enjoy all the profits of which the Senator complains—in which profit the Government could not participate; and in the management of its funds, while in deposit in these State banks, the Government could exercise no control. At the present moment, the Government enjoys one-fifth of the gain, arising not only from its own deposits, but from those of individuals; and the public funds are perfectly safe, ready at all times when required, and at any part of the Union. These advantages are enjoyed by the Government without any expense, or any loss by inland exchange. Can these things be said of State banks? Suppose there were no banks of any kind, then the amount which has been mentioned must be kept in a strong box at the treasury, there locked up, and excluded from the necessary circulation, to the great injury of the whole nation. Such an arrangement would be attended with no beneficial effect whatever. Such, indeed, we know, was the course pursued by the ancient despotic Governments, against which every man of common sense, all economists, and all history, has protested, as ruinous, and destructive of the interest of the people. Would the Senator wish us, in our financial affairs, to return to the age of barbarism?

The Senator [Mr. BENTON] has told us that foreigners, English noblemen, dowagers, &c., own of the stock of the Bank of the United States to the amount of eight millions of dollars; and this, he says, is a grievance. We have, Mr. President, an enterprising people, and they can and do manage, not only their own capital to advantage, but also that of foreigners, whenever they are permitted to do so. If foreigners speculate in our stocks, it gives us means, on which our citizens can operate to advantage. Foreigners can, under the charter, become stockholders in the Bank of the United States, but they can have no influence in directing the operations of the institution; they have no vote for directors. They feel an interest in the dividends only. Provided they receive good dividends, they care but little who manage the affairs of the institution. But the Senator [Mr. BENTON] thinks that these foreigners hold stock to the amount of four millions in trust to our own citizens, who can thereby vote. What an idea! Who is there that can for one

moment believe that any foreign gentleman, or any dowager, would vest in our citizens their property, merely for the purpose of enabling them to vote at the election of directors? Who is there that can believe that there is one foreigner who would betray such a want of common sense and common prudence, as to adopt such a course? Who is there, I ask, who believes that any foreigner, holding stock in the Bank of the United States, cares one farthing whether A B, C D, or E F, are directors of the bank? Bank stock of the United States, Pennsylvania stock, Ohio stock, Louisiana stock, and other American stocks, have been sent to England as a remittance, in the ordinary course of mercantile transactions, there sold, and bought by English subjects. Does the Senator [Mr. BENTON] wish to prevent such useful accommodation—such ordinary commercial operations, (attended, as they certainly are, with great mercantile advantages,) by representing as objectionable the holding of our stocks by foreigners? Our own citizens contract with Ohio, Pennsylvania, New York; and other States, to take large loans: do they do so with the view of permanently holding such stocks? Certainly not; but for the purpose of profit, by selling them at home, or sending them to England, where money is cheaper. All this hostility to foreigners holding our stocks is unwise, impolitic, injurious to our interests, and wholly at war with the views of gentlemen who aspire to the character of statesmen. I will ask the Senator [Mr. BENTON]—no, sir, I will ask his colleague [Mr. BRECKINRIDGE] the question, if Baring, Brothers, & Co. should establish a bank, with a capital of a million of dollars, on their private account, at St. Louis, whether the good people of that city would consider it a grievance; or whether they would not consider it a great advantage in thus introducing a million of hard dollars into their community. At the time the Senator [Mr. BENTON] was speaking, last year, in relation to the Bank of the United States, I was told by a gentleman from Missouri that his Senator [Mr. BENTON] was mistaken in his views relative to the bank; for that the branch bank at St. Louis had conducted its operations in a manner highly beneficial to the community. As an evidence of the truth of the remark, the city, he said, had, in consequence, greatly increased in the number of its buildings and public improvements, and its commerce had become greatly extended.

The Senator [Mr. BENTON] concludes that the bank is insolvent, because it has not a sufficient amount of specie in its vaults to meet all the notes it has in circulation, and its other debts. No bank ever had, or ever can have, specie to this extent. Insolvency, in banking institutions, sometimes occurs; but these cases are where the soundness of the bank is questioned, and its ability to pay becomes a matter of public doubt. In such an event, men holding the notes of the bank, and fearing the loss of their money, make a run on the bank, which, unable to meet such unexpected demands, is crushed. Such has been the fate of many of the private bankers in Great Britain; and if the Senator [Mr. BENTON] could, by his speeches, induce the creditors of the bank to believe that their property was in danger, a run on the Bank of the United States might be injurious, but not fatal. I yield to that Senator the credit of having used his best exertions against the bank, but I feel assured that the people understand this subject as well as we do; and they rest fully satisfied with the knowledge that their property in the bank is secure, because they know that the affairs of the bank are managed with judgment, with prudence, and with a regard to the interests of all concerned. Public confidence sustains a bank, and not the amount of specie contained in its vaults. A person possessing a note of the Bank of the United States, does not ask whether the bank has a certain amount of specie in its vaults; he simply asks, is this note current for all purposes of money transactions?

The Senator [Mr. BENTON] has read a great deal on

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the subjects of banks and banking. He has introduced to us the Scotch banks. How are these banks sustained? They have never, since the period of their establishment, been called upon for more than ten thousand pounds sterling. Their security, and the public confidence in them, arises from the correct management of their affairs.

There is a constant action and reaction in money operations. In the year 1830, money was so plenty, that the highest interest in the money market was five per cent. Money, indeed, was, to my knowledge, offered at four per cent. A change took place in 1831. Owing to an excess of importations—to large sums being disposed of in roads and canals—in large manufacturing establishments, &c.; and, added to this, the stocks held by foreigners having been paid off by the Government, and there being no immediate means of profitable investment, exchange rose, from these circumstances, to an advance so great that it became profitable to remit specie; and an immense amount of specie has in consequence been exported. From whence was this specie, required for exportation, to be obtained? From the Bank of the United States and its branches. The bank must pay, and hence the necessity to draw specie from its several branches, and to call in the debts due by the State banks. This has caused great, but unavoidable injury. The State banks have been compelled, in consequence, to lessen their discounts. The Bank of the United States and its branches, with a view of aiding the merchants, have recently increased their discounts; a reaction has taken place, and exchange has fallen so low, that the exportation of specie is no longer profitable. This reaction is owing, in some degree, to the aid afforded to our commercial community by the Bank of the United States, and also to the large shipments of cotton, which has thrown bills on London into the market, and reduced the exchange.

Many think, Mr. President, and among the number is the Senator from Missouri, [Mr. BAXTON], that the bank derives great profit from the circulation of bank notes; and this, to a certain extent, is true. The issue of notes justifies the bank in the increase of its discounts. But if good paper for discount be not offered, beyond what the bank can act upon, equal to the amount of its capital and deposits, the issue of bank notes is of no use whatever. Such notes are an expense which may be repaid by the loss and destruction of notes. The issuing of bank notes is the only means by which a run on the bank may be made; and if none were issued, the dividends would be equally good, for the bank might with perfect safety discount to an amount as large as they now do. It is from the discounts that profit is made, and not from the issue of notes. This fact is easily shown. The Savings Bank of Baltimore is prohibited from issuing bank notes. The bank, therefore, discounts on deposits alone, and divides eight per cent., which is more than any other bank in the city has lately given, and yet the Savings Bank pays a small interest on the amount of the deposits. It is conducted on the principle of the Scotch banks.

Bank notes are a great convenience as a circulating medium, and are extremely useful to the people, but they are, in truth, dangerous to the institution which issues them. I am aware that this latter idea differs from the received opinion on the subject; yet I feel confident that it is substantially correct. Bank notes of any institution, which are in common circulation, may be readily collected, and to such an amount, that, on being presented to the bank for payment in specie, the bank may not be able to meet the sudden demand, and its credit will be thereby ruined. Public confidence in any bank, having been once lost, cannot easily be regained.

The Senator from Missouri [Mr. BAXTON] entertains great apprehensions from the influence that the bank may have in the elections. In fact, he seems to think the bank will control and govern the nation. This idea appears to

me altogether visionary. The bank knows its own interests better than to interfere in any manner with the elections. It well knows that the old bank lost its charter, partly by reason of its interference with the elections, and, in part, by its refusal to increase its capital; which increase of capital to thirty millions might have changed the directors, and thus have corrected the evil complained of. If I were disposed, Mr. President, to commence an electioneering campaign, I would desire no better aid than the people would give me, when they saw a moneyed institution take the field against me. I speak from experience. The branch of the old Bank of the United States in Baltimore opposed my election. The president, cashier, and directors, &c., paraded the streets at the head of a large body of federalists, passed my door by way of insult, refused discount to democrats, and turned out of office the only director of the bank who was a democrat. Their folly recoiled upon themselves. The people took offence at the conduct of the bank officers, as they always will do at any attempts, whether by the bank or any thing else, which interfere with the elective franchise. The result of this interference was my election by a majority of eight hundred votes. The present bank discountenances every interference of the kind by its officers; and, as an instance of the correctness of this remark, I may observe, that I have a copy of a letter, addressed by the president of the Bank of the United States to the president of one of the branches, reprehending such conduct, and informing him that the officers of the bank must abstain from all interference in elections, or retire from their offices—that they are bankers and not politicians.

The Senator [Mr. BAXTON] has charged that the Government lost ten millions of dollars by the public money having been permitted to lay in the bank for its support, without which the bank must have been ruined in 1817 or 1819. And how has the Senator proved this great loss? Thus: that the act of 1817 authorized the purchase of the three per cents. at sixty-five per cent.; at which price it might, he says, then have been purchased, and thus have saved the difference between sixty-five and ninety-six per cent., (the present price,) and that the ten millions in the bank might and ought then to have been applied to the purchase of the three per cents. I am not at present prepared to speak from documents, and am wholly unprepared for a discussion on this point. I can only say that there was a large amount of public money in the bank early in 1817, when the bank commenced its operations, which amount was of no use whatever to the bank, the capital of the bank, at the period referred to, having been more than sufficient for its business at the commencement of its operations. The large amount referred to made the average public deposit of that year appear very large, when, perhaps, the greatest part was applied, on the 1st of July of that year, to the purchase of the three per cents. and other stocks; for in that year an amount exceeding twenty-four millions of dollars had been paid for the purchase of the public debt. But the Senator said that there remained, at the end of that year, ten millions of dollars in the bank, a part of which we all know was applicable to the appropriations for the fourth quarter of that year, and the residue must have been applied to the payment of the public debt, on the 1st or 2d of January, 1818. The Bank of the United States was, I aver, under no embarrassment in the year 1817, and could have wanted no aid from Government. I must presume, also, that the bank did not receive any aid, although involved in some difficulty in 1819; for, if my recollection on the subject be correct, there was little of the public money left in the bank during that year, and not one-half of the two millions which the law directed should be reserved in the treasury to meet unforeseen engagements. So far from being able to protect the bank in 1819, Government was itself so straitened in its funds, as to be unable to pay its

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this year, towards the principal and interest of the debt, more than seven million seven hundred and three thousand nine hundred and twenty-six dollars, instead of the ten millions of dollars which the law directed to be annually paid. But, sir, if all that has been said is true, what fault has the bank committed? None that I can see. The bank answered every call made upon it by the commissioners of the sinking fund, and this was all that could be required of the bank. If there has been an error committed, it must have been made by the commissioners. They did not, the Senator says, purchase the three per cents. He [Mr. BENTON] says that they only purchased one and a half millions. I think, sir, that they purchased a larger amount. I have no doubt, however, that they bought from all who would sell; and not being able to get more, they faithfully applied the residue of the public money to the payment of the six per cents., which, in a pecuniary point of view, was a more advantageous purchase. I have no doubt that the commissioners purchased all the three per cents. that could be bought. No person (unless pressed for money) would sell his three per cent. stock. It was well known to the stockholders, that the Government must, at some time or other, pay them. The law which created this stock, (the three per cents.,) pledged the public domain for its payment at par; and when the revolutionary six per cents. were extinguished, some of the holders of the three per cents. applied by memorial for payment from the proceeds of the public lands. Their petition was not granted, but they well knew that the honor of the Government was pledged for its ultimate redemption. They relied on that pledge, and refused to sell their three per cent. stock. No censure, therefore, can attach to the commissioners of the sinking fund, and certainly none to the bank, in relation to this matter. The State of Maryland holds to the amount of three hundred and sixty-five thousand dollars of the three per cents. That State will not sell, and cares but little whether this stock is paid off or not. Paradoxical as it may appear, Maryland has borrowed money at five per cent., rather than part with her Government three per cents. This view of the subject being founded in fact, the charge of the loss of ten millions of dollars is utterly unfounded. The truth is, there was a saving to the public by the payment of the debt bearing an interest of six per cent., which has been shown by the Senator from Louisiana, [Mr. JOHNSON.]

Mr. BUCKNER, of Missouri, said: I do not precisely know what at this moment is the proper subject of discussion, whether it is the bank, or alum salt; but I suppose, as all have been glanced at by others, I may do so too; but my object in rising was more particularly to answer some remarks which fell from my honorable colleague on the subject of the bank. As for the book and alum salt, at present I will pass them over.

Sir, it was said by my colleague, [Mr. BENTON,] that the bank was insolvent, that she was not able to pay her deposits, much less she able to pay her bills, &c. Sir, such a charge as this, coming from a Senator in his place, is serious; and, if the statement be relied on, is calculated to do much good or harm, and ought never to be made upon slight authority, or carelessly. If the bank is insolvent, the people ought to know it, that they may save themselves from injury by it; if not, such attempts as this to disparage the currency, and injure the bank and the people by sinking the paper in their hands, are unwarrantable. Fair and manly opposition to any measure is justifiable, but on no account ought we ever to go beyond this.

Sir, what is the authority of that Senator for this remark? Mere hypothesis; and, if in that he is as much mistaken as in many other of his statements, there can be but little cause for alarm. Sir, on a former occasion, speaking of the importation of alum salt, he told us thirteen millions of bushels were imported into the United States

by way of New Orleans. Now, sir, it so happens that this is about the whole amount imported into the whole of the United States. Does it all come to New Orleans? And in his speech last summer, at St. Louis, on the subject of the bank checks, he boldly told the people that sixteen millions of dollars of that currency was in circulation, all of which was void, and not payable, &c. And a few days since, in his place, he told us that about thirty millions were in circulation, as if sixteen millions could not alarm the people, thirty should. And, sir, what does the report on our tables prove? Why, sir, that a little more than five millions of dollars are in circulation of that paper. Now, I repeat, if he is as much mistaken in his supposition about the solvency of the bank, as he is generally in other things, when he says she is insolvent, the certainty is that she must be in a very flourishing condition, and perfectly solvent.

He told us, in one of his several speeches on this subject, that the West was injured by the bank—that it drained the country of specie—that last June \$300,000 had been taken from St. Louis by the mother bank. Now he tells us not a dollar was ever put in that bank, thereby insinuating that said bank cannot pay her debts, and her notes are not valuable. Which of these inconsistent statements are we to take? The gentleman has certainly become confused with much thought on this irritating subject. Sir, there are some subjects upon which some people are more sensitive than others. If the Senator is much mistaken in plain matters of fact and law on the question, is it not fair to suppose him as much so in his theory and prophecy on the same subject? Does it show that his view of the whole subject cannot be greatly relied on? Sir, in truth, I have no doubt but that his whole view of this subject is a miscalculation, and, to me, is a bundle of confusion and error. In his speech last session on this floor, he said the Union, like France, should come to a hard money currency, but that he would vote for the substitute for this bank, as recommended by the President. Is there any similitude between hard money and that substitute? He now tells us the States ought to have this subject—they should have banks, sir, and thus come out the secret at last; he wants State banks. Sir, I thought that gentleman had enough of State banks—at least I am sure our State (Missouri) has entirely enough of that. Experience, it is said, is the mother of wisdom, and will that gentleman profit nothing by experience? He complains that this bank broke down the State banks, and thus oppresses the States. Not so is the fact, as I understand things; the bad management of those rotten establishments broke themselves down. What broke the State banks of Missouri, the St. Louis bank, and the bank of Missouri? That Senator is better informed on that subject than myself, and, if he chooses, can tell a tale to the Senate that will satisfy them on that subject. If the State banks are injured by this bank, tell me, sir, why is it that most of the solvent State banks are petitioning this body for a renewal of the charter? And why is it that those rotten establishments, and the friends of them, are now as perhaps best know the operations of them, are now found opposed to the Bank of the United States? Sir, will he come down plainly and tell us what he wants? One moment he is for a hard money currency, the next, is willing to vote for the substitute recommended by the President; then he urges the claim of the States to have banks; yet he is against all banks; says they are dangerous to liberty, create lords, and sustain noble foreigners. Sir, could not, and would not those very foreigners have a right to put their funds in State banks? and would not many of them put their funds in the State banks of New York if the United States' Bank is not rechartered? Is there, sir, any coincidence and fitness in this view of his plan, which ought to recommend his course to the people? On the contrary, is there not perfect dissimilitude and confusion in his whole view of this subject?

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In one speech he tells us it is dangerous to have a great moneyed monopoly in the country; that it will influence elections, and sap the freedom of the people; and in another he tells us the bank is insolvent. Sir, how can an insolvent bank be a moneyed monopoly, control the elections, and sap the freedom of the people? And, if it is a moneyed monopoly, it cannot be insolvent. Have not the Senator's remarks this incongruity? Will the people not see this matter in its true light? Can they be humbugged—can any one think so lightly of the people as to believe them capable of swallowing such a complication of jargon? Sir, any man who believes the American people can be induced by the influence of the bank, or any other means, to betray their liberty, makes a bad calculation on the disposition and noble nature of his countrymen. Tell me, sir, where an election has been carried by the influence of the bank; where the American people have sacrificed their freedom and independence from a love of gold or servility to wealth. Will a man, representing a Western State, say it happened in his State? If it is intended to apply that insinuation to Missouri, I repel it, sir, with that indignation I know the noble nature of my fellow-citizens would do were they personally present. Who, in Missouri, can be found that will admit that he voted to please the bank, or that ever will do so?

Permit me, Mr. President, here to take a short view of the honorable Senator's hard money notions, and his State bank system. First, of the hard money plan. Will it not be seen by the most humble-minded man in the nation, who has any knowledge of the policy of this people, that such a scheme will not do, either as it relates to the general interest of the nation, and especially the Western and South-western interest? I mean the new States in the latter remark. What would be the condition of this republic without commerce? It is commerce that enables the agriculturist to convert his produce into money, and it into real estate. What would be the condition of the farmer, if, after he had labored and amassed a large quantity of produce, he had no market for it? Sir, it would rot on his hands, and his incentive to industry, improvement, and enterprise of every sort would be lost; and idleness, neglect of his farm, and degeneracy of every kind would follow throughout the whole of this now prosperous and happy land; and no part would feel this calamity more deeply than the West, and, in a pre-eminent degree, the State I in part have the honor to represent, (Missouri,) and whose rights and interests I here defend, and ever will defend, whilst honored with her confidence; and when that shall be lost, I will retire, and sorrow over the misguided and ruinous policy of my country. Sir, the whole of this plan of opposition to the bank will, if adopted, injure materially the State of Missouri—it will retard emigration; it will ruin her commerce, her trade of all kinds; but more especially the fur trade, and the mineral trade, the sources of so much prosperity to us. How, if this bank is stopped, will the Eastern capitalists transmit specie across the mountains to be used in this trade? Sir, a hard money currency will not suit this trade. And will the people of that State be willing to sacrifice a trade that yields them so much profit now? Though the bank capitalists in Philadelphia and New York, and other cities, can transmit, and do transmit, large sums to be applied in that trade, to the great profit of the country, are the people willing to see their lead mines and iron mines, for which now they find a market for their produce, and where they can be employed as laborers, or hire their slaves for a fair price in cash?—are they willing now to see this trade lost, and lose all the benefits we now enjoy from it? But the Senator speaks of State banks. Sir, I will turn now to that proposition; experience will teach us something in this matter. We once had State banks in the Western country; and who that recollects that period of our affairs, that values it again? How many honest men were swindled

out of their property by those institutions? How great was the difference in the value of the paper of those State banks? How often did the people of Missouri, who moved from the Southern and Middle States, and especially Kentucky and the two Carolinas, have to sell the bank paper they brought with them at a large discount? Will not these things happen again by the establishment of State banks? Great inequality in the value of their paper will prevail; and as all Southern money must always be lowest in Missouri, every one who emigrates from the South will be compelled to pass his paper at a discount for every thing he buys after he comes to Missouri. Will not this be a great disadvantage to the emigration to our State? Eastern funds will always be highest in our market, because our merchants will want it to take to the East. But, sir, above all, there is another strong reason why we ought not to have State banks, and that is, that by so doing you throw the whole commerce of this nation into the power and control of a single city, (New York,) to the injury of every other in the nation. What city will be able to cope with New York or Albany? Sir, this bank has equalized, as near as can be, the whole currency of the country; it is a sound and valuable currency, receivable every where, even out of the limits of the United States, at par. And why shall we speculate on imaginary evils, or be frightened at the many hobgoblins and horrible pictures of anti-republicanism which too much ingenuity can invent? Has any of the many imagined injuries yet happened? Why, then, when the country is prospering, and the people content, shall we alarm them with imaginary evil, that may, yes, sir, that never will happen? Are the people of the West prepared to see steamboat navigation through their countries destroyed, which to them is a source of wealth and convenience? Without funds no branch of business can flourish. Yet, sir, there is another reason why this bank ought not now to be stopped, as far as Western interests are consulted, which is this, that now it affords us the means with which to improve our condition; the people are greatly supplied by the bank, and a great sum is due to the bank. Now, sir, if, instead of being supplied with twenty millions of dollars, we have this suddenly withdrawn, and, besides, are called on to pay this amount to the bank, which we owe her, how great will be the reverse of our condition then from the present? What will the people say, sir, then? The man who now believes this opposition to be the high road to fame and popularity, will find it to be a millstone that will grind him to powder. The people will ask, who has done the mischief? Sir, how can the bank exercise an influence over the people? Such a thing is impossible. The strength of the republic, and the purity of its principles, abide with the farmers, with the agriculturists. And, sir, what have we to do with your bank? If all the farmers would follow my example, (and I presume many do,) the bank would never have an influence over them. I never borrowed a dollar out of any bank in all my life; I have no stock in one; and yet, sir, I am benefited by this bank; and so are we all in the Western country. No farmer who knows how to manage his own affairs will ever go to the bank to borrow money; but, sir, it is the trader who goes there; he gets the money on his responsibility, and he gives it to the farmer and to the laborer for their labor and produce. Thus we get the money for our produce, and at a fair price, too, whilst another stands between us and the bank. How, then, can that bank influence the farmer, who owes it nothing? But, sir, if the trader had not the money to give, he could not purchase the produce of the farmer; and, by destroying the bank, you take the means from the trader, and lessen, of course, the value of the produce of the farmer. This is as clear as that two and two make four, and the farmer understands it too. In speaking the other day, the Senator said, in reference to these bank checks, that they had been sent among the

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ignorant. They had been sent to the West; the Old Dominion, the seat of intelligence, where sharp lawyers were supposed to reside, had been spared this issue. Sir, I take no exception to the compliment paid to the good Old Dominion. I love her with as much reverence as does that gentleman. But, sir, on this remark he has committed two great errors. First. He will find, after a little reflection, that a great quantity of this currency has been sent to the Old Dominion; and, sir, unless the sending him and myself here to represent a Western State is taken as a specimen of ignorance, I cannot think as much ignorance prevails in the West as he contemplates. There are some sharp lawyers, too, in Missouri, who are not Senators though. Yes, sir, there is one from whom it would be no disparagement to the honorable Senator himself to say, I had hoped, by the able argument that gentleman set before the country on this very subject, the Senator himself might have learned much. I allude to the speech of H. S. Geyer on the bank checks, in reply to a legal opinion given to the people of Missouri by my colleague last fall at St. Louis. I invite public attention to this argument of Mr. Geyer, and aver it to be a perfect refutation of all the honorable Senator's views on that subject. Sir, the honorable Senator has derided these checks and the bank. I propose to take a little notice of his argument about that branch of the subject; and, first, I will here remark, that I did hope, after the resolution which that Senator offered at the commencement of the session had been disposed of, that the consideration of this question would not again be pressed, and that we should have been spared the labor of investigating the legality of the currency, so much complained of by my honorable friend. But, sir, it seems in that I was mistaken; and, from the manner and frequency with which he presses the subject, I feel called on to justify the reason of my opposition to his course, and at once to meet the question.

Sir, it is always a source of regret to me when compelled to differ with my friends, and especially one with whom I am associated in the discharge of a high political trust. But, sir, painful as may be the task, when my judgment points out the way, I shall freely follow its dictates; and if I fail, yet will I find solace and comfort in the conscious rectitude of my course, and a heart singly devoted to the cause of my country. I have no bank stock; I never borrow from the bank; in short, I am nowise interested or connected with the institution; nor was I ever, at any time of my whole life, with any bank. I have an interest only in common with all my fellow-citizens in the many great advantages and blessings which the genial influence of this institution has spread abroad throughout the land. In the discussion of this subject, I am influenced by no other feeling than a sense of duty to my country, and that duty I shall attempt fully to discharge.

I hold that the Bank of the United States is essential to the wellbeing of the people of the United States, and pre-eminently so to those in the Western States, and in an especial manner to the people of Missouri; and that whoever opposes this institution, opposes the interests and wishes of that State.

Sir, my honorable colleague and myself have the same object in view—the promotion of our common country's good. But we differ materially as to the mode of effecting that great, that noble object. I have no doubt that we are alike impelled by the same noble impulse of patriotism, and shall, therefore, treat this matter as an honest difference of political opinion; but, sir, as, from the opposite position we occupy, we cannot both be right, and as I most conscientiously believe I am right, and that he is wrong, I feel it to be my duty freely and fearlessly to press my views. Then, sir, let us examine the subject; let us reason together, and prove the truth. He assumes the ground that the bank is a devouring monster; a

scourge and curse to the country. I hold a different doctrine. He assumes the ground that the checks drawn by the president of the branches of the Bank of the United States on the cashier of the parent bank are illegal and void, and that no one is bound to pay them, unless the drawer and endorser is, and they only, after presentation at Philadelphia, and returned with notice of protest for non-acceptance and non-payment. I hold the contrary to be the truth of things. Now how does all this matter stand. Let us examine—

1st. The nature of these checks.

2d. The right the bank has to issue them.

3d. The good or ill effects of the bank on the country.

Much pains has been taken by the gentleman to name this paper security, and to ascertain the place of payment; but he has not been able to satisfy himself on either point, but concludes it is to be treated under the law as bills of exchange, and that these checks may be sued on at Philadelphia.

As names are arbitrary and immaterial, to gratify the gentleman, I will, for the sake of argument, call them bills of exchange at the present; and, as they may be sued on at Philadelphia, it may be fairly assumed that they are payable there, or at any branch of the Bank of the United States, as payment by the branch is payment by the principal bank. It cannot be a matter of any interest to the holder of the check how the bank settles her own affairs; if the individual presenting the check gets the money on it, he ought to be satisfied; yes, sir, and he will be satisfied.

It is altogether immaterial to the inquiry into the validity and negotiability of these checks, whether they are called bills of exchange, checks, orders, or drafts. It is all the same in substance; and that the people understand better, and regard more, than any parade about empty, unmeaning form.

Now, sir, let us look at the substance of this question, and see what it is. And, meeting the gentleman on his own ground, on the hypothesis that they are bills of exchange, or subject to the law which acts on bills of exchange, will he then show how they are illegal and void? He has not yet been able to do so. What is a bill of exchange? It is defined to be an open letter of request from one person to another, to pay a third person a sum of money therein mentioned, generally payable to order, but may be made payable to bearer. A draft or order is, in substance and effect, the same thing. A check is an order or draft on a bank, in form much the same as a bill of exchange, and may be sued on as such. In England, the essential difference between a bill of exchange and a check is created by the statute imposing a stamp duty on the former. In this country, their form and effect is ascertained by the common law. Orders, checks, drafts, and bills of exchange, are all of them requests to pay money; all substantially in effect the same. All import a consideration, and equally negotiable, and have the same legal privileges. The Senator himself, whenever his argument touches these checks, treats them as bills of exchange, yet says they are not such; that they are void and illegal. How strangely inconsistent are his assumptions. If, in all respects, the law, in relation to bills of exchange, is to govern these checks; and if, in phraseology and substance, they are the same, why strive to prove that they are not bills of exchange, are unauthorized by the charter, and are void? If, in truth, they are just such checks as all banks acknowledge proper to be drawn on them, either by their own officers or any private person, and the bank is in the daily habit of paying them, where is the novelty of this currency, which the Senator thinks he has discovered? Where the propriety of all this alarm which he would spread far and wide over the whole country, from a supposed discovery of a supposed violation of law, on the part of the officers of the bank, with intent to

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swindle the people by circulating what they know not to be binding on the bank? Being satisfied that the law regarding bills of exchange governs this anonymous currency, as he has been pleased to call it, he applies what he calls tests of transfer and negotiability; and, sir, I confess they are such as I never understood, and such, I presume to say, he will not find in any approved legal authority of the present age. He insists that the drafts being payable to order, they cannot be transferable, but by special endorsement to order, and that every subsequent transfer must be by like endorsement. 2d. He further contends that they are payable to a fictitious payee, and therefore must be specially endorsed to order.

Mr. President, I must be permitted to express my surprise that, in this body, a Senator, professing a knowledge of the law of the land, should undertake to enlighten this body, and the nation, on a question so important to her interest, with no better recollection of the principles applicable to the subject, and that, too, in open and avowed opposition to a decision made by one of the judges of the Supreme Court of the United States. Sir, who has displayed the greatest legal knowledge on the subject of these orders, the judge who sustained them, or the honorable Senator who opposes them? This question let the nation answer. Had the honorable Senator consulted approved treatises on bills of exchange, checks, and promissory notes, he would have found that most of his doctrines on the subject of the transfer of bills are at war with established legal principles. These principles are familiar to most who hear me, and the experience of many present will attest the correctness of what I state to be the well-settled law of the land. A note, or bill, payable to order, may be endorsed to bearer, and thereby becomes negotiable by delivery, without the necessity of any further endorsement by subsequent holders, the same as if it had been made payable to bearer; nor would the fact that the name of payee is fictitious, (if such was true,) require a special endorsement. On the contrary, such a bill requires no endorsement at all, but is, in effect, payable to bearer, and may be declared on as such against all parties having such notice of fiction. But as the clerks of the bank, who are the payees and endorsers of these drafts or orders, are not fictitious, there can be no difficulty on this point.

It is admitted that these orders, or checks, are issued under the authority of a resolution of the board of directors of the Bank of the United States, to whom is committed the management of the affairs of that institution. It will not be denied, I presume, that the presidents and cashiers of the branches, by whom they are signed and countersigned, the payees and endorsers, and the cashier on whom they are drawn, are, all of them, the legally constituted agents and officers of the corporation. Nor is it contended that the bank cannot draw, endorse, and accept a bill of exchange, or draft, within the scope of their authority, and in their official character, for which they are not individually liable. Wherefore, then, all this onerous ceremony of presentation, protest, and notice—of non-acceptance and non-payment, as described by the Senator, if, after all, those persons are not individually liable for their official acts? But although they are not individually liable for their official acts, the bank is; because it is the act of the bank, being done by the authority of the bank. For an authority to an agent to draw a bill on his principal is the act of the principal, and is, of itself, an acceptance, at the instant of creating the draft; and as the acceptance is irrevocable, without the consent of the holder, it follows that an accepted bill, draft, check, or order, is as obligatory as a promissory note, and, at common law, has higher privileges; for promissory notes were not negotiable, and did not import a consideration, until they were placed on a footing with bills of exchange by statute. These bills being

drawn by one authorized agent or another of the bank, are nothing more nor less than bills drawn by the corporation on itself, in which they are drawer, endorser, and acceptor, and are therefore as much bound to pay them as they are any promissory note or bank bill they ever issued—as much as would be an individual who would draw a bill on himself, and endorse it to bearer. Thus made negotiable, in such a case, would it not be superlatively ridiculous to require the holder to make presentation to the drawer, and, if not accepted or paid, protest the bill for non-payment or non-acceptance, and notify the party that he did not accept or pay his own note? The maker of a note payable to the order of another, is bound to pay it to the endorser or holder, because, by making the note, it is an admission that he has effects of the payee in his hands, and authorizes him to draw his order on the note for the amount; and the endorsement by the payee is no more than such order.

This instrument, which before could not be assigned, or sued on, is placed, after endorsement, upon the footing of a bill of exchange. The endorser of a note is viewed as the drawer of a bill, of which the drawer of the note is acceptor, by virtue of his previous promise to pay the amount when the order shall be made. The resolution of the board of directors, authorizing the emission of the bills in question, amounts, in law, to a promise to pay all such bills as their agents, the presidents of the branches, shall draw on their agent, the cashier of the parent bank; and their obligation to pay them is the same as if they had made and issued promissory notes, payable to the order of the presidents of the branches. A promissory note is special authority to the payee to avow for the amount specified. The resolution before alluded to is a general authority to draw a number of bills. This is all the difference in fact, and the legal effect is the same in both cases.

But it is said there is no promise, on the part of the bank, to pay these bills: nor was there ever a bill, draft, or order, in which any of the parties made an express promise, to pay; and this the honorable Senator certainly knows; and this objection can have no other effect than to mislead the credulous and uninformed, and to do great mischief throughout the country—not, sir, to the bank, but to the holders of this paper, who have honestly earned it: and this I proclaim to my constituents, and admonish them to beware of the consequences of this absurdity. Sir, the true doctrine is this: the drawer requires the drawee to pay to the payee, or order, a sum of money; the payee directs it to be paid to some other person, or to bearer generally, and the acceptor writes on the instrument, "accepted." Now, in all this proceeding, there is not a word about promise. The law, though regarding the substance and not the form of things, declares that all those persons have made a promise, and shall be compelled to perform it. Another objection is, that these bills being once taken up, or paid, cannot afterwards be re-issued so as to bind the bank. Very well: and is not this law alike applicable to the promissory notes with which the Senator seems so in love? It is true, sir, that when a bill or note is paid off, it cannot afterwards be negotiated so as to bind any of the parties to it who do not assent to the reissue; but it is equally true that all concerned in putting such bill in circulation are bound by it. The principles of law are equally applicable to notes as to bills of exchange, here; but, in England, there are exceptions in favor of promissory notes, by statute, which regulate what notes shall be reissuable; so that if the argument is good against these bills, it is equally fatal to the reissue of the Senator's much preferred promissory notes. But, sir, all these obstacles only exist in the overstrained imagination of my honorable friend. The supposed obstacles to a reissue of bills and notes never have existed, to my knowledge, in reference to bank bills. But if we were to apply to the bills under consideration all the rules ap-

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plicable to bills of exchange, with the most consummate strictness, still they would be reissuable. The corporation, as has been shown, is the only party to them in their creation, and alone is concerned in their reissue, and, upon the principle referred to, is as much bound to pay them, as upon their first emission. The bank, in contemplation of law, has promised to pay those bills, both as drawer and acceptor, and has put them into circulation, and is bound to pay them upon every principle of law, unless there exists a prohibition in the charter to issue them, and disqualifies the bank from making such contract. I say disqualifies, because one incompetent to contract cannot be bound by a supposed contract, or one attempted to be made. Disqualification renders the contract absolutely void; and is this, sir, the doctrine the honorable Senator wishes to establish? and if it were established, against whom would it militate? Against the bank? No sir; the bank has put oceans of this paper into circulation—has received great profit by it; and this paper is in the hands of the people—and there, sir, would this doctrine sink it, to the utter ruin of hundreds of honest men. Or, suppose the doctrine erroneous, as I most conscientiously believe it to be, yet, sir, if by this course the currency is disparaged, the people will be the losers by it, and the bank will certainly gain. Men who have taken this paper at par will be obliged to sell it at a discount—and who, sir, will buy it up? Why the bank, by her agents, will do it; and, sir, no part of this Union will share this loss equally with the Western country, where most of this kind of bills circulate. I call on members of this body to pause, and examine the subject. I invoke the people, my constituents, to examine for themselves, before they swallow the fatal drug. Sir, the Western people are prosperous, happy, and content. They want no change in the currency or revenue of the country. Take not from us the means of improving the internal condition of the country, and it is all we desire. This, sir, we need, and have a right to demand, and ought to receive; and this, sir, we never will surrender. Mr. President, I have said thus much to show that, by the common law, or law merchant, the bank had a right to issue these bills, and are bound to pay them. How far I have succeeded, I leave for others to judge. I will now proceed to examine the prohibition said to exist in the charter; and, first, I will take occasion now to say that I do not admit that a corporation has no other power than that expressed in the act of incorporation. I maintain that a power necessarily incidental to what is given by the letter is as fully granted as if described by words, and is a part of the power specifically granted. This doctrine is fully established by the decision of the Supreme Court of the United States, in an action against the Bank of Columbia, on a contract made by a committee of directors for building a banking house. And the doctrine established by that decision has since been fully recognised as the undoubted law of the land by the supreme court of New York, and in other States of this Union. So far, then, from the bank having no power but what is given by the letter of the charter, it has full power, by its authorized agents, to make all contracts within the legitimate scope of its banking duties, except such as are forbidden by the terms of its charter. Now, let us see what are forbidden. We are informed by my colleague, that all the chartered powers are contained in the eleventh section of the act of incorporation, and that the institution has no other rights than chartered rights. Here, sir, I must state my entire dissent to this position. There is not a single right granted to the bank in any one of the seventeen articles contained in that section. They are all what they purport to be—rules, restrictions, limitations, and provisions. Restrictions, limitations, &c. are—what, sir? Will the Senator say, the chartered privileges of the bank? I presume not. But they are limitations, &c. on the original natural

rights which all American citizens have to connect themselves together as a private banking company, and, as such, to do any thing, not against the law of the land; and, as such, they had a right to issue the bills in question, and to issue bills of any size, and for any amount. But the charter, among many other things, restricted the issue of notes to the minimum sum of five dollars, but did not restrict the issue of these checks. In short, the bank, by fair legal right, may do all things as bankers, which are not restricted by the charter. The ninth and twelfth articles have been examined, with great particularity, by the Senator, to prove that the power to issue these orders does not reside there. Here, he is manifestly wrong. He considers these as grants of power. They are not such. The ninth, instead of conferring power, is entirely a limitation of power, and restricts the natural and original rights of private citizens to deal, or trade, in any manner they may deem best. No one, in his right senses, who once understood legal principles, for a moment ever supposed that, under this clause, the bank derived its power to deal or trade in bills of exchange, gold and silver bullion, or merchandise. The clause was intended to restrain the exercise of the power to deal, which, in its absence, would have extended to other things, and other purposes, than those named. Does any one believe that to deal or trade in bills of exchange means to make and issue, or accept them? or does any one believe, to trade or deal in merchandise means to manufacture and sell it? It is conceded, sir, that, under the ninth fundamental article, the bank does not derive a power to issue paper securities of any kind. Where does it get it, then? Sir, the right is derived from a higher authority than the statute of incorporation; it is founded in the genius of freedom which every American citizen possesses, and which can only be taken away by his own consent, expressly given. Then, sir, how far have those intuitive and sacred rights been surrendered, under the provisions of the charter which the bank has accepted? As far as they are surrendered, the bank does not possess them, but no further. It is said that the twelfth fundamental article enumerates and defines the different species of paper securities which this corporation may issue, and contains a grant of power; and it is insisted that bills obligatory under the corporate seal, and bills or notes signed by the president and countersigned by the cashier, are all the paper securities the bank can issue. But it will be seen that no power whatever to issue any paper security is given by that article. But suppose the position of my friend to be true, and what is the result? Why, sir, that we have a bank which cannot transact the appropriate business of banking, or accomplish any of the purposes of its institution—that can neither transfer the public funds, nor furnish the community with the ordinary facilities of commercial exchange. But the honorable Senator attempts to escape this difficulty, by admitting that the bank may make and accept bills of exchange, but not to be circulated as a currency.

But, sir, as he denies that the bank has any power specifically granted, and that all paper securities not authorised by the twelfth article are forbidden, may I ask him whence he derives the power to make, accept, or issue bills of exchange at all? The term bills in the twelfth article cannot mean bills of exchange, as he sometimes appears to conjecture; for, sir, to enact that a bill of exchange, payable to order, shall be assignable by endorsement, in like manner and with like effect as bills of exchange, would certainly be entirely useless, not to use a plainer word. Besides, he denies any paper securities issued by the bank to be valid, unless they are signed by the president, and countersigned by the cashier of the bank. So that no bill of exchange could be made at any other place than Philadelphia; so that neither the Government or any individual could obtain a transfer of funds but by a transportation of specie. Checks, orders, drafts, certificates

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of deposits, and bills of exchange, are alike excluded by his view. So that the most beneficial objects contemplated in the establishment of the bank, will be defeated under his view of its powers.

By the common law, bills obligatory were not assignable, nor could the assignee recover in his own name. The same difficulty in relation to promissory notes existed. They were not negotiable or assignable, so as to enable the assignee to recover on them in his own name, nor could the payee recover on them himself, without averring and proving the consideration for which they were given. This difficulty in England, as to promissory notes, was obviated by the statute of Anne, which made them assignable by endorsement, and placed them on a footing with bills of exchange, the validity and negotiability of which had been established at common law. Most of the States, it is true, have made sealed instruments assignable, and have adopted in some form the substance of the statute of Anne in relation to promissory notes; but because their laws do not generally apply to contracts of corporations, we see the twelfth article in this charter incorporated in almost every bank charter, and clearly operates as an enabling power to payers of bills obligatory and promissory notes, by enabling them to assign, and the assignees to recover. It declares the effect of the contract when made and assigned, but does not give power to make it. As far as the bank is affected by the twelfth article, its power is restrained. The prohibition to make bills obligatory of less amount than five thousand dollars, or to make notes not payable on demand for a sum less than one hundred dollars, or a longer credit than sixty days, certainly cannot be construed as a power to make those paper securities. The result then is, that bills obligatory and promissory notes are nowhere specifically authorized, and must take the fate of orders, drafts, checks, and bills of exchange; all of which depend upon the same grant of power or original right, and they are all within the principle decided by the Supreme Court, which is the approved law of the land, as before alluded to. The most that can be said of the twelfth article, is, that, by the limitation imposed on the general right and power to make bills obligatory and promissory notes, the original power to do so is admitted. There is no specific grant of power to make loans, or take paper securities, directly or by transfer; but the tenth fundamental article imposes a limitation on the power to do so, and consequently recognises its existence. The charter does not by its letter authorize the corporation to deal or trade in bills of exchange, gold or silver bullion, or in the sale of goods; but the ninth article limits and thus recognises the existence of a general power and authority, though nowhere granted in words. There is nowhere a specific power to contract debts, or issue paper securities; but the eighth article limits the amount which the corporation may owe, whether by bond, bill, note, or other contract. Here is a clear expression of the opinion of Congress, that without this limitation the bank might have contracted debts to any amount, by bond, bill, note, or any other species of contract: Sir, it is a clear recognition of a general power to contract, in any form, and to any extent, not expressly forbidden. It is worse than idle to say, sir, that the eighth, ninth, tenth, or twelfth articles confer any power whatever. They are all, as far as the bank is concerned, limitations and restrictions of power existing independently of them. Sir, it would be the most unpardonable legislative folly to limit and restrict the loans, trade, dealings, and contracts of the bank, if, without those limitations and restrictions, the bank could neither make loans, trade, deal, or make contracts.

The eighth article recognises the power to contract debts by bill, bond, or other contract, without limitation, except as to amount; and even in case of excess, the contract is not declared void, but the directors are made liable as well as the bank. It appears, then, that this corpora-

tion was understood by the framers of the charter to be authorized to make contracts other than bills obligatory and promissory notes; and, as there is no restriction as to the form or the amount of these contracts, it follows that the bank has all power to make any contract which individuals might make, and with like effect, with no other limitation than that it shall be within the scope of the legitimate purposes of the institution, (as checks, drafts, orders, bills of exchange, certainly are;) that no contract in the form of a bill obligatory, shall be made for a less sum than five thousand dollars, and no promissory note shall be made on demand for less than five dollars, nor a credit for a less sum than one hundred dollars, on a longer time than sixty days; so that, instead of bills obligatory under seal, and bills or notes signed by the president and countersigned by the cashier, being the only paper security which the corporation of the bank can issue, they are the only form of contract in which there are any limitations or restrictions imposed on the power of the corporation. Another set of tests has been resorted to by the Senator to show that the paper securities in question are not within the scope of the legitimate purposes of the corporation. The first is, that they are not signed by the president and countersigned by the cashier of the parent bank, but are therefore not authorized by the twelfth fundamental article. Sir, it is sufficient that they are not prohibited by that of any other article, and that they are signed by the authorized agents of the corporation.

Mr. President, I have now done. I beg pardon for having so long trespassed on the patience of the Senate, with an argument entirely accidental, and the introduction of which I did think uncalled for; but, sir, it was introduced not by me—but after it was, I believed it my duty to give my views. I have done so as concisely as possible. I shall not trouble the Senate with any remarks on the alum salt part of the honorable Senator's argument, nor with any particular reasons for my vote in favor of the resolution under consideration. I believe it to be my duty to acquire all the information in my power to enable me to discharge my duty to my constituents and my country, and for that reason will vote for the resolution, and take a book.

After a few words from Mr. FORSYTH, in opposition to the resolution, and from Mr. KANE and Mr. FOOT in its support, the resolution was agreed to by yeas and nays, as follows:

YEAS.—Messrs. Bell, Benton, Bibb, Buckner, Chambers, Clay, Clayton, Dallas, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Kane, Knight, Miller, Naudain, Poindexter, Prentiss, Robbins, Robinson, Rugles, Seymour, Silsbee, Smith, Tomlinson, Webster, Wilkins.—29.

NAYS.—Messrs. Brown, Dickerson, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, King, Marcy, Moore, Mangum, Tazewell, Tipton, Troup, Tyler, White.—17.

The Senate then adjourned.

WEDNESDAY, MARCH 14.

APPORTIONMENT BILL.

The bill to apportion representatives among the several States, being read a third time,

Mr. WEBSTER rose, and remarked, that he did not wish to protract the opposition to the bill beyond reasonable bounds, and he confessed that there were circumstances discouraging to a protracted opposition; but, viewing the bill as unjust and oppressive in its operation upon the smaller States, he should not feel his duty, in relation to the subject, to be discharged, until he had fully shown what he proposed, as well as what he opposed. He then moved that the bill be recommitted, with instructions. This motion, he was aware, was susceptible of division: and if it should be wished to take the question first on the recom-

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mitment, he would modify his motion to one simply to recommit the bill to a new select committee, instead of the select committee from which the bill was reported.

Mr. FORSYTH, to save time, would move, if it was in order, to strike out that part of the motion which instructs the committee.

The VICE PRESIDENT said the motion was not in order at present.

Mr. HAYNE should vote against the motion to recommit, as he did not believe it would result in any modification of the bill, except a reduction of the ratio, to which he was opposed. He hoped the motion would not be divided.

Mr. CLAY suggested that, after the motion to recommit was carried, various instructions might be moved for modifying the bill. Though he was himself opposed to the plan of representing fractions, as unconstitutional, yet he believed that the bill might be so modified as to lessen its present inequality. He should, at a proper time, propose a plan which he thought would obviate some of the objections to which the bill, in its present form, was liable.

After some further conversation,

Mr. MOORE said that, if it was in order to move a reconsideration of the vote by which the amendment of the gentleman from Massachusetts was rejected, he hoped that course would be taken. He believed there was a majority of the Senate in favor of the plan proposed in that amendment.

After some remarks from Messrs. MILLER, CLAYTON, and BELL, against the bill as it stood,

Mr. CHAMBERS (to give an opportunity for a motion for reconsideration) moved to lay the bill on the table. Agreed to by a vote of 23 to 20.

Mr. FRELINGHUYSEN then rose, and said that, upon the suggestion that a majority of the Senate was in favor of the amendment proposing a representation of fractions, and being willing that the will of the majority should prevail, he moved a reconsideration of the vote whereby the amendment referred to was rejected on Monday, at the same time stating that his own views were not changed in regard to the subject.

After some further discussion, in which Messrs. WEBSTER, KING, MOORE, EWING, and KANE took part, On motion of Mr. WEBSTER,

The Senate adjourned.

THURSDAY, MARCH 15.

The unfinished business of yesterday (the apportionment bill) coming up, it was laid by for the present, to permit the debate on the tariff subject to proceed, &c.

The Senate took up the resolution offered by Mr. CLAY for the reduction of

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Mr. MOORE, of Alabama, addressed the Senate as follows:

Nothing, said Mr. M., but the magnitude of the question, the deep and pervading interest involved in the manner of its final adjustment, could prompt me to claim the indulgence of the Senate for a moment, after the able and eloquent display of talent and argument with which they have been entertained, and so interestingly entertained, by gentlemen who have preceded me.

But, sir, the acknowledged importance of this question seems to demand that I should not content myself to give a silent vote, and that it is due to the occasion that I should declare the views and feelings of those whom I have the honor, in part, to represent.

Sir, the citizens of Alabama have looked forward, with the most anxious solicitude, to this session of Congress, for a redress of burdens imposed by an unjust and unauthorized system of taxation.

They have approached this body, time after time, with memorial after memorial, and remonstrance after remon-

strance, representing the impolitic, unwise, and unjust course pursued in relation to the tariff; they have looked forward to the period, which has now arrived, when the national debt is about to be extinct, as the most favorable era in our history, as one which could not fail to afford relief from a system so galling, ruinous, and destructive; and shall these fond anticipations be disappointed? Will not the conciliatory terms proposed for a compromise by the honorable Senator from South Carolina, [Mr. HAYNE], in that able, convincing, and, I may add, unanswered and unanswerable argument, and which have been acceded to by every other gentleman who has spoken on the same side of this question, be received in that amicable and pacific spirit which prompted them?

I regret that the honorable Senator from Pennsylvania [Mr. WILKINS] has so soon shown a disposition to retract the feeling evinced on that occasion to meet the honorable Senator from South Carolina upon a fair, compromising ground. I trust it has not been the resolutions adopted by his State, on this subject, which have changed his disposition to mete out equal and impartial justice to his Southern brethren.

[Mr. WILKINS rose, and said that he had not retracted the feeling evinced on that occasion, and still desired that a compromise might be effected. Mr. MOORE, in reply, expressed his gratification at learning that he had been misinformed as to the gentleman's views on this point, and fervently hoped that the question would be discussed in such a spirit of conciliation as to ensure, finally, a decision that would be satisfactory to all parties.]

Where, sir, said Mr. M., is that mutual forbearance and concession, that God-like spirit, which pervaded the councils of this nation in the formation of this Union, and in the establishment of the federal constitution? Where, sir, is that high and sacred flame of patriotism, which, when the opposing and conflicting interests of the different sections of this Union threatened, yes, sir, awfully threatened, its dismemberment, prompted the honorable Senator from Kentucky [Mr. CLAY] to throw himself in the breach to preserve its integrity? (I mean the Missouri question.) Then, the question which divided parties was the slaveholding States, and the non-slaveholding States. Now, it is north and south of the Potomac river; or, to my mind, a more appropriate distinction is, the portion who receive bounties, and the portion who pay them. For it cannot be disguised, that, for the last ten or fifteen years, the means and substance of the Southern people have, under the tariff exactions and the internal improvement system, been dragged from them, for the benefit of other sections, in a current as bold, as rapid, and unceasing as that of the majestic Mississippi; until we are reduced to the most wretched state, and the last possible point of suffering. Sir, the picture drawn by other gentlemen on the same side of this question presents a faithful portrait of the depressed condition of the planting and agricultural interest in Alabama, except, indeed, in the latter there is a deeper gloom, if possible, hanging over this interest. This unfortunate section of country presents precisely the counterpart to that beautiful description of the high state of prosperity, drawn by the honorable Senator from Kentucky, of the condition of other sections. While I was charmed by the eloquence of the honorable Senator, in his vivid description of the prosperity of these the much favored sections of this Union, I was appalled and astonished at the contrast between the condition of these, and the actual gloomy condition of the entire face of the country in my own much beloved State.

From what source, let me ask, does this high state of prosperity emanate? Not from natural advantages, connected with superior soil, climate, salubrious air, or water; for in these we believe the God of nature has been as bountiful to us as to any other class of citizens in any other quarter of the globe.

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But this state of things is to be ascribed to artificial advantages. It is much better that the Eastern and Northern States, including the non-slaveholding States, should have the power, for we deny the right, to tax our slave labor at their own discretion, than to own our slaves themselves—and this is the advantage they possess by a union of interest on this question.

Permit me, Mr. President, to attempt to illustrate this injustice, by stating what I deem to be a fair and correct history of the case.

The cotton planter either takes his produce to market, or his merchant does it for him, (the result is the same,) and returns with articles which suit his convenience: and it will not be denied but these are as much his own property and the produce of his own labor, as the manufactured article is the property and product of the manufacturer; but here the Government steps in, and says to the agriculturist, we demand of your stock forty per cent. For what purpose? replies the planter. Is it for the support of Government? No—the public debt is discharged, and we have an overflowing treasury; but there are some wealthy owners of large sugar plantations in Louisiana, some cotton and woollen factories in the Eastern and Northern States, some wealthy owners of iron works in New Jersey and Pennsylvania, salt works and salt factories, and some cotton bagging factories in Kentucky; they are all in a high state of prosperity, it is true, but they are not satisfied, and it is for their benefit we demand of you this tribute and tax.

Is it a matter of surprise, then, that the South should feel deeply and sensibly upon this subject—that such oppression should fill the entire South with indignation? For, let gentlemen not deceive themselves upon this subject. This is the feeling and doctrine of patriotism; and, as has justly and eloquently been said by my honorable friend from South Carolina, [Mr. MILLER,] it is the whig doctrine, it is the spirit which animated our fathers in resisting British tyranny and British oppression. It is the voice of seventy-six. Sir, it is the doctrine of the entire South, except, indeed, a small portion, where the soil is adapted to the culture of the sugar cane; and this circumstance is thought sufficient to justify a system of legal oppression which demands a portion of the hard earnings of their neighbor for their own private emolument.

Mr. President, the time has nearly arrived, when longer to submit will cease to be a virtue. It is due to the oppressed, and to posterity, that this question should be now met, and that this system of inequality of taxation, this restraint upon our natural and inherent rights, should receive the firm and united resistance of freemen.

Mr. President, the honorable Senator from Rhode Island, [Mr. ROBBINS,] in his argument on Friday last, contended that “it was impossible that the Southern planters could pay any portion of the duties on the articles consumed by the Northern manufacturers, and added, that nothing short of necromancy could convince him that he did not himself pay the tax on his penknife in his pocket.”

Now we think, without dealing in the black arts, that we can convince the gentleman that this thing is quite possible. He admits that the people of the tariff States do actually consume a large portion of foreign goods received in exchange for Southern productions.

If, as he says, the duty lessen the price, then, of course, the planter, or the merchant, who is his agent in this transaction, cannot get back any part of the tax; but if the duty is added to the price, then the manufacturer takes care to indemnify himself for any duty he may pay on the foreign article in the increased price of his manufactures with which he pays the planter.

Let us take the case of the knife. We will suppose the duty on penknives, with charges, profits, &c. to be equal to fifty per cent. on the cost. A Southern planter sends to England cotton to the value of one hundred

dollars, and receives in return one hundred dollars worth of English penknives, on which he has to pay duties, &c. amounting to fifty dollars more; he sells these penknives to Northern manufacturers, and the Senator from Rhode Island gets one of them. If the price, as the gentleman contends on the other side, is not increased by the duty, then the fifty dollars paid in duties and charges must be lost to the planter, and the manufacturers will pay no tax at all on their penknives. But if the penknives can be sold to them for the full price of one hundred and fifty dollars, in what, let us ask, do the manufacturers pay us for these articles? Perhaps in cottons, woollens, or iron, enjoying a protection of from fifty to one hundred per cent.; and our New England brethren must have lost some portion of that wit for which all the world gives them credit, if they cannot work the matter so as to put upon their cloth an increased price fully sufficient to cover any tax they have to pay on the penknives.

If the duty is added to the price of the knives, so will the duty be added to the price of foreign cloths, and the price of these foreign goods will be a standard by which the manufacturer will fix the price of his domestic goods; so that, in the long run, the Southern planter will, directly or indirectly, have to pay the duty on very nearly so much of the foreign articles as may be received in exchange for his cotton, rice, and tobacco, no matter by whom they may be consumed. If, in this calculation, the gentleman will only substitute one hundred and fifty cents for one hundred and fifty dollars, he will probably have the price of his own penknife, (if it has not been one furnished by Uncle Sam.) And if one dollar be the price, and fifty cents the tax, and he has paid for it out of the profits of a Rhode Island factory, it is quite possible that I, or some of my neighbors, may have been compelled to pay the tax on his knife. That a tax, and a very high tax, too, has in this case actually been paid by somebody, is very certain; for the honorable Senator from South Carolina [Mr. HAYNE] has handed to me two penknives, furnished him by some respectable merchant, the one of English, the other of American manufacture; the former costing in England 9s. 3d. sterling a dozen, and standing the importer \$3 09 a dozen, (including duties and charges,) while the wholesale price of the American manufacture is \$4 50 a dozen; and yet I think any one who will examine them, will agree with me that the English knife, which is twenty-five per cent. cheaper, is by far the better article.

Sir, take notice that the good old buck horn handle there is the English knife. Now, sir, we have seen in what manner our Northern brethren are indemnified for any duty they may be compelled to pay upon their penknives, or any other article of foreign importation. But where is the indemnity for the Southern planter? It is well known that we cannot now, nor ever can, become manufacturers; nature has forbidden it. The tax, therefore, which you require from us, is equivalent to dragging that amount from our pockets, in order to put it into the pockets of others.

And what, sir, is this American system, in another point of view? It is one by which you say to the poor man in his cabin, that he shall pay an exorbitant tax for the salt put in his bread, the sugar and coffee with which he supplies a sick family, the coat which he wears himself, the flannels with which he clothes his wife and children, the hats which cover their heads, his axe, his plough, hoe, and other utensils with which he cultivates his crop. These, sir, are “the rich blessings,” so much lauded by the honorable Senator from Kentucky, [Mr. CLAY,] and the consequence is, that the Southern and agricultural portion of the country, the real yeomanry of the South, are made the “hewers of wood and drawers of water” for other sections.

But the honorable Senator from Kentucky [Mr. CLAY] says, “as we have a full treasury, and taxes not needed,

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he is willing to reduce them"—but in what manner? Why, by applying a remedy which is worse than the disease.

He proposes to reduce the duties upon teas, silks, wines, velvets, &c.—articles of luxury, which are consumed by the rich only, and aristocratic nabobs, and leave the duties upon articles of prime necessity, such as enter into the consumption of every man, as they are now, the effect of which will be to increase the protection; to rivet this system, in its most odious form, upon us, to the end of time; to throw the entire burdens of the Government upon the South; to coerce bounties to enrich the manufacturers, and exempt the manufacturing States then, as they are now, from contributing their due proportion to the support of Government. And this, sir, is the scheme from which we are to receive such rich blessings. May God, in his infinite mercy, avert it from us.

But the honorable Senator asks, "why should not a poor man be permitted to regale himself with a social glass of wine occasionally, as well as the rich? And why should not the poor man's daughter and wife be permitted to clad themselves in a silk gown, at least in going to church on the Lord's day, as well as the rich?"

Now, sir, the obvious answer to all this is, that, being plain, country people, finding the pressure of the times so hard that they cannot make buckle and tongue meet, that, with the most intense labor and industry, the proceeds of the year will not meet the ordinary expenses and disbursements thereof, they are, therefore, compelled to submit to many privations, and they think they can better dispense with the tea, the wine, the silk gown, and the prunelle shoes, than to be deprived of a little salt, sugar, and coffee, a warm coat, flannels, and farming utensils. And, sir, I request the honorable Senator to tell me which class of articles the honest yeomanry of the country can best dispense with the use of—those acknowledged to be articles of luxury, which the poor do not want, and which are intended only for the mouths and backs of a proud and pampered aristocracy, or those of such absolute necessity that nature cannot subsist, nor agricultural pursuits be carried on, without them.

I will not yet believe but the honorable Senator and his friends will see the propriety of relaxing in this measure, and making some concession to the wounded feelings and just claims of the South. Let me tell the honorable gentlemen, that they will urge in vain that this system is of benefit to the Southern people, and that we are incapable of appreciating its value. I hope gentlemen will not longer add to injury and oppression the insult of supposing that we do not understand our own interest.

We were informed by the honorable Senator, in 1824, as we have been now, that to give protection to home industry, would, in a few years, create competition, and thus reduce the price of articles protected—but one ounce of experience on this subject is worth pounds of theory. And experience proves that these calculations and anticipations have been entirely unfounded and fallacious.

But we are indebted to the honorable Senator from Maine, [Mr. HOLMES,] for one particular instance of the marked attention and liberality of the Government to the agricultural interest. That honorable gentleman has informed the Senate, "that much has been done for this interest in great facilities afforded to purchasers of public lands." Can the honorable Senator be serious in this position?

By an official document which has been furnished this body, it appears there are in the Western and Southwestern States one hundred and forty-one thousand three hundred and thirty-nine persons without a foot of land, and the Government holding millions of acres, which have been in market from five to fifteen years, at a minimum price, so high that no man can or will purchase.* Sir,

* Ohio 57,385, Indiana 13,484, Illinois 9,320, Missouri 10,118, Alabama 39,368, Mississippi 5,505, Louisiana 3,466, Florida 1,000, Michigan 685. Total 141,259. There were no returns from Arkansas.

the Government, to its own injury, and the injury of its citizens, hugs the public domain as a miser or Shylock would his strong box, when no other Government, except this, the most free on earth, has ever pretended to view its public domain as a source of revenue.

Frequent appeals have been made to the liberality of this body in favor of the hardy pioneers of the West; frequent memorials have been presented from legislative bodies, recommending the passage of the bill graduating the price of the public lands, generally called the measure of the honorable Senator from Missouri, [Mr. BARROW.] And I am glad to say, the General Assembly of the State I have the honor, in part, to represent, has, on more than one occasion, passed resolves expressive of the high sense of gratitude they feel to the honorable Senator for the zeal, exertion, and talent he has exercised in endeavoring to promote this desirable measure.

But, sir, what has been the result? The measure has been resisted with a pertinacity equalled only by the impolicy of that resistance; and honest and respectable citizens have been driven from our own country into a neighboring province, where they obtain better lands upon better terms.

Mr. President, is there any plausible apology for this? The public domain has been pledged for the payment of the public debt. This debt is now liquidated, and the pledge redeemed. Would it not be better for the Government to boast of a free, happy, and independent population, permanently located, improving the wilderness and wild woods; who, having a permanent interest, calculated to increase their attachment and devotion to the country, would constitute them the most firm and valuable defence to that Government, when invaded by an enemy, than to boast of countless millions of acres of land, to them valueless?

Sir, I will not say that this illiberality towards the West has been practised upon as a part of the system in the tariff operations, but I will say that the effect of it has been greatly to favor that interest, and to check the growth and the prosperity of the West, and more especially so in the new States.

Sir, you place a minimum price upon your public domain, beyond its value; and, what is more absurd and preposterous, is, that you estimate good and bad land at the same price; soil, which is adapted to the culture of sugar cane, that which will produce two thousand pounds of cotton to the acre, and poor pine barrens and marshy swamps, are, by your arrangement, placed at the same price, and in this way you deprive the poor laborer of the power or inducement to purchase, and he and his family are compelled to enter some manufacturing establishment, or become tenants at will, for a support.

And yet, in the view of the honorable Senator from Maine, "much has been done for the agricultural interest." Sir, it is our misfortune in this case, also, as it is in regard to the tariff, that we are incapable of perceiving or estimating its advantages.

Another subject intimately connected with the tariff—yes, its twin sister, marching side by side, furnishing food for its sustenance, and aid in placing burdens upon the South—is the system of internal improvement, by which the same much favored sections claim the right to tax the Southern people, for the purpose of erecting their breakwaters and roads and canals. Yes, sir, by this system, a citizen of Alabama is made to pay his proportion of the tax to erect the Maysville road in Kentucky, which I view as equivalent to a demand upon our citizens to take their pickaxes upon their shoulders, and march with the United States' engineer to Kentucky, for the purpose of erecting the said Maysville or some other road, to promote the internal commercial advantages of that particular quarter. But, sir, I congratulate the citizens of the South, that if, as has been intimated by the honorable Senator from

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Maine, [Mr. HOLMES,] the Chief Magistrate has not used in his messages, heretofore, language sufficiently explicit as to his views in relation to the tariff, as regards this system, he has been more fortunate, and adopts language which cannot be mistaken, I think, as respects his veto message upon the Maysville road bill, and other similar projects. The honorable Senator will agree with me that he has been sufficiently plain and decisive; and, sir, I cannot but believe, if the honorable gentleman could divest himself of all partiality for these darling bantlings, the tariff and internal improvement system, that he would also unite with me in saying, that, for having crippled, if not entirely destroyed, one branch of this unauthorized system of taxation, the President has given evidence of high claims to the continued confidence and gratitude of the community.

Mr. President, in the name of our sacred Union, I protest against this miscalled American system, which, contrary to justice, to the constitution of our common country, to all the sacred rights of freemen, imposes a tax upon my constituents, for the purpose of enriching another section of the Union. It is an outrage, to which no patriotism can prompt any people, claiming to be free, to submit, and which, if persisted in, will prove a hazardous experiment, so long as there remains one spark of that spirit in the Southern States, which resisted the unauthorized taxation of the mother country.

Mr. President, in concluding my remarks, you will be pleased to permit me to read some extracts from a joint remonstrance of the General Assembly of the State of Alabama, adopted with great unanimity, sir, in both branches, in 1828, by way of showing how far the feelings of the citizens of the State of Alabama are in accordance with the views which I have endeavored to declare, as one of their representatives.

"The General Assembly of Alabama, alive to the rights of the people they serve, and the interest of the country in which they live, (however painful the duty,) feel themselves called on by the crisis to protest most solemnly against the principle asserted by the General Government to control the labor of the nation, by protecting certain branches of domestic industry, at the expense of others. We do not complain of the power to raise revenue or regulate commerce. These powers are expressly granted to preserve the existence and promote the harmony and prosperity of the Government. Nor do we complain of the incidental protection that may result from a well adjusted "tariff," imposed on the importation of foreign goods, with a view to revenue alone, nor yet of the occasional inequalities that must attend the operation of any general system."

"It is not of these powers that we complain, but it is the assertion of another, and a very different one. It is the assertion of the power to impose a duty on any article of foreign commerce, not because we want revenue, or the regulations of commerce, as such require improvement; but because we want to exclude the foreign in favor of the domestic fabric. This power is not granted in the constitution, and must be sustained, if at all, by the pliable doctrine of implication; and, as it is not necessary to the power to raise revenue or regulate commerce, it cannot be sustained as an incidental or implied power; on the contrary, it is a substantive, distinct power, resting on assumption, and fraught with frightful danger. It has no limit but the caprice of those who assert its existence, and is necessarily subject to all the varying views of supposed convenience, and the fugitive conceits of expediency. The unlimited nature of this power, and the dangerous purposes to which it may be applied, render it odious, and unfit to mingle in human affairs. Its natural offspring is monopoly; and its natural tendency is to divide the community into nabobs and paupers, to accumulate overgrown wealth in the hands of the few, and to extend the poverty, the vices, and the miseries

of the many. This alarming principle leads to the union of the worst of human passions. Cupidity and ambition, under its deleterious influence, administer to each other, at the expense of the community. Cupidity will barter worlds for money; and unchastened ambition will filch from the poor man's toil a portion of its just reward, to appease the cupidity of the cold, calculating monopolist."

"Let it not be again said, that, because the Southwest and South send no agents to beset the members of Congress, and have forbore to petition or remonstrate in every village, or to call a counter convention, they are so recreant to duty, as to acquiesce in the proposed oppression. On the contrary, let it be distinctly understood that Alabama, in common with the Southern and Southwestern States, regards the power assumed by the General Government to control her internal concerns, by protecting duties beyond the fair demands of the revenue, as a palpable usurpation of power not given by the constitution."

Mr. BENTON, of Missouri, next rose. The present session of Congress, said Mr. B., was looked to with great anxiety by the people of this Union, as the one which was to effect a large reduction in the public revenue, and an equitable modification in the existing tariff. The people expected these things from us; but up to this moment they seem to be in a fair way to be disappointed; for no bill has even yet been brought in to accomplish their just expectations; and we are now well advanced in the fourth month of the session.

The President of the United States has certainly performed his part. His annual message, received by us in the first week of December, contained a strong recommendation to this Congress to reduce the revenue to the wants of the Government, and to adjust the duties on foreign imports so as to favor our national interest at home, and counteract adverse policy from abroad; and he showed us, in the same message, that the state of the finances, and the state of the country, required these things to be done, and to be done now! These recommendations will shield the President from censure for neglect in failing to bring the subject of the tariff before us; and it ought to shield him from the imputation of double dealing on that subject. It ought to shield him from that imputation! For his sentiments are plainly expressed, and are, therefore, intelligible. They are publicly delivered, and are, thereby, universally known. They are in accordance with all his previous acts and words upon the tariff, and are, therefore, entitled to credit for candor and sincerity. I might go further, and say that his sentiments are in accordance with the public wishes and the public interests; but I will not presume to speak for a nation! I will speak for myself alone, and will say that the President has well expressed my sentiments in this recommendation, such as I have often declared them to the Senate here, and to my constituents at home; and, this being the case, it is my duty, still more than my inclination, to defend these sentiments, at this time, and in this place, arraigned as they have been on this floor, and stigmatized as ruinous to the country.

I am in favor of reducing the revenue to the wants of the Government, not only for the reasons which have been mentioned by the President and by several Senators, but for another reason in addition, and which presents itself to my mind as a compact between the States and the Federal Government. We all know that the present form of Government grew out of the weakness of the Government of the confederation, and that the taxing power was the hinge upon which the change turned. The Congress of the confederation had no power to tax the people of the States. It had no power over the purse. It could only ask for money; and this being found a slow way to obtain it, the power of taxing was applied for. The States refused this power, because the Congress might abuse it, and levy too much; they refused to vest the Congress of

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the confederation with power to levy duties upon imports, and to regulate the foreign commerce of the States, because they saw that, in granting these powers, they yielded the unlimited and responsible power of taxation, and left themselves without defence against the exactions of the General Government. They resisted—they refused. To all the solicitations of Congress they turned a deaf ear, and were inexorable. For ten years they held out; but the convention of 1787 inserted these two powers in the new constitution, and the States, with infinite difficulty, were induced to acquiesce; but that acquiescence was the effect, not of arguments, but of pledges!—pledges of that high and solemn nature which no man of that day was permitted to believe could ever be violated. As I consider this pledge as a corner-stone, lying at the foundation of the present constitution, I will take care to establish it by proof; and for that purpose will have recourse to the legislative history of the proceedings of the Congress of the confederation which led to the adoption of the present constitution, contained in the first volume of the Laws of the United States. I read from the Rhode Island objections to the application of Congress for power to levy duties on, and regulate foreign commerce.

Here is the objection. Listen to it.

"That, by granting to Congress a power to collect moneys from the commerce of these States, indefinitely as to time and quantity, and for the expenditure of which they are not to be accountable to the States, they would become independent of their constituents, and so the proposed impost is repugnant to the liberty of the United States."

And here is the answer to that objection. Listen to it also.

"Admitting the principle of this objection to be true, still it ought to have no weight in the present case, because there is no analogy between the principle and the fact. The fund proposed is sufficiently definite as to time, because it is only coextensive with the existence of the debt contracted, and to be contracted, in the course of the war. Congress are persuaded that it is as remote from the intention of their constituents to perpetuate that debt, as to extinguish it at once by a faithless neglect of providing the means to fulfil the public engagements. Their ability to discharge it in a moderate time, can be as little doubted as their inclination; and the moment that debt ceases, the duty, as far as it respects the present provision, ceases with it."

Mark, I beseech you, Mr. President, the language of this objection, and of this answer. The objection is to the revenue-raising power, and is threefold in its nature. 1st. Because the exercise of the power was to be indefinite as to time. 2d. Because the revenue to be raised was to be unlimited as to quantity. 3d. Because the Federal Congress was to be unaccountable to the States for the expenditure of this revenue. This was the threefold nature of the objection; and the conclusion, or inference, from the whole, was, that such a grant of power was incompatible with the liberty of the States. Now, mark the answer. It admits the conclusion which the objection draws, but denies the premises. It admits the incompatibility between the liberty of the States, and the grant of unlimited and irresponsible power of taxation in the Federal Government; but takes a distinction between the principle and the fact—between the possession and the exercise of unlimited power; and, while admitting the tyranny of the principle, denies the analogy of the fact, and solemnly pledges the whole faith of Congress against the exercise of the power. The pledge is contained in the solemn declaration that the duties imposed for the payment of the public debt shall cease to exist the moment that debt is paid!

Such was the objection, and such the answer: and such they continued to be, in every stage of the process, till the convention of 1787 was assembled, and afterwards,

until the new constitution was ratified by the States. I do not quote from each of these periods, because it would consume time, and present innumerable repetitions of the same thing. But I will remark, that the answer of the Congress of 1781 to the Rhode Island objections, was drawn by the men who were the fathers of the present constitution. It was drawn by General Hamilton, Mr. Madison, and Mr. Fitzsimmons, adopted by Congress unanimously, and promulgated to the States as a public official act. It was the manifesto of Congress! and constantly referred to, and relied upon, until the constitution was produced by the convention of 1787, and ratified by the States. Hamilton, Madison, and Fitzsimmons were present at every scene—the federal convention—the State conventions—the public press—repeating their pledge, and going security for the new Government never to violate it. And thus I consider a pledge to abolish the duties levied on account of the public debt, the moment that debt was to be paid, to be a compact between the States and the Federal Government, and a condition precedent agreed upon between the parties, and without which the unlimited and irresponsible power of taxation would never have been given to this Congress.

Forty years have passed by—the event has been delayed far beyond the expectations of the year 1787—but the event has at last arrived, the public debt is paid! for legislative purposes it is now considered as paid; and the States, not one, but many, not the new only, but the old ones, who were party to the establishment of the Federal Government—who received from the old Congress the solemn pledge to abolish duties at the payment of the public debt—these States now stand before you, and demand the redemption of that pledge. Sixteen millions of revenue were raised for the public debt last year; the same amount is now levying for the debt this year; but next year it will not be wanted, nor in any year thereafter; and the abolition of these sixteen millions is now demanded, as demanded as a right, and that by nearly one-half the States of this Union. The demand is resisted, and resisted on the ground that the reduction will destroy the protection due to domestic manufactures, and will cover the country with desolation, and lead to the dissolution of the Union. Sir, I pass over the first and most obvious answer to this objection—the answer which tells us that the private interests of the manufacturers cannot be set up to vacate a fundamental compact between the States and the Federal Government. I pass over that answer which is in the nature of a demurrer, admitting the fact, and denying its sufficiency. I pass over that answer, because I do not admit, but deny the truth of the answer. I take issue upon the truth; and mean to go to trial upon the fact before the American people.

I maintain, sir, that the federal revenue may be reduced to the wants of the Government, as recommended in the President's message, not only without destroying domestic manufactures, but without hurting or injuring them in the slightest degree. This is my assertion! The proof and the demonstration shall follow; for I know how insignificant it is to make bold assertions without adequate proofs at hand to support them. And here, sir, permit me to presume that I am a friend to domestic industry, and voted for the tariff of 1824 with the approbation of my judgment, and for that of 1828 with repugnance and misgivings. I am a friend to domestic industry, and mean to protect it, according to what I believe to be the true policy of the country, sanctioned by the constitution and by the practice of the framers of the constitution. I will give protection, as an incident to revenue; and this is the kind of protection which is coeval with the foundation of our Government, and under which manufactures attained a high degree of importance under the first twenty years of its existence; and that without giving the least dissatisfaction to any part of the Union. As far back as the year

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NO, our manufactures had attained the annual value of one hundred and twenty millions of dollars, (as we learn from Mr. Gallatin's report—a report which ought to have yielded him from the reproach which has been cast upon him here!) and that under a low rate of revenue duties, ranging from five to fifteen per centum. The same rate of protection would now produce two hundred and forty millions of manufactures annually—for our population is doubled since 1810. But it is not desired or intended, by any Senators with whom I am acquainted, to reduce manufactures to the degree of protection possessed at that time. The lowest rate proposed by the anti-tariff gentlemen is double and treble what it then was; and, for myself, I shall not go so low as they do.

I now proceed to the proof of my assertion that the revenue may be reduced to the wants of the Government, without affecting or impairing the successful progress of any manufacture. And here I would ask, how many, and which are the articles that require the present high rate of protection? Certainly not the cotton manufacture; for the Senator from Kentucky, [Mr. CLAY,] who appears on the floor as the leading champion of domestic manufactures, and whose admissions of fact must be conclusive against his arguments of theory! this Senator tells you, and dwells upon the disclosure with triumphant exultation, that American cottons are now exported to Asia, and sold for a profit in the cotton markets of Canton and Calcutta! Truly, sir, our tariff laws of 1824 and 1828 are not in force in Bengal and China. And I appeal to all mankind for the truth of the inference, that, if our cottons can go to these countries, and be sold at a profit without any protection at all, they can stay at home, and be sold to our own citizens, without loss, under a less protection than 50 and 250 per centum! One fact, Mr. President, is said to be worth a thousand theories; I will add that it is worth a hundred thousand speeches; and this fact, that American cottons now traverse the one-half of the circumference of this globe—cross the equinoctial line—descend to the antipodes—seek foreign cottons on the double theatre of British and Asiatic competition, and come off victorious from the contest—is a full and overwhelming answer to all the speeches that have been made, or ever can be made, in favor of high protecting duties on these cottons at home. The only effect of such duties is to cut off consumption—to create monopoly at home—to enable our manufacturers to sell their goods higher to their own Christian fellow-citizens, than to the pagan worshippers of Fo and of Brahma! to enable the inhabitants of the Ganges and the Burrampooter to wear American cottons upon cheaper terms than the inhabitants of the Ohio and Mississippi. And every Western citizen knows the fact, that when these shipments of American cottons were making to the extremities of Asia, the price of these same cottons was actually raised 20 and 25 per cent. in all the towns of the West: with this further difference to our prejudice, that we can only pay for them in money, while the inhabitants of Asia make payment in the products of their own country.

This is what the gentleman's admission proved; but I do not come here to argue upon admissions, whether candid, or unguarded, of the adversary speakers. I bring my own facts and proofs; and, really, sir, I have a mind to complain that the gentleman's admission about cottons has crippled the force of my argument—that it has weakened its effect, by letting out half at a time, and destroyed its novelty, by an anticipated revelation. The truth is, I have this fact (that we exported domestic cottons) treasured up in my magazine of argument, and intended to produce it at the proper time, to show that we exported this article, not to Canton and Calcutta alone, but to all quarters of the globe; not a few cargoes only, by way of experiment, but in great quantities, as a regular trade to the amount of a million and a quarter of dol-

lars annually; and that, of this amount, no less than forty thousand dollars worth in the year 1830 had done what the combined fleets and armies of the world could not do; it had scaled the rock of Gibraltar, penetrated to the heart of the British garrison, taken possession of his Britannic Majesty's soldiers, bound their arms, legs, and bodies, and strutted in triumph over the ramparts and batteries of that inattackable fortress; and now, sir, I will use no more of the gentleman's admissions. I will draw upon my own resources; and will show nearly the whole list of our domestic manufactures to be in the same flourishing condition with cottons actually going abroad to seek competition, without protection, in every foreign clime, and contending victoriously with foreign manufactures wherever they can encounter them. I read from the custom-house returns of 1830—the last that has been printed. Listen to it!

Domestic Manufactures exported in 1830.

Soap and tallow candles	-	-	-	\$619,238
Leather boots and shoes	-	-	-	338,603
Household furniture	-	-	-	239,463
Coaches and carriages	-	-	-	51,130
Hats	-	-	-	309,362
Saddlery	-	-	-	36,651
Wax	-	-	-	153,666
Spirits from grain, beer, ale, &c.	-	-	-	225,327
Snuff and tobacco, (manufactured)	-	-	-	246,747
Linseed oil and spirits of turpentine	-	-	-	35,039
Cordage	-	-	-	4,135
Iron, pig, bar, and nails	-	-	-	96,183
Castings of iron	-	-	-	35,408
All manufactures of iron	-	-	-	177,876
Spirits from molasses	-	-	-	49,798
Sugar, refined	-	-	-	193,084
Gunpowder	-	-	-	128,625
Copper and brass, (manufactured)	-	-	-	36,601
Medical drugs	-	-	-	92,154
Printed and colored cotton goods	-	-	-	61,800
White cotton goods	-	-	-	964,196
Nankeen cottons	-	-	-	1,093
Twist, yarn, and thread do.	-	-	-	24,744
All other manufactures of cotton	-	-	-	266,350
Wearing apparel	-	-	-	102,277
Combs and buttons	-	-	-	124,589
Umbrellas and parasols	-	-	-	25,796
Leather and morocco skins	-	-	-	70,968
Printing presses and types	-	-	-	10,261
Books and maps	-	-	-	32,004
Paper and other stationery	-	-	-	40,334
Paints and varnish	-	-	-	13,716
Vinegar	-	-	-	6,699
Earthen and stone ware	-	-	-	2,773
Glass	-	-	-	60,280
Artificial flowers	-	-	-	13,707
Molasses	-	-	-	3,968
Trunks	-	-	-	6,654
Salt, (domestic)	-	-	-	22,978

This is the list of domestic manufactures exported to foreign countries. It comprehends the whole, or nearly the whole, of that long catalogue of items which the Senator from Kentucky [Mr. CLAY] read to us on the second day of his discourse; and shows the whole to be going abroad, without a shadow of protection, to seek competition, in foreign markets, with the foreign goods of all the world. The list of articles I have read, contains near fifty varieties of manufactures, (and I have omitted many minor articles,) amounting, in value, to near six millions of dollars! And now behold the diversity of human reasoning! The Senator from Kentucky exhibits a list of articles manufactured in the United States, and argues that the slightest diminution in the enormous protection they now enjoy, will overwhelm the whole in ruin, and cover

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the land with desolation. I exhibit the same list, and argue that these articles can bear, without injury, a very considerable diminution. He says, if there is the least diminution, foreigners will come here and undersell them; I say, no, because these articles now go abroad, and undersell foreigners, in foreign markets, without a particle of protection. This is the difference in our reasoning, for our facts are the same; and which is right, I leave to the common sense of all mankind to say.

I do not propose to comment, item by item, on all the articles contained in this list. I have read it in detail, and leave the reflections which the reading suggests to the understandings of others. A few items only I will examine, for the purpose of exemplifying my own opinion of the tariff, and of the kind of modification it ought to receive. In some instances, the manufacture is so generally diffused, and the price reduced so low by domestic competition, that the duty is a dead letter, giving no preference to the artisan, adding no increase of price to the purchaser; and, in such cases, no practical man should trouble himself about the duty. In other instances, the domestic supply is far from being equal to the demand; large foreign supplies must be procured, and the duty on the foreign articles is paid by the consumer; in such instances, there ought to be a reasonable reduction. In other instances, again, the duty enables a few to engross the domestic market, and to exact extortionate prices, where, in fact, no duty is necessary at all to give them a fair profit; and, in such cases, the duty should be abolished. In other instances, the foreign article has no rival or substitute manufactured in the United States; and, in such cases, the foreign article should be freed from duty. I do not now travel over the list to exemplify these positions; the time will come for that exemplification when we arrive at the details of the bill. I will take two items only to illustrate some part of my meaning, namely, iron and salt. The list shows a large exportation, upwards of \$300,000 worth of domestic iron, and its manufactures. Turning to the detailed statement from which this summary list is compiled, and we find this entry under the head of nails—

"To Cuba, 1,030,376 lbs.—value \$61,216."

Now, sir, let any person who can work a sum in the golden rule of three, calculate the price of these nails per pound. He will find it to be less than six cents; and whether these exported nails consisted of an assortment, which is most probable, or were all of the lowest price, which is impossible to believe, it will turn out that American nails are exported for less than they are sold at home: for it is incontestable that the people of the West pay more than six cents a pound for their nails.

The list also contains this item—

"Salt, \$22,378."

Turning to the detailed statement, and we find that this salt of domestic manufacture goes to Canada, actually goes into his Britannic Majesty's dominions, where British salt comes free of duty, and where it has to contend with that salt, upon its own territory, and without a particle of protection. Now, why not contend with it also at home, upon our territories, upon the same terms? It can certainly stand the competition better at home than abroad. Why, then, does it want protection at home? Mr. President, another opportunity will present itself for going at large into the whole question of the salt tax; but I cannot permit this opportunity—so forcibly presented by the actual view of American salt exported to the British dominions—to pass by, without unfolding the peculiar operation of the tariff laws upon this article of universal and prime necessity. I will make a brief exposition of this cruel operation; and, first, we will see the quantity and value of foreign salt imported into the United States, as shown in the custom-house returns of 1830.

Quantity, value, and price, per bushel, (of 56 lbs.) of salt imported into the United States, for the year 1830.

	Bushels.	Value.	Price per bush.
From the Swedish West Indies,	6,278	\$ 500	8
Danish West Indies,	24,233	2,656	11
Dutch West Indies,	95,483	7,306	7½
England,	3,083,347	469,711	15½
Scotland,	1,575	293	18½
Ireland,	56,798	11,556	20½
Gibraltar,	37,360	4,146	11½
British West Indies,	705,526	65,618	9½
British American Colonies,	3,926	1,583	40½
Other British Colonies,	16,203	1,250	7½
France, on the Mediterranean,	86,582	6,772	7½
Hayti,	7,460	962	12½
Spain, on the Atlantic,	436,690	29,665	6½
Spain, on the Mediterranean,	86,372	7,574	8½
Cuba,	17,296	6,849	39½
Other Spanish West Indies,	607	50	8½
Portugal,	620,188	49,621	8
Fayal and other Azores,	6,489	835	12½
Cape de Verd Islands,	6,682	510	7½
Sicily,	15,375	569	4½
Italy and Malta,	35,915	2,007	5½
Trieste and other Adriatic ports,	9,363	310	3½
Turkey, Levant, and Egypt,	8,588	907	10½
Mexico,	157	86	54½
Colombia,	1,000	200	10
Brazil,	1,647	173	10½
West Indies generally,	2,906	300	10½
	5,374,046	671,970	

In this list, sir, behold the import price—the first cost—of all the variety of salt imported into the United States. See the pure, natural, crystallized, sun-made salt, which comes from Spain, Portugal, France, and the West Indies, costing seven, eight, or nine cents a bushel. See that which comes from the coasts and the islands of the Mediterranean, and the head of the Adriatic sea, and which is equally pure, strong, and good, costing no more than three, four, five, and six cents a bushel. Then look at the price of this salt in the seaport towns, generally ranging between forty and fifty cents a bushel; look at the price of the same salt in the interior of the country, when sold to the farmer, and observe this price increased to about one dollar, and the bushel reduced to fifty pounds; observe these things, and tell me the reason of this excessive, this monstrous, this astonishing disproportion between the import and the retail price. Look at the respective prices of the English fire-made salt, and the natural sun-made salt, which comes from twenty other countries, and tell me the reason why that which cost double, and is worth but half as much as the other, sells for about the same price in our market. Tell me why it is that all qualities are levelled, and all prices raised, to the same standard, and profits of four or five hundred per

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centum exacted on some descriptions of salt. Sir, I will tell you the reasons of all these enormities, and I will prove it to you besides. It is the tariff which does it! It is the tariff, which, giving birth to a race of regraters in the seaports, and monopolizers in the interior, throws all the foreign salt into the hands of one set, and all the domestic salt into the hands of the other; and enables the two classes to fix their own prices, and to exact what they please for every variety of the article, without regard to the difference in cost or quality.

The tariff does it, and this is the process: A vessel arrives from the dominions of a foreign Power with salt. Before a permit can be obtained to land it on the soil of the United States, the duty must be paid in ready money, or bond and security given to pay it in nine months. If paid in ready money, the interest for nine months is discounted; if credit is taken, the principal and securities in the bond are all required to be citizens of the United States. This is the law. Now for the practical operation of the law. The importer who has brought this salt to sell, and which he wishes to sell at four, five, six, seven, eight, or nine cents a bushel, did not bring along with him spare cash at the rate of ten cents a bushel, (which is the present duty,) to pay the American Government before he can sell his salt to American citizens. He, therefore, cannot pay the duty in ready money. Credit becomes his only resource; and, to get American securities to his bond, the salt must be sold or consigned to American citizens. This throws the whole foreign salt trade into the hands of a few men, who make it their business, and their profit, either to go security and take the salt to sell, or to buy it at once out of the hands of the importer, and assume the duties to the Government. And this is the practical operation of the law. Having all the salt in their own hands, the next thing is to fix the price, and that is done by adding the duty to the cost, and putting as many hundred per cent. as they please upon both, for their profit, and this brings the price to forty or fifty cents. This is the process of the regrater in the seaport; the monopolizer in the interior keeps pace with his brother; and, between the two, the farmer pays four prices for his bushel of salt, and then gets a weighed bushel of fifty pounds, measuring little more than half a bushel, instead of a measured bushel, weighing from seventy-six to eighty-four pounds. Such is the operation of the tariff upon the price of salt! Abolish the duty, and introduce a free trade, and what would be the consequence? Why, sir, the importer would never fall into the hands of the regraters. He would land his salt without a permit—without tax—without bond—and sell it in the river, or at the wharf, to any one that would buy it; or he would ascend into the interior with it, bartering his salt with the farmers, against their provisions, and that at first cost, without duty, or advance upon cost and duty. The manufacturer would have a fair price for the domestic article; for freight would operate as a protection, and be equal to a duty of near twenty cents, and give a better profit upon their capital than farmers and planters are receiving. This would be the state of our salt trade if the duty was abolished; and every interest of the farmer requires the abolition.

I pass on to another topic. The fine effects of the high tariff upon the prosperity of the West have been celebrated on this floor: with how much reason, let facts respond, and the people judge! I do not think we are indebted to the high tariff for our fertile lands and our navigable rivers; and I am certain we are indebted to these blessings for the prosperity we enjoy. In all that comes from the soil, the people of the West are rich. They have an abundant supply of food for man and beast, and a large surplus to send abroad. They have the comfortable living which industry creates for itself in a rich soil; but, beyond this, they are poor. They have none of the splendid works which imply the presence of the moneyed power! No

Appian or Flaminian ways; no roads paved or McAdamized; no canals, except what are made upon borrowed means; no aqueducts; no bridges of stone across our innumerable streams; no edifices dedicated to eternity; no schools for the fine arts: not a public library which an ordinary scholar would not apologize. And why none of those things? Have the people of the West no taste for public improvements, for the useful and the fine arts, and for literature? Certainly they have a very strong taste for them; but they have no money! not enough for private and current uses, not enough to defray our current expenses, and buy necessities! without thinking of public improvements. We have no money! and that is a tale which has been told too often here—chanted too dolefully in the book of lamentations which was composed for the death of the Maysville road—to be denied or suppressed now. They have no adequate supply of money. And why? Have they no exports? Nothing to send abroad? Certainly they have no exports. Behold the marching myriads of living animals annually taking their departure from the heart of the West, defiling through the gorges of the Cumberland, the Alleghany, and the Appalachian mountains, or traversing the plains of the South, diverging as they march, and spreading themselves all over that vast segment of our territorial circle which lies between the *debouches* of the Mississippi and the estuary of the Potomac! Behold, on the other hand, the flying steamboats, and the fleets of floating arks, loaded with the products of the forest, the farm, and the pasture, following the course of our noble rivers, and bearing their freights to that great city which revives, upon the banks of the Mississippi, the name* of the greatest of the emperors that ever reigned upon the banks of the Tiber, and who eclipsed the glory of his own heroic exploits by giving an order to his legions never to levy a contribution of salt upon a Roman citizen! Behold this double line of exports, and observe the reflux currents of gold and silver which result from them! Large are the supplies—millions are the amount which is annually poured into the West from these double exportations; enough to cover the face of the earth with magnificent improvements, and to cram every industrious pocket with gold and silver. But where is this money? for it is not in the country! Where does it go? for go it does, and scarcely leaves a vestige of its transit behind! Sir, it goes to the Northeast! to the seat of the American system! there it goes! and thus it goes!

1. To pay our proportion of twenty-eight millions of duties, and eight or ten millions of merchants' profit upon those duties, levied upon foreign articles under the operation of the high tariff system. 2. To pay for all the domestic goods which we purchase, and for which the manufacturers will receive nothing from our merchants but money. 3. It goes to pay our heavy proportions of the millions which are expended in making roads and canals, erecting breakwaters, digging harbors, building sea walls, and stretching causeways to Smutty Nose island, in the Northeast. 4. It goes to pay for public lands; for which object about three millions of dollars were taken from us last year; and the American system, as we have been lately told, means to keep up that enormous levy for two of her favorite objects. 5. Above all, it goes to supply that British institution—that real head and horns of the American system, mis-called Bank of the United States—with perennial supplies of hard money; and to pay her the sixty days' collection in advance of interest, bank interest, on twenty-six millions of bank debt; half of it in domestic bills of exchange, a sort of fiscal metempsychosis—now, a promissory note in the interior; next, a draft on the seaboard—and gathering usance at each transmigration with a rapidity of accumulation which might excite

* Derived thus: New Orleans—Regent, Duke of Orleans—Orleans, in France—Aurelianum, in Gaul—Aurelian, Emperor.

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the cupidity of old Shylock himself, and make him lift his head from Pluto's dreary realms, to admire and envy. In these five ways, the West is regularly stripped of its effective cash. The American system carries it off. The long arms of that system pick up her gold and silver, as an elephant's proboscis would lift a pin. They pluck her clean; they pick her to the bone! and the only remedy is to amputate some of these arms, and shorten the others. Reduce the duties from twenty-eight millions to about twelve; reduce the price of the public lands, and make donations to settlers and to the States, for public purposes; give us a barter instead of a cash trade for goods; let us have good woollens, at low price, for tobacco, instead of inferior ones, at double price, for cash; stop our heavy contributions to Atlantic seaboard improvement; get rid of the bank debt, and its desolating exactions for interest, and usury, and hard money. Do us these favors, or rather this justice, and the West will soon fill up with gold and silver. It will have money enough, and good enough, for it will consist of the precious metals. Public objects and private wants will find their ample and their adequate supply. The returns from our exports will make us as rich in money as we are in produce.

I hope, Mr. President, I have justified my assertion that there is no danger of the least harm, much less of total destruction, to our domestic industry, from the operation of reducing our revenues to the wants of the Government. The spectre of desolation, so frightfully paraded before us, vanishes before a few plain facts; before the single fact, that nearly the whole of these manufactures are going abroad, without protection, which are to die at home, if a hair of their protection is touched. The reason alleged against this reduction of revenue ceases to exist. The argument is nullified by facts; and the question stands naked before us for final decision. Will this Congress redeem the pledge upon which the unlimited and irresponsible power of taxation was obtained from the States? Will it abolish the sixteen millions now raised on account of the public debt, and no longer wanted for that debt? Will it keep the faith of the Congress of the confederation, and of the fathers of the constitution? Or will it establish "the analogy between the principle and the fact," between the principle of tyranny contained in the power to levy taxes without limitation of time, without stint of quantity, and without accountability for its expenditure, and the fact of the actual exercise of that power? This is the naked question which stands before us! And I, sir, who know, from the lessons of all history, that no free Government ever broke into fragments, or sunk into monarchy, until civil rulers had prepared it for destruction, and exasperated the people to madness, will take public faith, and equal justice, and amicable concession, for my guides on this occasion. I will vote for relief to the burden-bearing portions of this confederacy—substantial, visible, and tangible relief to the South, where I was born; to the West, where I live; I will vote for the reduction of revenue, until sixteen millions of taxes are abolished.

I do not now go into the articles on which this reduction should fall; but there is one article, most pre-eminently entitled to a place in the list of reductions, which has, nevertheless, been held up here for hard and permanent taxation—which has been so ostentatiously claimed as a permanent source of revenue, that I should be recreant to my principles and my duty, and insensible to a public defiance, if I did not notice it. I allude to the public lands; and to that new revelation of the beauties of the American system, which is to keep up their price to an arbitrary height, and appropriate their proceeds to seaboard improvement in the Northeast, (for to that complexion has our internal improvement system degenerated,) and to the colonization of free negroes upon the coast of Africa. Sir, these lands—a large part of them—were given by Virginia, North Carolina, and Georgia, for the payment of the

public debt; the proceeds of all the lands—those bought from France, as well as those received from the States—were pledged to the payment of the public debt. The debt is paid! and, in the millennium of its extinction, in the national jubilee of a great nation freed from national debt, the farmers of the West hoped to come in for a share of the enjoyment! they hoped for relaxation in the arbitrary price of public lands. They hoped for reduction in the price of the soil, and for donations and settlement rights. But it seems that the American system has cast her eye over the wide extent of our public domain. She has surveyed the unsold acres! She has marked them for her own! The devouring cry of the Triumvirate soldiers on the banks of the Po, is to resound through the forest and the prairies of the West: *Hæc mea sunt!*—and the suggestion of the Secretary of the Treasury (Mr. Mc Lane) "to dispense with the public lands as a source of revenue," is stigmatized in advance as the maddest of all mad and wild conceptions. Sir, I do not mention this subject to go into this discussion now; an appropriate time is coming for that purpose in the discussion of the graduation bill, which is next in order; but I mention it to have an opportunity to notice the stigma which has been cast upon the plans of myself and friends, and to pledge myself to their vindication—to pledge myself to prove, at the proper time, that the plans which have been denounced as "mad" and "wild," are the plans of reason and justice, approved by the wisdom of all ages, sanctioned by the practice of all nations, called for by the imploring voice of the new States, and due to the necessities of their actual condition.

I proceed, Mr. President, to the second branch of my subject, namely, the principle on which the reduction of revenue should be made. Sir, I advocate a system of discriminating duties. I am for regulating foreign commerce according to the theory of the constitution, and according to the united intentions of all those who framed and ratified that instrument. I go back to the true intent of the constitution, and ask for the execution of the clause which authorizes Congress to regulate foreign commerce. These are the words: "Congress shall have power to regulate commerce with foreign nations, among the several States, and with the Indian tribes." But here comes a difficulty. This word, regulate, is a stumblingblock to Congress: its meaning is the puzzle of the day. Some suppose it authorizes Congress to levy duties, for the support of the Government; as if the power to levy duties was not expressly given in another place! Some suppose it contains a power to establish and protect manufactures. Sir, such interpretations are enough to make the ghosts of our ancestors shriek from their graves! Look at the words! see the word "regulate" applied to the commerce between the States, and with the Indians, as well as to the commerce of foreign nations, and tell me if it is not bound to receive the same interpretation in each application. If you can raise revenue from foreign goods, under that clause, you can also raise upon it—upon every article which passes from State to State. If you can protect domestic manufactures against foreign manufactures, under that clause, you can also protect the manufactures of the States against each other; and if any of the State manufactures are in danger of being eclipsed by the superior productions of the Indian tribes, we can grant protection against their competition also. The monstrosity of these interpretations would be properly exposed by bringing in bills to regulate commerce between South Carolina and Connecticut, and taxing the manufactures of Connecticut two hundred per cent. to raise revenue for the Government, and protect the manufactures of South Carolina! and to regulate our trade with the Indians, by extending our high tariff system to the baskets and wampums, the buckskin leggings, beaded moccasins, and buffalo robes, of our red neighbors, to defend our infant manufactories of coarse

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woolens, leather boots and shoes, and domestic ribbons and home-made baskets, from the formidable competition of the Kickapoos and Assinaboins.

No, sir, such madness never entered the heads of our ancestors. The meaning of this clause was just as well understood by the framers of the constitution, as we understand the letters of the alphabet. To levy duties was one power; to regulate commerce was another. The regulations of foreign commerce, in their understanding, signified the acquisition of beneficial markets abroad for our domestic productions; to be effected by discriminating duties, founded in a principle of reciprocity, and which should measure back to every nation the same degree of favor or disfavor to its commerce, which itself measured out to ours. This was the sense of the phrase, when the convention proposed, and the States ratified, this grant of power to the Federal Government. How do I know that? I know it from the most authentic sources; from the venerable records of our early history; and the concurrent authority of all the fathers of the constitution. I know it, 1st. From the history of the proceedings in the Congress of the confederation, which led to the adoption of the constitution. 2d. From the debates in the federal convention. 3d. From the debates in the State conventions which ratified the constitution. 4th. From the eleventh number of the *Federalist*, written by General Hamilton. 5th. From the letter of President Washington, in October, 1879, to Mr. Gouverneur Morris, then our informal minister in London. 6th. From the report of Mr. Jefferson, in the year 1793, on the commerce and navigation of the United States. 7th. From Mr. Madison's resolutions for the regulation of foreign commerce in the year 1794. 8th. From his (Mr. Madison's) speeches in support of those resolutions. 9th. From the speeches of all the members who took part in the extended debate to which those resolutions gave rise. Such are the sources—a part only of the sources—from which I draw proofs to sustain my reading of the constitution. I do not produce all these proofs to the Senate: they are at hand, but time forbids the production. A few only will I use, and begin with some extracts from Mr. Madison's speeches in favor of his famous resolutions. Hear him!

"This subject, as had been remarked on a former occasion, was not a novel one. It was coeval with our political birth, and has, at all times, exercised the thoughts of reflecting citizens. As early as the year succeeding the peace, the effect of the foreign policy which began to be felt in our trade and navigation, excited universal attention and inquietude. The first effort thought of was an application of Congress to the States for a grant of power, for a limited time, to regulate our foreign commerce, with a view to control the influence of unfavorable regulations in some cases, and to conciliate an extension of favorable ones in others. From some circumstances, then incident to our situation, the experiment did not take effect. . . . Out of this experience grew the measures which terminated in the establishment of a Government competent to the regulation of our commercial interests, and the vindication of our commercial rights. As these were the first objects of the people in the steps taken for establishing the present Government, they were universally expected to be among the first fruits of its operation. In this expectation, the public were disappointed."

Sir, this extract establishes my reading of the constitution. It shows what was meant by the phrase, regulate. It shows that to control the influence of unfavorable regulations in some countries, and to conciliate an extension of favorable ones in others, was the object, and discriminating duties the means, of accomplishing this double purpose—for the resolution of Mr. Madison turned exclusively upon discrimination—upon the establishment of a higher rate of duties upon imports from Great Britain, who then,

as now, heavily dutied our exports, than upon imports from France, who received them on favorable terms. His resolutions went, if I may so express myself, to the establishment of two tariffs; one for friends, the other for foes, with an offer to all nations to take their choice; with a wish that all should choose the better; and with the alternative of paying the penalty, if they chose the worse, and incurred the heavier duties. The sole object of this discrimination, and, by consequence, the sole object of the clause to regulate foreign commerce, was to obtain better markets abroad for our exports. He tells you—no, he tells those who framed the constitution, and who ratified it—that, but for this object, the constitution would never have been adopted! He declares that these fruits, namely, the acquisition of better markets abroad, were expected to have been the first effects of the new Government; and expresses his own astonishment, and proclaims the disappointment of the people, that four years had elapsed, and these fruits had not been gathered. This was in January, 1794; and had no law for laying duties on foreign merchandise then been passed? Yes, certainly! the fundamental act of July, 1789, establishing the whole custom-house system; also the act of 1792, which repealed that of 1789, and established the whole system over again; and, besides these two general acts, fourteen subsidiary ones for the collection of duties had been passed. These acts did both the things which are contended for under the new-fangled interpretation of the regulating clause; first, they levied duties; and, second, they encouraged domestic manufactures! Yet Mr. Madison, who was himself the leading supporter of these acts, declares, in the face of those who framed and who ratified the constitution, that Congress exercised no power under the clause to regulate foreign commerce! a most authentic declaration that the power to levy duties was not a power to regulate foreign trade! But let us proceed with the speech:

"As to the discrimination proposed between nations having, or not having, commercial treaties with us, the principle was embraced by the laws of most if not all the States, whilst the regulation of trade was in their hands. It had the repeated sanction of votes in the House of Representatives, during the session of the present Government at New York. It has been practised by other nations, and, in a late instance, against the United States. It tends to procure beneficial treaties from those who refuse them, by making them the price of enjoying an equality with other nations in our commerce. It tends, as a conciliatory preference, to procure better treaties from those who have not refused them."

Here, sir! See the whole operation and natural effect of the discriminating policy is beautifully and briefly laid down. The nation which refuses to trade with us upon fair terms—which refuses to take our productions at all, or loads them with heavy and oppressive duties, incurs the penalty of her own selection. She incurs a discrimination of duties; and her products will pay higher in our own ports than the productions of more friendly nations. The prejudice which she incurs will be of her own selection, not of our infliction. It will continue while she pleases, and no longer; and, while it does continue, will rest upon the unimpeachable basis of a wise, a just, and a constitutional reciprocity. A discrimination of five to ten per cent. was contemplated by Mr. Madison, in the year 1794; that same amount of discrimination may be sufficient now. But I do not fix the amount. It is a practical question for merchants to decide. Whatever will turn the scale of commerce, in the same article, between different nations, will be sufficient. It will doubtless accomplish now what it would have accomplished in 1794; it will control the policy of unfriendly nations; it will conciliate preferences, and obtain beneficial treaties from those who withhold them. There is nothing in the state of our commercial relations with foreign nations to impede the adop-

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tion of this policy. The common stipulations, to be found in every treaty, for all the advantages granted to the most friendly Powers, always imply the same terms; and the discriminating policy sets out with offering the same terms to all, and ends with leaving the option to themselves. Besides, our treaties are temporary, all requiring frequent renewals, and subject to daily alterations; and, with the principal commercial Power (Great Britain) our treaty is nothing but a temporary arrangement, determinable at a short notice from either party. There is nothing, then, in our political relations to embarrass us; still less in the commercial situation of the world; for that is most propitious to our design in the universal tranquillity which prevails; and, as for ourselves, we actually have a crisis at home which demands its adoption.

Let us continue the reading of Mr. Madison's speech:

"It had been asked, what grounds there were for concluding that Great Britain would be led by the measure proposed to change her policy towards the United States. He thought we had the best ground for relying upon such an effect. It is well known that when she apprehended such measures would be taken, she manifested a readiness to admit a greater reciprocity into the commerce between the two countries. A bill for the purpose was brought into the House of Commons by the present minister, Mr. Pitt, and would probably have passed into a law, if hopes had not sprung up that they should be able to maintain their exclusive system. Knox, an under-secretary, appears, from a collection of papers, published by him, to have been the chief adviser in the cabinet, as Lord Sheffield was the great champion before the public of this experiment; (to maintain their exclusive system, and dispense with Mr. Pitt's bill.) It was founded, according to both these witnesses, (among other causes,) on the belief that the General Government was so weak that it could not execute a plan of retaliatory restrictions; and that local interests and prejudices predominated so much among the States that they would never even agree to make the attempt."

I pause, Mr. President, in this important reading to make a remark. It is upon that eternal objection to the attempt of a measure which is founded upon its anticipated unsuccess. It is an insidious objection, tending to produce what it professes to reprehend. It is a fugitive objection, flying from the solid argument, which cannot be met, to the delphic annunciation of the sinister event, which no man can foretell. It is often an objection in favor of a foreign interest, by exciting and stimulating a foreign Power to counteract our policy. Thus it was in the period of our history to which Mr. Madison alludes. Mr. Pitt had yielded. He had actually brought a bill into Parliament to admit a greater reciprocity into our commercial relations. That bill, says Mr. M., would probably have passed into a law. But an under-secretary, who probably had his under-correspondents in America, advised the British cabinet that the local interests and prejudices of the States would never permit them to agree in any plan of discriminating duties. The bill of Mr. Pitt was withdrawn. No law was passed. The under-secretary was right. He had good intelligence from America. Forty years have passed away, and no discriminating duties have ever been established. England has not relaxed her restrictive system; on the contrary, she has drawn its bonds doubly tight. The increase of our tariff duties, tenfold beyond the rate proposed by Mr. Madison, has had no effect upon her restrictive system, except to tighten it. And why? Why should five or ten per cent. alarm her then, and fifty, a hundred, two hundred, have no effect upon her now? Because these tariff duties are indiscriminate; they fall upon all nations alike; and she can carry the load as easily, and more so, than other nations. Her commerce, though directly, is not relatively injured by it. She is not put behind any nation by it. She is still

upon a level with all nations. The high tariff policy she has failed; it has had its trial, and not succeeded. Far from succeeding, it has aggravated the evil it professed to counteract. Then abandon it; return to revenue duties and commence the policy of discrimination. Tax all imports fairly for revenue, and incidental protection to home industry, and make a discrimination of five or ten per cent. to the prejudice of those who will not make friendly and friendly treaties with us. My word for it—no, not a word—the word of Mr. Madison, the act of Mr. Pitt, &c. it—she will relax. She will grant to a discriminating duty of six or seven per cent. which she refuses to the whole power of the high tariff policy.

We will read again:

"The only remaining hope that can induce Great Britain to persevere in the plan of conduct she has adopted towards the United States, lies in the supposed difficulty of reconciling the different interests and local prejudices. The present occasion will decide whether this hope should also be withdrawn from her; or whether she is to be inspired with fresh confidence in pursuing her own interests without a due respect, either for our interests, or for our rights. He (Mr. M.) could not but view the present as, perhaps, the final chance of combining the opinions and interests of the several quarters of the Union in some proper and adequate plan. If, at a moment when so many occurrences conspire to unite the public councils; when the public mind is well disposed to second all equitable and peaceable means of doing justice to our country, and when our commerce is critically important to the vital resources of Great Britain, it should be found that nothing can be done, could foresee no circumstances under which success was to be expected. To reject the propositions, therefore, whilst nothing better was substituted, must convey the most unfavorable impressions of our national character, and rivet the fetters on our commerce, as well as prolong other causes which produced such injurious consequences to our country. He would not permit himself to apprehend that such would be the end of their deliberations."

But such was the end of their deliberations. The resolutions of Mr. Madison were rejected! rejected by the slender majority of five votes! and history, the inexorable voice of history, has set down that majority to the influence of unhappy causes, to the germination of political parties, which then began to sprout into existence, and soon afterwards, attained so large a growth. The resolutions were rejected; and the predictions of Mr. Madison have been fatally fulfilled. It was the last chance (least for forty years) for attempting any regulation of commerce. The wars of the French revolution ensued, and all the decrees and orders of France and Great Britain, which grew out of these wars, and which were fatal, for so many years, to all commercial arrangements. Then came our own embargo and the war with England out of which grew the high tariff policy; in the prosecution of which all idea of the constitutional design of regulating commerce seems to have been totally lost. The consequences have been such as Mr. Madison foretold. The restrictive system of Great Britain has been pursued and followed up. She has doubled her restrictions upon us! she has riveted her fetters upon our commerce! Far from relaxing in her high duties when we add to ours, she follows our example, and raises hers still higher! thus producing a real contest for mutual mischief! the carrying on against each other a war of retaliation which has no other result but to provoke new blows!

I proceed to quote a few other names and opinions in favor of the discriminating system. They will be such names, and such opinions, as all America shall hear with reverence; and first I quote from President Washington and take his letter of October, 1789, to Mr. Gouverneur

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Morris, then in England, written from New York, before Mr. Jefferson had been appointed Secretary of State.

"The commerce between the two countries you well understand. You are apprised of the feelings of the United States on the present state of it; and you doubtless have heard, that, in the late session of Congress, a very respectable number of both Houses were inclined to discrimination of duties unfavorable to Britain; and that it would have taken place but for conciliatory considerations, and the probability that the late change in our Government, and circumstances, would lead to more satisfactory arrangements."

This communication ought regularly to be made to you by the Secretary of State; but that office not being at present filled, my desire of avoiding delays induces me to make it under my own hand."

I read next from Mr. Jefferson—from his report, in the year 1793, upon the foreign commerce of the United States.

"Such being the restrictions on the commerce and navigation of the United States, the question is, in what way they may be best removed, modified, or counteracted. As to commerce, two methods occur. 1. By friendly arrangements with the several nations with whom these restrictions exist; or, 2. By the separate act of our own legislatures for countervailing their efforts. There can be no doubt but that, of these two, friendly arrangement is the most eligible. . . . Would even a single nation begin with the United States this system of free commerce, it would be advisable to begin it with that nation, since it is one by one only that it can be extended to all. Where the circumstances of either party render it expedient to levy a revenue, by way of impost, on commerce, its freedom might be modified in that particular, by mutual and equivalent measures, preserving it in all others."

But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations, it behooves us to protect our citizens, their commerce and navigation, by counter prohibitions, duties, and regulations, also. Free commerce and navigation are not to be given in exchange for restrictions and vexations; nor are they likely to produce a relaxation of them."

Now for General Hamilton. Hear him. I read from the eleventh number of the *Federalist*.

"Suppose we had a Government in America, capable of excluding Great Britain (with whom we have no treaty of commerce) from all our ports, what would be the probable operation of this step upon her politics? Would it not enable us to negotiate, with the fairest prospect of success, for commercial privileges of the most valuable and extensive kind, in the dominions of that kingdom?"

Such a point gained from the British Government, and which could not be expected without an equivalent in exemptions and immunities in our markets, would not be likely to have a corresponding effect on the conduct of other nations, who would not be inclined to see themselves altogether supplanted in our trade."

Let Americans concur in erecting one great American system, superior to the control of all transatlantic force or influence, and able to dictate the terms of the connexion between the old and the new world."

Such are the concurrent authorities in favor of the constitutional design, and the national expediency, of establishing discriminating duties. Has not experience proved the wisdom of this policy? Certainly it has, and the slightest comparison between our present and former situation will confirm what I say. Take, for example, our relations with England, and compare the duties of 1790 with those of 1832. The duty on our tobacco, at that time, was one shilling and three pence sterling a pound; it is now three shillings. On rice, the duty was then seven

shillings and four pence the hundred weight; it is now fifteen shillings. Flour and grain were not admitted at that time, until the price rose to fifty shillings the quarter; they are not admitted now until the price rises to seventy shillings. Beef, pork, and bacon were prohibited then; they are prohibited now. Such are the relative restrictions of the two periods on our leading articles; it is the same in minor ones. The fact is incontestable, that the high tariff policy has failed to procure us better markets for our exports; on the contrary, it has injured and deteriorated these markets; and this being the result of forty years' experience, the question comes up for the candid consideration of all reflecting men, whether the discriminating policy—the policy of the constitution, and the policy of the fathers of the constitution—ought not now to be attempted.

And here, sir, we meet the question of domestic manufactures, and of the substitution of a domestic for a foreign trade. We are told that domestic manufactures will be prostrated, and the country covered with desolation, if the high tariff policy is touched; and we are further told that a home market will be created, by persevering in that policy, superior to the foreign one, which may be lost by it. Sir, it might be an answer to this objection to repeat that the constitution was made to promote foreign commerce, not to destroy it; that the exporting States have a right, under the constitution, to choose their own markets, and ought not to be subjected to the dictation of the manufacturing States; but, as arguments drawn from that instrument have latterly fallen into disrepute, or insignificance, I shall make no further reference to it, and proceed to the practical view of these two questions.

I consider the first of these questions settled, so far as facts and reason can settle any question in human affairs. I consider the fact of the exportation of manufactures, of nearly fifty varieties, and to the value of six millions of dollars, which now go to foreign countries, and contend successfully with the manufactures of all nations, without any protection at all, to be conclusive of the question of their overthrow and prostration at home, by being reduced to a revenue protection. I will, therefore, leave this question where I placed it when I read the list of our domestic exports of manufactured articles, and proceed to the second one, which involves an inquiry into the truth of the position, that a perseverance in the high tariff policy is to create a domestic market, superior to the foreign one which may be destroyed by it.

I propose to examine this latter question chiefly in reference to its bearing upon the West. This great region is now rapidly advancing to the foremost rank as an exporting section of this Union. Her domestic exports, for I speak of no other, from the port of New Orleans, for the year 1830, amounted to upwards of thirteen millions of dollars. The domestic exports of New York only amounted to about the same sum. The emporium of the West is then even with the London of America in that truest line of national wealth, the domestic exports. Compared to other exporting cities, she stands thus: Five millions of dollars ahead of Charleston; ten millions ahead of Baltimore; ten ahead of Boston; eleven ahead of Philadelphia; and these disproportions are to increase in rapid progression from this time forth. Such an export trade, from a country so young and so thinly populated, announces a region of unbounded production, and of the greatest facility for sending her products abroad; and such is the fact. The West, sir, is capable of becoming the granary and the provision magazine of numerous nations. The extent of the region, and its fertility of soil, display its capacity for production; a hundred rivers, draining the area of an immense circumference, bearing their tributaries to the king of floods, and furnishing above forty thousand miles of inland navigation, display its capacity for foreign trade. This region must produce, and can send away, the

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masses of provisions which myriads, in other climes, can alone consume. The course of all her rivers, bearing south; the position of New Orleans, always free from the embargo of ice, and her rapid and regular communication with the country above, and the sea below, since the application of steam power to the propulsion of vessels, make that city the most favorable on this continent for an export trade. Thirteen millions of dollars worth of provisions, cotton, and tobacco, now leave that port annually, to find a foreign market. Seven or eight millions more, coming from the upper half of the valley, find their market in the Southern States and on the lower Mississippi; in all, about twenty millions: and this with a young and thin population, which barely sprinkles the earth, and a slight cultivation, which extends to one acre in fifty, and only half cultivates that one.

Where are, and where are to be, our markets for all those productions? We see those markets now, 1st, in the Southern States; 2d, in the West Indies; 3d, in some portions of South America; and, 4th, in the middle countries of Europe. There we see our markets now. But we are told of a domestic market, to be created by domestic manufactures, and which is to make New England the superseder and the successor of the Southern States and of all foreign nations, in the purchase and consumption of Western produce. This is what we are told! and a list of cattle driven into Boston, the invoices of some schooners carrying corn and flour into Rhode Island, and an adventure of wool into the same quarter, which has remained without imitation or repetition, are gravely exhibited to us as the proofs on which we are to surrender the commerce of the world, and betake ourselves to the commerce of New England! Sir, I do not embarrass my argument with the consideration of these petty statistics, disputable in point of fact, and insignificant if ascertained. I look to great data. I view the question under large aspects, visible to all mankind, and decisive in their nature. I look, first, to the territorial extent of New England, a mere speck upon the map of our America! Of that speck, only the one half engaged in manufactures, the other half engaged in producing provisions. Rhode Island, Connecticut, and Massachusetts are the manufacturing part of New England. Their joint areas amount to fourteen thousand square miles; just half the extent of South Carolina, which is itself just one-half the extent of Virginia, which is itself some fortieth part of the Southern and foreign market; the whole of which we are required to give up for this magnificent prospect in New England! This is one of my data; from which I draw the inference that the manufacturing districts of New England are incapable, for want of extent, to furnish the myriads of people who can consume the products of the West.

My next great data is this: That, instead of being our customer, New England is our competitor in the provision trade. She exports great quantities of provisions herself. Her domestic exports were six millions and a half for the last year: of which about one million was in fish; a considerable part in beef and pork; much in vegetables; and much in butter and cheese—two articles which I particularly name because their exportation always implies a sufficiency of cattle at home. New England has advantages in her provision trade, which the West has not, in the use of foreign salt free of tax. Her salt, free of tax, for the year 1831, was one million one hundred and thirty-one thousand five hundred bushels; and has seldom been less in any preceding year, as the annual reports of the Secretary of the Treasury will show. New England then can take nothing from us in the way of meat or vegetables. But she imports corn and flour; she actually receives corn and flour from the coasts of Virginia and North Carolina! Yes, and did receive them long before the high tariff was thought of; and will continue to receive them after it ceases to exist. The first that she received, according to my reading,

was about the year 1630, when the Plymouth colony sent down to the Jamestown colony to buy corn; and she has been at it ever since. Her high northern latitude prevents the raising of these articles at home; and she gets them in her coasting trade to the South. But how much? Not the hundredth part of what the lower part of Virginia and Carolina have to spare! They can supply her amply with corn and flour, to say nothing of the neighboring parts of Pennsylvania and New York, which are themselves national granaries of wheat. No, sir, New England can never purchase our provisions. If she really took from us all that she could consume, it would amount to nothing in the mass of our productions. It would be no more than the nibblings of the mice at our barns and cribs, which we do not miss; and by no means equal to the depredations of the Norway rats, which, in truth, affect us considerably. Boonlick alone would gorge her.

A third great data is the well known fact that New England takes no tobacco from us; and the whole heart of the West—for I am confining my remarks to the West—the whole heart of the West, upon an area of five hundred miles square, comprehending the finest parts of six States, is a tobacco-growing region. New England takes no part of this article. The Netherlands, the Hanse Towns, England, (to name them in the order of their importance in this trade,) France, Spain, the coasts of the Mediterranean, and the shores of the Baltic sea, are the markets for American tobacco. Foreign markets alone furnish us purchasers for it; and, if deprived of that market, we must give up the cultivation of that great staple.

A fourth great data, to prove the necessity of foreign trade, and the utter futility of the New England substitute, is the state of our hard money trade. New England will furnish us with no gold and silver; on the contrary, she takes it from us, and nothing else, in payment for her manufactures. Our acquisitions of specie all come from foreign trade. For even that portion which comes from the lower Mississippi and the Southern Atlantic States, is first obtained from foreign countries, in exchange for the cotton, the rice, and the tobacco which is exported. The last ten years have furnished the Union with seventy-five millions of hard money, imported from abroad. Not less than two hundred and forty millions have been imported since the establishment of the Federal Government. Mexico is our great fountain of supply; Great Britain and her dependencies stand second; the Spanish West Indies third; the South American States fourth; France and her dependencies fifth. Mexico alone furnishes more than half the annual supply! But how? for we send to her dominions less than one million of our domestic productions! Sir, we obtain it by the circuitous operation of trade; by sending our productions to Europe, exchanging them for fine goods, and carrying these goods to Mexico. New England cannot supply the place of Mexico and Peru, of Europe and the West Indies, in furnishing us with hard money. Far from supplying us with that metal, she exacts it from us. She gives us nothing but manufactured goods, and for these she will take nothing but hard money, or its equivalent; and herein lies one of the great evils of the high tariff system, and its hardest operation upon the West—an evil beyond that of the British colonial system; for the colonies could always pay for their goods from Old England in their provisions and raw materials: but the West must send money to New England!

No, Mr. President, I wash my hands of these Lilliputian statistics. I attach no consequence to the long list that was read to us of sheep and cattle driven into Boston, and the invoices of corn and flour imported into Rhode Island. I wash my hands of all the fine prospects which have been exhibited for the future consumption of the products of the great West, in the nutshell of New England. I look at the thing under other, and larger, phases. I look at it under the aspects which God and nature present, and

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which man can neither conceal nor alter. I look at her under the aspects of territorial extent—possible population—pursuits of industry—and habits of trade; and say that the microscopic speck in the Northeastern corner of our America cannot furnish consumers for Western provisions—cannot furnish purchasers for Western tobacco—cannot become the golden fountain of supply for the precious metals. And I say this without reference to the mountains which intervene, and the ice which forbids communication when communication is alone wanted. I premit mention of these natural obstacles of earth and climate, because I wish to avoid disputation; and I know that I should be suddenly told that the West is to remove or overcome all these obstacles of nature; her lands are to be a fund for levelling mountains, and drawing out railways, and perforating the earth with canals! and so drawing off the commerce of the West from New Orleans to Boston and New York. I leave out these views; because I know that after the West may have been despoiled of its lands for this object, the commerce of the great valley will still follow the course of nature, and flow through the channels which God has created for it. It will still prefer down hill to up hill—down stream to up stream—a flowing river to a frozen ditch—a magnificent steamboat to a narrow cage—a cheerful city, in a soft, delicious, salubrious climate, (for which is New Orleans in all the business months,) to the dreary regions, the ice-bound harbors, and the winter desolation of the Northeastern cities.

The West needs foreign trade. Why else did our ancestors struggle under the Government of the confederation to secure the free navigation of the Mississippi? Why else did the whole West rejoice at the acquisition of the mouths of the Mississippi in 1803? But it is said that the introduction of the high tariff policy has not been injurious to foreign trade. I think otherwise; but let us avoid an array of opposite opinions, and contradictory assertions, which decide nothing, and produce no results, and let us have recourse to the logic of facts which put an end to all mistakes. Let us examine this point upon evidence, and evidence of that character that no man may be permitted to dispute it. I speak of the evidence of the custom-house books, and will take two periods which will exhibit the fairest state of the question. I will take the year 1816, which was the year of the commencement of the high tariff policy; and the year 1830, which was two years after that system had attained its present maximum growth. In the first of these years the export of domestic productions was \$64,781,896; in the second it was \$59,462,029. Here is a decrease of five millions, when there ought to have been an increase of about thirty millions; for our population had increased one-third in the same time, and our country was at peace with all the world during the whole period; and her foreign commerce should have been as progressive as her population. The diminution of foreign trade is then, in reality, about thirty-five millions; and that in the short space of fourteen years. This is a striking view of the decline of foreign trade under the high tariff policy; but it is by no means the strongest view which the case admits. That strongest view will be seen in the dissection, or analysis, of our export trade for those years; an operation which will show that the decline has fallen, not generally upon all our exports, but partially and exclusively on the products of the earth—the products of the South and West—while the exports of the Northeast have actually increased during the same period.

Here is the analysis:

In 1816, the domestic exports were:

In the products of agriculture,	-	\$53,354,000
of the forest,	-	7,293,000
of the sea,	-	1,331,000
of manufactures,	-	1,755,000

In 1830, they were:

In the products of agriculture,	-	\$46,976,332
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In the products of the forest,	-	4,192,047
of the sea,	-	1,726,270
of manufactures,	-	6,557,380

Here, sir, is proof for you! Here is demonstration! Here is the logic of the exact sciences! Here is the true working of the high tariff policy! And what does it prove to you? It proves that agriculture in the year 1830 is worth seven millions less than in 1816, instead of being worth one-third, or seventeen millions more; that the products of the forest—a kindred product to agriculture—are three millions less in 1830 than 1816, instead of being three millions more; that the products of the sea, instead of declining like the others, have actually advanced near half a million; and that the products of the manufactories have advanced upwards of threefold, from one million and three-quarters to six millions and a half! This logic of figures puts to flight all the delusive theories which would either deny the fact of a decline in our foreign commerce, or attribute it to the diminution of money, and consequent fall of prices. The produce of the high tariff States is not affected by those causes. The produce of the sea, namely, fish, oil, whalebone, and spermaceti, which goes from the high tariff States in the Northeast, sells as well as ever. The produce of the manufactories, too numerous to be detailed, especially after reading a list of them an hour ago, also goes from the same State, and is vastly increased. But the produce of agriculture, namely, beef, pork, bacon, flour, grain, cotton, rice, tobacco, &c. &c., which goes from the Southern and Western States, is largely sunk in value; the produce of the forest, which goes principally from the same States, and consists of skins and furs, of tar, pitch, rosin, and turpentine, of staves and shingles, hewn timber, masts, spars, boards, and other lumber, has also sunk in value. Sir, there is no mistake in these figures! no error in these deductions! no room for any diversity of opinion! The high tariff works alike, throughout all its departments, and in every operation, at home and abroad. It is hurtful to the farmer and the planter; it is beneficial to the fisherman and the manufacturer. It sheds the whole of its benign influences upon the Northeast; it reserves all its baleful effects for the South and West!

Several speakers, Mr. President, have read to us the accounts of British oppression during our colonial vassalage. They have shown that we were allowed to manufacture nothing for ourselves, and were compelled to purchase the manufactures of the mother country. This was certainly a great oppression upon the colonists, and deserved their highest resentment; but in some respects the present state of trade between the West and the high tariff States is on a worse footing for the West than that of the colonists was with the mother country. In the first place, the colonists bought their manufactures from the mother country at a cheaper rate than we buy from the high tariff States, especially in the essential articles of woollen goods. In the next place, the colonists paid in their own productions, we in money. In the third place, the colonists furnished the raw materials to be worked up in England, while the West furnishes scarcely any raw material for the Northeastern manufactures, and many of them employ foreign materials, to the exclusion of American materials. We have a very striking instance of this in a memorial now upon our tables from a firm of flax manufacturers near Philadelphia. It contains this remarkable sentence: "The manufactures your memorialists produce are from foreign flax exclusively, and consist of shoe threads, tailors' threads, twines, and flax and tow yarns entering into other manufactures, as checks, linens, carpeting, patent floor cloth, boot webbing, and hair seating, which cannot be made from the flax grown in this country, of a quality to answer the purposes of the consumers." Now, under the old colonial system, these manufacturers would have been obliged to use American flax, and to have paid Americans for it; but under our high tariff, they buy the flax from abroad;

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and the high duties upon all the manufactures of flax, as threads and twines, checks and linens, carpetings and floor cloths, boot webbing and hair seating, enables them to sell the manufacture sufficiently high to enable them to buy the foreign material, and the people are to be deluded with the story that this is a domestic manufactory! The quantity of foreign flax imported into the United States in two years after the tariff of 1828, and remaining in the country for consumption, was ninety-six thousand seven hundred and forty-two dollars worth; which, of course, went into our domestic manufactories. It is the same thing with other articles; for our custom-house books show an import of foreign wool, since the tariff of 1824, to the value of two million seventy-two thousand one hundred and eighty-five dollars; of foreign hemp to the value of three million five hundred and forty-one thousand six hundred and forty-two dollars; of foreign indigo to the value of four million eight hundred and thirty-five thousand seven hundred and sixty-seven dollars; of foreign raw hides to the value of eleven million one hundred and seventy-two thousand seven hundred dollars; and of foreign furs to the value of two million seventy-seven thousand two hundred and thirty-five dollars: making, in the whole, an importation of foreign materials, in five articles alone, to the amount of twenty-five millions of dollars, in the short space of six years, between the years 1824 and 1830. And this is the nett amount which remained in the country for consumption, after deducting the re-exportsations. This immense sum has been paid to foreigners, instead of American citizens; so that, in this respect, our trade with the Northeastern manufacturers is on a far worse footing than that of the old colonists with Great Britain. But I trust that this hardship will soon be relieved, and that, in the modification of the tariff at the present session, the farmers and planters of the United States will be admitted into the benefits of the American system, and secured in the domestic supply of the raw materials to our domestic manufactories. I hope for this much for the farmers, and for the honor of the system. For nothing can be more absurd than to erect domestic manufactures upon foreign materials; nothing more contradictory than to predicate independence for goods upon dependence for materials to make them out of; nothing more iniquitous than to give to the manufacturers the home market of goods, and not give to the farmers the home market of raw materials; nothing more insulting to the understandings of the people, than to call such a one-sided monopoly an American system.

The West, then, Mr. President, in common with all the agricultural portions of this Union, has a deep and direct interest in the preservation and extension of foreign trade. If she looked to her interest alone, if she looked at the question under the single aspect of selfish benefit, she would be an advocate for unrestricted commerce with all the world. She would continue the cry, upon which she went to war twenty years ago, for free trade and sailors' rights! But the West is not individual in her existence, nor egotistical in her policy. She is a sectional division of an extended confederacy; she belongs to a great political system; she is subject to a duplicate form of Government; and these conditions impose upon her obligations, which neither duty nor patriotism permit her to disregard. Her Government must be supported, and that support requires revenue; her independence must be maintained, and that independence requires a home supply of certain articles. Foreign commerce presents the most convenient subject for revenue, for the support of the Federal Government; and the levy of that revenue may be made the means of encouraging the production of the essential articles which our independence requires to be made at home. Hence the necessity of qualifying the unlimited freedom of trade, which our pecuniary interest might require; and hence, also, the measure of that qualification. And this, Mr. President, brings me back to a point which

I mentioned before, and which, upon this subject, is the law and the prophets with me: revenue, to the extent of the Government wants; protection as an incident to revenue.

Sir, I do not argue these points over again; nor do I go further into the discussion for regulating foreign commerce upon the principle of reciprocity, and establishing discriminating duties as a means of coercing or conciliating beneficial treaties from foreign nations. I leave all these points to their fate, to live or perish upon what has already been said. But there was a phrase used by General Hamilton, and read to you some half hour ago, which I must be excused for bringing up again to the notice of the Senate. General Hamilton spoke of the American system; and he is the first individual, so far as my reading extends, that ever pronounced that phrase. But in what sense did he use it? For the destruction of foreign commerce? think you! and the substitution of a delusive home trade, and domestic manufactures? No, sir! But for the preservation, the extension, the promotion of foreign trade! to exalt it to the highest point of prosperity! and that by a discriminating duty! This was General Hamilton's idea of an American system! This was the system, this the policy, which, in the glowing language of that ardent man, was to enable us, not to cut the connexion, but to dictate the terms of the connexion, between the old and the new world. This it was which was to open to us the commerce of all nations, upon reciprocal terms. And this is the system with which President Washington directed Mr. Gouverneur Morris to warn England in 1789, and the fear of which, Mr. Madison tells us, induced Mr. Pitt to bring this bill into Parliament for the relaxation of the British restrictive system above forty years ago. This is the system the success of which was believed to be infallible forty years ago. Is there the least reason to believe its success would fail now? So far from it, that success is still more probable now than at that time. Examine its operation: see its practical effect upon foreign Powers. We import linens from England, France, and Germany; each of these Powers takes tobacco from us, but with heavy duties or restrictions. We abolish duties on linens in favor of any Power that will take our tobacco on moderate duties; and we leave a duty of six or eight per cent. on the linens of those Powers that refuse. The result must be, that some one will enter into our arrangement; and if any one does, the others must, or suffer a decline in a branch of trade which will be greatly to their own prejudice. Another example: we get coffee from Cuba, St. Domingo, and Brazil; all these countries take provisions from us, but loaded with duties beyond their value in the United States. Their coffee trade with us is indispensable. We are their best customer. A free trade in coffee with any one of them would compel the others to relax in their high duties, and relieve our provision trade from oppressive burdens in the West Indies. I mention a few articles, and a few Powers only, by way of example; but the system which I recommend extends to all Powers without exception, and to all the leading articles on which we propose to abolish, or greatly reduce, our duties. Success seems to be certain; but if not, what then? Have we lost any thing? No, sir; we are where we should be without the attempt. And this is the peculiar recommendation of the discriminating system, that, while it proposes, and almost makes sure of the greatest advantages, it exposes nothing to risk.

Sir, this proposition for equivalents obviates the objection to a repeal of duties on articles of luxury. Under the plan I propose, the repeal will be purchased, not granted gratuitously; and the laborer that never uses a luxury will have the benefit of the repeal of duty on all articles of that description in the improved markets which it will obtain for his produce abroad.

Sir, let no one object to the trial—the experiment—of this system, upon a self-made prediction that it may not

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Refunding of Duties.—The Tariff.

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succeed. Sinister predictions are a very common, but a very miserable substitute for solid argument. They are insidious objections, often disguised in candor, founded in hostility. They aid the foreign Powers, by suggesting to them an adverse policy, and confirming them in schemes of counteraction. Such predictions belong to the enemy, or to those feeble minds to which every attempt is an impossibility, who see defeat in every undertaking. Let such be content with their own inactivity, without throwing cold water upon the ardor of others. Let the timid stand back. They could do nothing if they tried. "Faint heart never won fair lady." Let the bold go forward. Let those try who have the spirit of victory within them. I predict auspiciously for my country. I predict success, and the most beneficial consequences, from a trial of the discriminating system. We can abolish sixteen millions of duties; we can set one-half our commerce free; all Europe wants a share in that free trade; and every Power in Europe will bid for it, and grant equivalents for it, if not gratuitously abandoned to them. Why should we abandon such a privilege? Why not avail ourselves of all our fair advantages? We hold a lever with which we can lift the commercial system of the world; we occupy a position which enables us to command the commerce of all nations—a position which, in the language of General Hamilton, enables us to dictate the terms of the connexion between America and Europe. Why refuse to work that lever? Why forego the advantages of such a position? Why abandon forty millions of free trade to the gratuitous enjoyment of foreign nations? Why not ask for equivalents? Why not ask for a reduction of sixteen millions of duties on our exports of grain and provisions, tobacco, rice, flour, &c. in return for a reduction of sixteen millions here upon the imports of silks and wines, linens and worsted stuff goods, coffee, &c., which we receive from foreign nations? Why not try the system of the constitution, in a conjuncture so favorable, which may never recur again, when success is now so certain, and the advantages so great?—when the attempt exposes nothing to risk, and failure would leave all things just as they are? I ask for a chance, and nothing but a chance. I ask it in the name of the constitution, and the good of the country. If we are defeated, let the defeat come from abroad. If the constitution cannot work; if its theory of regulating trade by discriminating duties is a fallacy; if the constitution is to fail in the main object for which it was formed, and without which it would not have been formed, let it, at least, have a trial first. Let the failure be proved upon experiment, and not acknowledged upon anticipation. But it will not fail. Authentic facts enable me to say it will not. France has actually begun the system of discriminating duties with us. I allude to the arrangement upon wines and cottons, which the late treaty contains. Another Power, which I do not name, for a reason which the Senate well understand, is now actually complaining that we do not begin the system with her; and that Power is one of our best customers for tobacco, and the very best customer we have for rice. The Governor General of the Swedish West Indies, from a third Power, made a visit to this city two years ago to propose the same policy between the Swedish West Indies and the United States; an instance which I cite, not for adoption to the extent he proposed, but to show the general feeling in favor of a just reciprocity in trade. Nor do I despair of England. The vast majority of her people, and a powerful minority in Parliament, have always been in favor of relaxation in her corn laws; the reform of the representation, now in progress, is expected to effect that reform in legislation; and a circumstance just occurred in England raises my expectation of its early success. It is the refusal of the titular Lord Milton to accept a peerage, and go into the House of Lords, because he wishes to remain in the House of Commons till the corn laws are repealed.

Mr. President, I hope I have been fortunate enough to make myself intelligible to the Senate. I certainly understand myself, whether others do or not. I am an enemy to unnecessary taxation, and mean to vote for reducing the revenue to the wants of the Government. I am an enemy to a public debt, to its substance as well as to its shadow, and mean to vote for relief from the burdens as well as relief from the name of our present debt. I am a friend to domestic industry, and intend to give it a fair protection under the regular exercise of the revenue-raising power. I am a friend to a judicious tariff, in contradistinction to an injudicious, or a political, or a sectional one; and mean to have regard to every public interest—the farmer as well as the manufacturer—the consumer as well as the producer—the importer as well as the exporter, in adjusting the future scale of the tariff duties. Above all, I am a friend to the cultivators of the earth, and mean to labor hard to give them some benefit from the reduction of the revenue, in lowering the price of land! and abolishing the tax on salt. For the rest, I am in favor of action, not words. I am for going to work on the tariff bill, and ceasing to debate on the tariff resolutions. I am in favor of dropping both the resolutions before us, and sending another to a committee, directing that committee to bring in the whole tariff in one bill—every item now subject to duty; that we may take it up for decision, begin at the beginning, and go to the end; altering what we can alter, and showing the result to the people, for their approval or condemnation. This is what I am now for; and for this purpose, I now conclude my speech, and offer you a resolution in amendment, or substitution of those which are now depending, [instructing the committee to which the subject should be referred, to report a bill embracing all the items on which a reduction might be thought proper, either with or without fixing the rate of duties on each article.]

The Senate then adjourned.

FRIDAY, MARCH 16.

REFUNDING OF DUTIES.

The bill to exempt imported merchandise in certain cases from the operation of the tariff law of 1828, was taken up in Committee of the Whole.

Mr. SILSBEE offered an amendment, that where any merchant or agent in a foreign country had made purchase of certain articles specified to be imported into the United States, and where said purchase was made in the regular course of business before the tariff act of 1828 was known to said merchant or agent, that said articles be exempt from the duty then laid upon them.

Mr. S. supported the amendment, and explained the effect of the duty upon the commercial interest generally.

Mr. CLAY said that the bill proposed a large appropriation, but involved principles more important, as it might establish a precedent of great influence in its consequences. In order to enable the Senate to obtain a full view of the amendment and documents, and have an opportunity carefully to examine the subject, he moved to lay the bill on the table, in hopes that the gentleman from Massachusetts would move to have the amendment and documents, which he had read, and which he considered satisfactory, printed for the use of the Senate. The bill proceeded on the principle that no part of the increased duty had entered into the price of the articles on which it had been laid and if that case could be fairly made out, the petitioners might have an equitable claim to relief.

The bill was laid on the table, and the amendment and accompanying documents ordered to be printed.

THE TARIFF.

The Senate then resumed the consideration of Mr. CLAY's resolution respecting the tariff.

SENATE.]

The Tariff.—Internal Improvements.—Remission of Duties. [MARCH 19, 20, 21, 1832.]

Mr. BIBB, of Kentucky, spoke until the hour of adjournment, in opposition to the resolution.

The Senate then adjourned over to Monday.

MONDAY, MARCH 19.

Mr. DICKERSON, from the Committee on Manufactures, made a report adverse to the reduction of the duty on alum salt, concluding with a resolution that the bill be indefinitely postponed.

The report and accompanying documents were ordered to be printed.

THE TARIFF.

The Senate again proceeded to consider the following resolutions, submitted by Mr. CLAY on the 9th January last:

Resolved, That the existing duties upon articles imported from foreign countries, and not coming into competition with similar articles made or produced within the United States, ought to be forthwith abolished, except the duties upon wines and silks, and that they ought to be reduced.

Resolved, That the Committee on Finance report a bill accordingly.

And Mr. HAYNE's amendment thereto, proposed on the 16th of January, viz.

Strike out all after the word "countries," and insert as follows:

"Be so reduced that the amount of the public revenue shall be sufficient to defray the expenses of Government according to the present scale, after the payment of the public debt; and that, allowing a reasonable time for the gradual reduction of the present high duties on the articles coming in competition with similar articles made or produced within the United States, the duties be ultimately equalized, so that the duty on no article shall, as compared with the value of that article, vary materially from the general average."

Mr. BIBB resumed, and concluded his remarks in opposition to the original resolution, and in favor of the amendment.

Mr. FORSYTH moved to refer the whole subject to the Committee on Agriculture.

This motion was negatived, as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Buckner, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Miller, Moore, Poinexter, Smith, Troup, Tyler, White.—18.

NAYS.—Messrs. Bell, Clay, Clayton, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Johnston, Knight, Marcy, Prentiss, Robbins, Robinson, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Waggaman, Wilkins.—22.

Mr. HAYNE then called for a division of the question; and the vote was first taken on striking out all of the original resolution after the word "*Resolved*," by yeas and nays, and negatived, as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Miller, Moore, Poinexter, Robinson, Smith, Troup, Tyler, White.—18.

NAYS.—Messrs. Bell, Buckner, Clay, Clayton, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Marcy, Prentiss, Robbins, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Waggaman, Wilkins.—23.

The PRESIDENT declared that the amendment of Mr. HAYNE was rejected, and the original resolution adopted.

Mr. WILKINS remarked that he had intended to propose a substitute for the resolution of the gentleman from Kentucky, [Mr. CLAY.] From the decision of the Chair, he did not know how he could effect his object. He would, for the present, move to lay the subject on the table, and that the Senate proceed to the consideration of executive business.

Mr. KING suggested that the only mode in which the

gentleman from Pennsylvania could now propose his substitute, would be by moving a reconsideration of the vote just taken. A postponement of the subject would not remove the difficulty.

Mr. WILKINS said it was proper he should apprise the Senate that the amendment intended to be proposed by him would not vary the general principle assumed in the original resolution; he was only desirous that the resolution should be somewhat more definite.

Mr. CLAY said, as the resolution was merely the assertion of a great federal or general principle, it was unnecessary to enter into details, until a bill should be reported, in conformity to that principle. The question would then be open for discussion, and the gentleman from Pennsylvania would have an opportunity, by amendment, if necessary, to effect any object which might be deemed necessary, &c.

Mr. FORSYTH moved to postpone the further consideration of the subject until the first Monday in May.

This motion was opposed by Messrs. CLAY, WILKINS, and HOLMES; and before coming to a decision, on motion of Mr. HOLMES,

The Senate adjourned.

TUESDAY, MARCH 20.

INTERNAL IMPROVEMENTS.

Mr. HENDRICKS asked and obtained leave to introduce a bill for the improvement of the navigation of the Wabash river, and for the survey of the *Kaskaskia* and *White* rivers; and moved that it be referred to the Committee on Roads and Canals.

Mr. SMITH opposed this reference, and moved that it be referred to the Committee on Commerce.

Mr. HENDRICKS said that he had, on a former occasion, moved to refer the resolution of inquiry and memorial on this subject to that committee; but the Senate had, on mature deliberation, decided to refer them to the Committee on Roads and Canals, and he had, therefore, moved that this bill be referred to the committee having the other matters in relation to it under consideration.

Mr. SMITH said that he believed this was the first time that subjects of this nature had been referred to the Committee on Roads and Canals; and as the object was to benefit commerce, it more properly belonged to that committee.

Mr. HENDRICKS replied that the bill for the improvement of the Mississippi and Ohio rivers was referred to the Committee on Roads and Canals, on a former occasion.

Mr. EWING said that there was a distinction between foreign commerce and internal improvement. The former subject came within the jurisdiction of the Committee on Commerce, but the latter being in fact for the improvement of a public highway, seemed more properly to belong to the Committee on Roads and Canals. As this bill provided for the improvement of the internal communication between the States, he was in favor of having it referred to the committee on that subject.

After some further remarks by Messrs. SMITH, HENDRICKS, and CLAYTON, the motion of Mr. HENDRICKS was agreed to.

Mr. BENTON asked and obtained leave to introduce a bill granting to the State of Missouri five hundred thousand acres of the public lands, for the purpose of internal improvement within that State; which was read, and ordered to a second reading.

The remainder of the day was spent on private bills and executive business.

WEDNESDAY, MARCH 21.

REMISSION OF DUTIES.

The bill from the House of Representatives for the relief of Bishop Benedict J. Flaget, was read the second time.

MARCH 21, 1832.]

The Tariff.

[SENATE.]

[This was a bill to remit the duties on certain paintings and furniture presented by two foreign potentates to the Catholic church at Bairdstown, in Kentucky.]

Mr. CLAY said there was no necessity to commit this bill, and he hoped it would be allowed to pass to a third reading. It was the same bill, and made the same provision, as that introduced by him, and laid on the table. This bill was reported from the committee of the other House, and for the benefit of Bishop Flaget alone, without the amendment which was offered to the bill laid on the table the other day for the purpose of reconsideration. If the gentleman from Virginia chose to convert the other bill into a general appropriation for the benefit of churches, in similar cases, he had no objection.

Mr. TYLER said, as the bill came from the other House, he should decline pressing the amendment proposed.

Mr. POINDEXTER opposed the bill as being unconstitutional, and having a tendency to establish a precedent that might lead to numerous applications for similar objects. He cited the case of the bill granting land for the benefit of the church at Richmond, which was not approved by President Madison, because it was contrary to the constitution to grant exclusive privileges to any religious sect or denomination. The churches that had imported organs might require the same privilege, if this was granted. If they were imported for an individual, the duty might be remitted.

Mr. KANE said there was a striking difference between this bill and the one with the amendment. This bill was for the benefit of an individual—the other for a particular church. It was customary to grant privileges of this kind to individuals not at the head of a religious body, and he could see no reason why the fact of his being a bishop should exclude him from the common privileges of other citizens. Books, paintings, &c. for the benefit of learning and the fine arts, were admitted free, in many cases, for the encouragement of literature and the fine arts. These paintings were not objects of worship, but of ornament, and the remission of the duty on them could not be considered as favoring any religious denomination in their worship, because they were hung upon the walls of a cathedral, more than if they were placed in the Academy of Fine Arts, in Philadelphia—to the latter of which this benefit had been extended. The object was simply to declare that, if a foreigner chose to make a donation of paintings to a person in this country, to be hung up in a church, or elsewhere, Congress would not discourage it by imposing a heavy duty upon the gift. This was for the benefit of all persons who chose to resort there to examine them, and had nothing to do with religious privileges whatever.

Mr. TYLER said that he was in hopes that he should have been permitted to remain silent after having withdrawn his proposed amendment, and that, for one single day, the subject of the tariff would have been allowed to rest unmolested. But the gentleman had thought proper to found his argument on this very subject, and this in reference to an organ imported when the tariff of 1816 was in force, and of course had nothing to do with the present duties. The gentleman had alluded to the bill for the benefit of the church at Richmond. He had brought forward that measure, which was based on the humane and sympathetic feelings which arose from the destruction of the Richmond theatre, and the loss of two hundred of the most respectable citizens of Virginia in that conflagration. If the gentleman had presented a similar measure, he would certainly support it on the same grounds. There was a difference between the purchase of articles and a freewill offering; and if the question was, which should be entitled to the privilege of coming free of duty, he would say, the purchase which was already burdened with a heavy price.

Mr. CLAY said that the course taken by the gentleman

from Virginia was quite liberal; and he hoped the gentleman from Mississippi would not again urge the objection that organs might be required to come duty free if this was passed. When this subject came up, there was no doubt that the gentleman would play the tune to it. With respect to the paintings, they never would have been brought to the United States but for the benevolence of foreigners, as Bishop Flaget was unable to purchase them himself. The gentleman objects to the bill, because President Madison decided that it was not constitutional to pass laws in favor of religious denominations. But, in that case, the object was to obtain the rights of pre-emption for the benefit of the church. The very term pre-emption implies privilege. But this is the case of an individual, and the gentleman admits that, if he was not a bishop, he would be entitled to this benefit; and is the gentleman prepared to say that a person at the head of a religious denomination shall be deprived of that which he would be entitled to as a private citizen? Can it be doubted that President Madison would have sanctioned this bill, if it had been offered to him when President? What, sir, are we to refuse that justice to a man because he is of a religious denomination, which he would be entitled to if he was of no religion? This seems to be a peculiar favorite principle with some of the foreign Governments, but not of our own. Already has Congress passed bills remitting the duties on vestments, and other furniture, for churches. This looks more like favoring religion than to remit the duty on paintings, which are more for the encouragement of the fine arts than religious worship. Bibles have been admitted free of duty for the encouragement of the Baltimore Bible Society; and there are eight or ten cases on record of precisely the same principle, where Congress has remitted the duty on imported articles. Mr. C. concluded with the remark that he hoped the gentleman would agree to the measure, and, if not, he should cheerfully acquiesce in the decision of the Senate.

After some further remarks from Messrs. BENTON and POINDEXTER, the bill was ordered to a third reading—yeas 26, nays not counted.

THE TARIFF.

Mr. WILKINS rose to inquire whether the amendment, which he had before given notice that he should offer to the resolution of Mr. CLAY, on the subject of the tariff, would be precluded if not offered at this time. He wished to ascertain whether the decision of the Senate, dispensing with the parliamentary custom of precluding further amendments, after a motion to strike out the whole had failed, was considered as valid, or whether he should have to move a reconsideration in order to attain his object.

Mr. KING (then in the chair) said that, in 1824, an appeal on a question of order had been made to the Senate, which had, in direct opposition to all parliamentary rule, determined to amend, after having refused to strike out. Since that time, cases of the same kind had occurred, and the practice, supposed to have been settled by that decision, had been acquiesced in. The Chair was decidedly of opinion that, without this precedent, directly contrary to all rules of parliamentary practice, both in England and in the two Houses of Congress, an amendment to the resolution, after the refusal of the Senate to strike out any part of it, would not be in order.

Mr. HAYNE agreed that the Chair was correct in his statement of the former practice of the Senate, and the parliamentary usage; but it had been found inconvenient, and productive of injurious consequences, and, therefore, the Senate had decided that the custom should not be adhered to. This decision had also been made in the popular branch of the State Legislature over which he had formerly had the honor to preside; and this decision should be valid until the Senate thought proper to reverse it.

Mr. WILKINS said that his only object was to ascertain

the sense of the Senate on the subject. It was immaterial to him which way it was decided. He should not press the subject further than to prevent his being precluded from offering his amendment in any shape.

After some further remarks from the CHAIR,

Mr. CLAY said that he did not rise to discuss the question, but merely to state his opinion of the propriety of the course to be pursued. He was of the opinion that the motion to strike out, offered by the gentleman from South Carolina, and decided in the negative, did not preclude any other amendment which might be offered. He did not consider that this decision, in effect, adopted the resolution; and if the amendment to be proposed was different in its nature from the one negatived, it was unquestionably proper to admit it. He spoke with great deference to the opinions of other gentlemen, having more experience in the practice of the Senate; but, according to all the proceedings of legislative bodies with which he was acquainted, he considered that the resolution was still open to amendment.

After some further remarks by Messrs. WILKINS and MILLER, the subject was laid on the table.

The following resolution was submitted by Mr. WAGGAMAN:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of granting to the State of Louisiana 500,000 acres of the public land, to aid the said State in keeping open the watercourses communicating with the Mississippi, and for such other objects as may be considered of public utility.

Mr. POINDEXTER offered a resolution of inquiry relative to a grant of 500,000 acres of land to the State of Mississippi, for purposes of internal improvement.

On motion of Mr. MARCY, the unfinished business of yesterday was laid on the table, and the Senate went into executive business; and, after spending some time therein, The Senate adjourned.

THURSDAY, MARCH 22.

After the usual morning business,

Mr. WILKINS asked of the gentleman from Delaware, [Mr. CLAYTON,] whether he was willing to take up the apportionment bill at this time. It was a subject of great interest to the country, and the Legislatures of many States were waiting a decision; and therefore he was anxious that the subject should be disposed of as soon as it could be done conveniently.

Mr. CLAYTON had no objection to having the question decided at any time when the Senate was full; but, as it was a question of great importance to the country, and one in which every member should have an opportunity to record his vote, he would observe that his colleague, together with some other members, were absent, who were desirous to be present when the final question was taken, and who would be in their places in a few days. He hoped, therefore, that the gentleman would not press the subject at this time.

After some debate by Messrs. WILKINS, WEBSTER, MARCY, BUCKNER, CLAYTON, SMYTH, FORSYTH, FOOT, and HOLMES, the question was put on taking up the bill, and decided in the negative by a large majority.

THE TARIFF.

The Senate resumed the consideration of the resolution on the subject of a reduction of the duties on imports—the question being on Mr. FORSYTH's motion to postpone the subject until the 1st of May next; which motion Mr. F., at the request of several gentlemen, withdrew.

Mr. SPRAGUE addressed the Senate as follows: I had not intended, said he, to participate in the discussion of this resolution, and should have persevered in my determination to give a silent vote, had I not yesterday received certain resolutions of the Legislature of Maine in relation

to the tariff, which render it proper that I should say a few remarks.

When we enter these walls we take a sole representatives of the people, binding upon ourselves individually: it is to support the constitution of the United States; and our duties under it have the whole Union. Every representative of the people, here, duly impressed with the responsibilities of the position, must receive the instructions of other representatives of the people, in the State Legislature, with deferential respect, and a sincere and anxious act in accordance with them. If, unfortunately, should conflict with his previous opinions, with singleness of heart, and with the utmost deliberation, re-examine and reconsider the subject, the hope of arriving at a harmonious result. This, he has every inducement of official or personal convenience; and nothing but the convictions of disinterested public duty should induce him to decline a literal conformity with the opinions of legislative opinion. But yet he may be induced to do so by the highest obligations to the whole people, the most sacred moral duty to his conscience:

On the present occasion, I have the satisfaction to believe that I shall be able to concur in the substance of these resolutions.

Their substantial object appears to be—

1. To reduce the revenue from imposts to the expenditures of Government.
2. So to adjust the duties as to benefit the people.
3. To modify the tariff law of 1828.

REDUCING THE REVENUE.

As to the first, I have long been, and am now, in favor of a reduction of duties. Year after year, as a member of the Finance Committee of the Senate, I have exerted myself to accomplish it, in relation to the most important articles contemplated by the tariff of 1828, the member from Kentucky, [Mr. CLAY.]

It seems now to be generally agreed that the tariff ought to be diminished;—but how? in what manner? That is the question.

On the one side, we have the resolution of the Senate from Kentucky, [Mr. CLAY,] and on the other, the proposition of the Senator from South Carolina, [Mr. Pickens.] The former preserves the protective principle, while the latter discards it. The former poses legislation with a view to aid domestic American products; the latter discards and protection as no legitimate object of any tariff, denouncing it as utterly unconstitutional.

It is now even insisted that, in imposing duties for revenue, we have no right to have any incidental effect in encouraging domestic industry, which until recently has never been denied.

I shall not go at large into the constitutional question, but suggest a few considerations.

The right to lay imposts, and to regulate trade with foreign nations, is given in express terms. The letter of the constitution clearly gives power to vary imposts and commercial regulations. But it is insisted that it was never the intention of the framers of the constitution that power thus conferred was to be used for the purpose of aiding or protecting any occupation or branch of industry in our country; and that such exercise of it was against its original spirit and intention.

The history of the times, anterior and subsequent to the adoption of the constitution, shows this to be utterly groundless.

After Great Britain had acknowledged our independence, she put in full force against us the tariff of 1828, by which our ship

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excluded from her ports, while British vessels were freely admitted to ours; and we were to purchase her manufactures of all kinds, while she, in effect, prohibited the greater portion of our productions, receiving such only as were of indispensable necessity to her prosperity. Thus, after as before the revolution, the rich streams of our industry were to be directed into British channels, to exhaust our resources and swell her wealth. She had indeed ceased hostilities by arms, but she substituted a war upon our trade, by restrictions and commercial regulations. Against this species of attack the United States were defenceless. The confederation had no power to impose duties or regulate commerce; and could not, therefore, counteract the deadly influence of foreign legislation. Several of the States, Massachusetts, New Hampshire, Pennsylvania, and others, attempted to protect themselves by acts of their own Legislatures; but they were rendered nugatory by the omission of neighboring States to co-operate in one system. Massachusetts, for example, imposed restrictions upon the productions of foreign nations; but while they were received freely into all the ports of Rhode Island and Connecticut, their imposts were utterly vain and inefficacious. It was soon perceived, that to defend ourselves successfully against this insidious hostility to our trade and industry, we must have recourse to the same means which had been so triumphant against the assaults of open force—the creation of a common power to bring into exercise the concerted and united energies of all the States, and, by an uniform system, to meet adverse legislation by counter legislation, to oppose restriction to restriction, and interdict to interdict. The first idea was to invest the confederation with this power, and measures were taken with this view; but it was soon perceived that additional strength, for other important purposes, was also necessary; and, instead of attempting a mere amendment of the articles of confederation, a new and General Government was established, with enlarged powers. A primary, if not the principal cause, which conduced to the formation of our present constitution, was this very purpose of giving efficient protection to our own citizens in the pursuits of their industry, against the unfriendly and injurious restrictions of foreign nations. And pursuant to this design, the first Congress of the United States, immediately upon the organization of the new Government, framed laws, with express and avowed reference to the advancement and protection of American products and pursuits; and those acts, or others having in view the same object, have been in full operation from that time to the present moment.

The positions which I have assumed, and the sketch now presented, are fully sustained by the documentary history of the early ages of the republic. I shall offer to the Senate but a small part of the abundant evidence which might be adduced.

The attempts of Massachusetts to counteract the destructive effects of foreign discriminations having been defeated by the non-concurrence of the other States, many of her citizens presented a petition to the continental Congress, at the head of which was the signature of John Hancock, that glorious name which, in bold and commanding characters, was the first affixed to the declaration of American independence, and which will ever be held in grateful and reverential remembrance by the friends of liberty throughout the world. That memorial breathed the following language:

"Your petitioners observe, that the ships and commodities of that nation, whose insidious conduct has long been the object of our peculiar jealousy, are received in our ports under the same advantages with our own, while our navigation, in return, is discouraged by every possible embarrassment; and our exports, on their part, are either prohibited, or, if admitted to their ports, are loaded with the most rigorous exactions. In proof of

our assertions, we need only point the attention of Congress to the enormous duty on our rice, oil, and tobacco; to the principle and spirit of their navigation laws; or to a bill lately agitated in the British Parliament, which now, most probably, has the sanction of a law, for the support and encouragement of their American fishery, to the direct prejudice of ours, and is intended to derive that benefit from these States, which, in our apprehension, and on their principles, ought only to be permitted in our own bottoms.

"Impressed with these ideas, your petitioners beg leave to request of the very august body which they now have the honor to address, that the numerous impositions of the British on the trade and exports of these States, may be forthwith contravened by similar expedients on our part; else, may it please your excellency and honors, the commerce of this country, and, of consequence, its wealth, power, and perhaps the Union itself, may become victims to the artifice of a nation, whose arms have been in vain exerted to accomplish the ruin of America."

The Legislature of Pennsylvania, near the same period, passed the following resolutions, in consequence of petitions from the citizens of that State:

"Resolved, That it is the opinion of this House, that the privilege, in the degree hitherto retained by the States individually, of controlling and regulating their own trade, is no longer compatible with the general interest and welfare of the United States; reason and experience clearly evincing that such privilege is productive of mutual inconveniences, and injurious among ourselves; and that the systems of several nations, by which our merchants are excluded from the most beneficial branches of commerce, whilst the whole of ours is laid open to them, cannot be consistently or effectually counteracted, but by a unity of councils in the great representative body of the United States.

"Resolved, therefore, That Congress be requested to devise such a system of commercial powers, as they ought necessarily to be invested with, to be recommended to the States; and that Congress be assured of finding the most suitable disposition on the part of Pennsylvania to comply therewith."

In 1784, Congress adopted the report of a committee holding the following language, with reference to the hostile legislation of the British Government:

"It would be the duty of Congress, as it is their wish, to meet the attempts of Great Britain with similar restrictions on her commerce; but their powers on this head are not explicit, and propositions made by the Legislatures of the several States render it necessary to take the general sense of the Union on this subject.

"Unless the United States in Congress assembled shall be vested with powers competent to the protection of commerce, they can never command reciprocal advantages in trade; and without these, our foreign commerce must decline, and eventually be annihilated. Hence it is necessary that the States should be explicit, and fix on some effectual mode by which foreign commerce, not founded on principles of equality, may be restrained."

And consequently, in July, 1785, a report was made by another committee of the continental Congress, of which Mr. Monroe was chairman, recommending that the articles of confederation be so amended as to confer additional strength; and that a letter be addressed to the Legislatures of the several States, showing the principles upon which the alterations were proposed. The following is an extract from the epistle thus recommended:

"The common principle upon which a friendly commercial intercourse is conducted between independent nations, is, that of reciprocal advantages; and, if this is not obtained, it becomes the duty of the losing party to make such further regulations, consistently with the faith of treaties, as will remedy the evil and secure its

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'interests. If, then, the commercial regulations of any foreign Power contravene the interests of any particular State; if they refuse admittance to its produce into its ports, upon the same terms that the State admits its manufactures here, what course will it take to remedy the evil? If it makes similar regulations to counteract those of that Power, by reciprocating the disadvantages which it feels, by impost or otherwise, will it produce the desired effect? What operation will it have upon the neighboring States? Will they enter into similar regulations, and make it common cause? On the contrary, will they not, in pursuit of the same local policy, avail themselves of this circumstance, to turn it to their particular advantage? Thus, then, we behold the several States taking separate measures in pursuit of their particular interests in opposition to the regulations of foreign Powers, and separately aiding those Powers to defeat the regulations of each other: for, unless the States act together, there is no plan of policy into which they can separately enter, which they will not be separately interested to defeat, and, of course, all their measures must prove vain and abortive."

The palpable necessity of strengthening the confederation led to various discussions, propositions, and resolutions, which resulted in the establishment of our present constitution. The new Government was to have been organized on the 4th of March, 1789; but a quorum of both branches of the National Legislature did not assemble until the 6th day of April. The first petition presented to the House was on Saturday, the 11th of that month, "from the tradesmen, manufacturers, and others, of the town of Baltimore, in the State of Maryland, praying an imposition of such duties on all foreign articles which can be made in America, as will give a just and decided preference to the labors of the petitioners;" "and that there may be granted to them, in common with other manufacturers and mechanics of the United States, such relief as, in the wisdom of Congress, may appear proper."

It was referred to a Committee of the Whole, into which the House was immediately resolved, and their report, in the following language, was forthwith adopted:

"Resolved, That it is the opinion of this committee that an act ought to pass for regulating the collection of imposts and tonnage in the United States."

"Ordered, That a bill or bills be brought in, pursuant to the said resolution."

The second petition to the House, and which was presented on the Monday following, was from the shipwrights of the city of Charleston, in the State of South Carolina, praying for "such measures, in a general regulation of trade and the establishment of a proper navigation, as will tend to relieve the particular distresses of the petitioners, and, in common with them, those of their fellow-shipwrights throughout the United States."

The first act passed by Congress was to regulate the administering of the oaths necessary to the constitutional organization of the Government. The second was to impose duties upon foreign goods. It contained the following preamble:

"Whereas it is necessary for the support of Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares, and merchandises imported."

It contained a discrimination in favor of importations in American bottoms.

The next, being the third act of the first Congress, was also passed with the most unequivocal reference to the protection of American industry. It imposed a tonnage duty of fifty cents upon foreign vessels, and of six cents only upon our own.

Mr. Madison has been justly denominated the great

constitutional lawyer of this country; and, perhaps, no man was ever more profoundly versed in the principles, or thoroughly imbued with the spirit, of the constitution; and in its construction, no name, except that of Washington himself, would carry a more preponderant influence. He was a member of the first Congress, and a most zealous and efficient advocate of the measures of protection, speaking with glowing indignation of the restrictive policy of Great Britain, and in strong and energetic terms of the right and duty of this Government to counteract it, and declaring that the constitution was formed for that purpose. The following is an extract from one of his speeches:

"We have now the power to avail ourselves of our national superiority, and I am for beginning with some manifestation of that ability, that foreign nations may be taught to pay us that respect which they have neglected on account of our imbecility. This language, and these sentiments, are the language and sentiments of our constituents; the great political revolution now brought about by the organization of the new Government, has its foundation in these sentiments. Sensible of the selfish policy which actuated a nation long disposed to do all she could to discourage our commercial operations, the States singly attempted to counteract her nefarious schemes; but, finding their separate exertions ineffectual, with a united voice they called for a new arrangement, constituted to concentrate, conduct, and point their powers, so as to obtain that reciprocity which justice demands. The arrangement has taken place; and though gentlemen may contend that we are not at this moment prepared to use it in the latitude I could wish, yet let them concur in doing what shall indicate that on a proper occasion we dare exert ourselves in defeating any measure which commercial policy shall offer, hostile to the welfare of America."

On the 7th of May, 1789, he uttered the following language:

"I am amazed, sir, when I consider how, in consequence of her regulations, the whole proceeds of American shipments are drawn into the vortex of the British treasury. Sir, this preponderation ought not be. It is in our power to effect an alteration. The productions of our country are more necessary to Great Britain, and the rest of the world, than those of the world at large, or the manufactures of Great Britain, are to us."

How could he have expressed himself more clearly and strongly as to purpose of the formation of the new Government, and the consequent duty of its members.

President Washington, in his address to both branches of Congress, in January, 1790, recommended agriculture, commerce, and manufactures to their attention: the House of Representatives "Ordered, That it be referred to the Secretary of the Treasury to prepare and report to this House a proper plan or plans, conformably to the recommendation of the President of the United States, in his speech to both Houses of Congress, for the encouragement and promotion of such manufactures as will tend to render the United States independent of other nations for essential, particularly for military, supplies." In obedience to which, General Hamilton, then Secretary of the Treasury, a member of the cabinet, under the eye of Washington himself, prepared and presented to Congress his celebrated and elaborate report upon the subject of manufactures, recommending, by strong facts and unanswered reasoning, their encouragement by national legislation.

In obedience to a resolution of the House of Representatives of February, 1791, Mr. Jefferson, then Secretary of State, made his able and admirable report upon the commerce of the United States, in which he decidedly recommends the system of counteracting protection. In one place he expresses himself thus:

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"But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations, it behooves us to protect our citizens, their commerce and navigation, by counter prohibitions, duties, and regulations, also. Free commerce and navigation are not to be given in exchange for restrictions and vexations: nor are they likely to produce a relaxation of them."

Again:

"1. Where a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs; first burdening or excluding those productions which they bring here, in competition with our own of the same kind; selecting next such manufactures as we take from them in greatest quantity, and which at the same time we could the soonest furnish to ourselves, or obtain from other countries; imposing on them duties, lighter at first, but heavier and heavier afterwards, as other channels of supply open," &c.

Sir, I might heap authority upon authority, and extract upon extract, until I should fatigue the Senate. Our whole legislative history abounds with them. The framers of the constitution, its contemporaneous expositors, those who were earliest called upon to execute its provisions, the pre-eminent statesmen of the earliest days of the republic, never for a moment doubted that it contained this fostering and protective power for the advancement of American industry. Indeed, it was known, felt, and avowed, that this was one of the great leading objects of its creation, which it was the solemn duty of Congress to keep constantly in view, and which they could never neglect, and be innocent.

The States had by the first article of the constitution expressly divested themselves of the right to protect their own products by imposts upon foreign importations. No one even now contends that the States individually have this power. They did possess it before, under the confederation. Why did they renounce it? Can any man seriously deny that it was in order that it might be vested in the General Government, to be more efficaciously exercised? The war of commercial restrictions, waged by Great Britain, was severely felt by many of the States. They found themselves incapable of effectual resistance, by repeated efforts, and therefore concentrated all their powers in the General Government: and now, shall that Government, having become the depository of all their arms, and their whole means of defence, leave them, naked and unarmed, exposed to the attacks of their enemies? Is there not the same necessity now for resisting the commercial hostility of Great Britain, that there was in 1789? Is not her system of restrictions and prohibitions in full and vigorous operation? Will she receive a single article from us, that she can dispense with? Will she admit into her ports any of the staples of the Northern, Middle, or Western States?—our corn or grain, our beef or pork, our fish or lumber—any of our vegetable or animal food, the produce of the seas, the forest, or the soil? We know that she will not. And can it be believed that while this hostile system continues, on the part of foreign nations, to counteract which was a special and prominent object of the formation of our constitution, that this Government is to be preserved by abandoning those measures of defence which have been in operation, with such wonderful success, from the dawn of its existence? That the States, who have bound themselves for the express purpose of common, united protection, under the broad and ample shields of the Union, will now permit that agis to be withdrawn, themselves to be divested of their panoply of defence, and that the ligaments which bind their limbs from separate action shall still continue all in their tension?

Sir, we always have had, and, so long as other nations shall persevere in their present policy, we must have, some system of protection for our industry. The true

question is, what it shall be, and to what extent it shall be carried.

And this problem, the adjustment of a tariff, is one of almost infinite and inconceivable difficulty. It involves the most profound principle of political economy, the most comprehensive views of civilized society, the most extended knowledge of the productions of nature, and the minutest details of the diversified and multitudinous occupations of mankind.

I consider the resolution now before us as substantially involving only the question of protection or no protection; tariff, or no tariff; and that the mode and manner is to be discussed and decided when proper bills shall be introduced. In this aspect of the subject, therefore, I shall ask your attention only to a few general principles.

BENEFITING THE LABORING CLASS.

In any and every adjustment of the tariff we should exercise a primary regard to the interests of the laboring class of the community. We must all feel and know our obligations to, and dependence upon, them. There is not a member of either House of Congress from the North, who does not owe his seat here to that body of men, and to them is his highest responsibility. We are emphatically the representatives of labor, and should never for a moment be unmindful of our solemn duty to aid and advance its interest. But in what manner is this desirable end to be attained? This is the problem in political science, which we are called upon to solve.

The first, all-important, means is to furnish employment—the next is to make labor as productive as practicable.

The object of a tariff should be—

1. To give employment to those who would otherwise be without it.

2. To make labor more productive and more profitable.

The law which accomplishes this is beneficial.

On the other hand, any system, or want of system, which throws out of employment those who would otherwise be occupied, or changes labor from the more profitable to the less productive branches, is so far injurious.

I say, sir, that the primary and most important of all means of benefiting the laboring class, and indeed every class of the community, is to furnish them with employment; presenting opportunities and inducements to free, voluntary, constant, productive occupation. Your legislation should say to the people—be employed—profitably, if you can, but—be honestly employed.

Demosthenes was asked what was the first requisite to eloquence?—he replied, action: what the second?—action: the third?—action. If I were asked what were the first, second, and third requisites to the permanent prosperity and happiness of an individual or a community, I should answer—labor—labor—labor.

In this we have discovered, what the alchemists of old so long sought for in vain, as the grand *desiderata* of human existence—the philosopher's stone, which converts dust into gold—and the *elixir vitæ*, which confers perpetual health.

It is the fountain of wealth, sending forth streams perennial and innumerable, whose incessant flow confers unmeasured blessings. Its fruits are constantly consumed and constantly reproduced. Let human labor stand still, and how long would its present accumulations sustain human existence? They would expire, like the unfed lamp—vanish, like the mists of the morning.

Labor is the best measure of exchangeable value. A want of due regard to this important truth, has occasioned infinite perplexity and confusion in speeches and writings upon the tariff. In order to determine its merits or demerits, they inquire whether the price of its objects has been increased or diminished. On the one side, is selected a class of articles, the price of which is undoubtedly

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increased by the imposts; and on the other, a list of products which are in no degree affected by the duties in the statute book. From the one set of examples it is vehemently insisted that imports always enhance the price, and from the other as confidently that they never have that effect. Such reasoners, starting from different premises, and diverging as they progress in their course, can never come at any common conclusion.

In order to ascertain whether the tariff laws are beneficial or injurious, they inquire whether they do or do not increase the price of articles, and to this devote all their energies, as if the answer were decisive of the primary question. But the response, if it were given, would not be conclusive, because the price about which they dispute is measured by money, that is, the precious metals—no permanent standard—but themselves, measured by something else.

Why is gold more highly appreciated than iron? Not for its comparative utility; not on account of the necessary and useful purposes to which it can be applied; for if mankind were to be wholly deprived of one of those metals, they had better, by a thousand times, dispense with the former than the latter. But it is because both being desirable, the difficulty, the labor of obtaining the one is so much greater than that of procuring the other. If mines of gold and silver should suddenly be discovered, rendering them as abundant, and produced with as little labor as iron, they would be even less valuable than that common metal. One consequence would be, that a debtor—that is, he who had promised to deliver another a certain quantity of gold or silver, would be able to procure it, and discharge his debt, with far less labor than before; while the creditor, whose wealth consisted in the obligations of others to deliver him these metals, would find himself reduced to comparative poverty.

The light of day bears no price, has no exchangeable value. Why?—because it is the free, inexhaustible, glorious gift of all-bountiful Heaven, requiring no labor of man. But let the sun descend below the horizon—let the darkness of night envelop us, and then we are ready to purchase at a price the dim and feeble rays of artificial light, and to pay therefor in proportion to the labor requisite to obtain the oil or other material by which it must be sustained.

Labor, then, is the best measure of exchangeable value, and the best standard by which to determine the benefits or the evils of a tariff system: price, in its usual acceptance, having reference to that fallacious standard—money. A course of legislation which diminishes the price of articles may be injurious to the people, while one that increases it may be beneficial; and, on the other hand, a law which diminishes price may benefit, and one which increases it, injure the public.

Thus, if you diminish the price of the articles which a farmer or mechanic wishes to procure, but, at the same time, depress still more the commodities which he has to give in exchange, you injure him; while, if you enhance the price of those things which he purchases, but, by the same act, increase still more that of the articles which he is to give in return, you confer a benefit.

It should be known and remembered, that the great all-pervading article to be given in exchange, is human labor, in its various forms, modifications, fruits, and products. What are the means by which the great body of mechanics, farmers, artisans, and workmen of all kinds, are to procure the necessities and comforts of life—their labor or its products—the operation and effects of skill and strength? Let their whole labor cease, and distress, ruin, destruction, overwhelms them, and the whole community, at once.

For what object is labor performed? Is it not to procure the comforts and conveniences of life? Money is to be desired only as the means; but that is the paramount end.

If a father were about to establish his sons in the world, would he not seek that situation, or that employment, which should yield to their industry the greatest amount of these desirable objects?

With reference to this subject, therefore, that system of legislation is best which gives to labor the greatest amount of comforts and conveniences. This is a cardinal principle, which should be kept constantly in view—a polar star to guide our course through this pathless, boundless, stormy, tumultuous ocean—of the tariff.

If a law shall tend to increase the price of articles of consumption, still, if, in my deliberate judgment, it will enhance the price of labor, still more, I shall not hesitate to adopt it; while, on the other hand, if it shall diminish the price of that which is to be purchased, but depress, in a greater degree, the labor by which they are to be procured, I shall certainly resist it.

It has been said, that if the mechanic and farmer were asked to pay the increase of price, by reason of the duty, separately, they would object. That, sir, depends wholly upon the form of the question. If, when the latter is about to purchase a pair of boots, he is asked, are you willing to pay fifty cents additional for the duty? he would doubtless answer, no: but if he were asked, are you willing to pay that amount, if you can thereby obtain a dollar more for the hat which you must, directly or indirectly, give in exchange? his answer would be in the affirmative. The farmer wishes to procure cloth—he takes his wheat or wool to market. Are you willing to pay five cents a yard as duty? No. But suppose you can thereby obtain ten cents more for the quantity of grain or wool necessary to purchase the yard, will you then consent? Certainly. So of every other article. The true question is, in what manner will the products of his labor procure most of the commodities which he wishes to obtain in exchange for it?

Discussions of the principles of political economy have generally had reference to the body politic as a unit—to one homogeneous community. But the American statesman is ever to bear in mind that ours is not a consolidated empire; that the States are modified sovereignties, with diversified interests and sacred rights. This is one of the elements essential to any correct judgment of a tariff system, and aggravates not a little the inherent difficulties of this most difficult subject.

The complaints which we have heard, and still hear, from an important section of the Union, are entitled to the most respectful consideration, and profound attention.

Although their pictures of distress may be overcharged with sombre coloring, yet, coming from such sources, we are bound to receive them as evidence, at least, of comparative depression. But when they attribute this exclusively to national legislation, we are to examine and inquire whether there may not be some other and more efficacious cause. And such, I believe, will be found in the character of their laboring population—the existence of slavery. For whenever, in any part of the world, we find this evil, we find the community in which it exists comparatively stationary and depressed. Is it not eminently so with many of the West India islands?

It has been matter of surprise with our brethren of the South, that their cries of danger and distress have not produced more evident impression upon us of the North. Permit me to suggest one or two reasons for this our apparent want of excitability.

One is to be found in their having too often made the institution of slavery a means of combination for political objects against the free States. With that institution, the North have carefully abstained from all interference. They have left it, where the constitution places it, in the exclusive custody of the States where it exists. Upon this exciting and absorbing subject, they have exercised uniform and wonderful forbearance. And yet, notwithstand-

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ing all this, it is believed that when it has been deemed expedient to arouse all hearts, and unite all hands, in the slave States, for political purposes, the cry has been raised that the North—the North—are attempting to emancipate our slaves—are scattering the firebrands of a servile war—that massacre and conflagration may sweep over the land!

The tocsin thus sounded, the alarm bells thus rung, have had their effect, which the North have felt and known to be unjust. The consequence is natural, that when any outcry is raised upon another topic, they should give somewhat less heed to it at first, than they otherwise would have done.

Another reason is to be found in the course pursued in relation to this same matter, of the more recent tariff laws. After the late war, New England was no favorite with the majority of the nation. Possessing, as it was supposed, more than her proportion of disposable capital, and, from the density and character of her population, the most efficient means of carrying on hostilities, she had not come forward in the manner which I have thought, and still most sincerely think, she ought to have done, in support of the National Government. For this she was undoubtedly in bad odor here; and when the tariff laws came to be revised, her wishes were by no means especially consulted. She had grown rich, as it was supposed, by commerce; it was thought best to give new encouragement to manufactures; and, if the effect should be to diffuse her wealth over other portions of the country, which had devoted their means in a more patriotic manner during the last conflict, it was a consequence, at least, not to be deprecated. She raised her voice against the proposed modifications of the protective system, and up to the year 1825 she was, upon this subject, in perfect harmony with the South.*

The bill of 1824 was adverse to her wishes, and encountered the decided opposition of her representatives. It passed. It became the law of the land. It was your desire that the course of industry should, in some measure, be changed, that a greater amount of capital should be invested in manufactures. What was she to do? What did she do? Resist? No, sir; she bowed in submission to your decision, and conformed to the course of national legislation. She changed the investments of her capital; she entered upon new paths of labor; she encountered great hazard and sustained severe losses from want of skill and experience, in establishing new branches of industry, beneficial to the whole country. And now, when the first obstacles have been surmounted, and her citizens are about to receive some return for their vast sacrifices and unremitting exertions, they are called upon for another, and still greater change; their establishments are to be rased to their foundations; the sound of the loom and the hammer are to cease; new investments are to be made; new arts acquired; new employments sought. And because they do not readily assent to such propositions, denunciations, loud and long, are poured upon their devoted heads. Passing by the whole West, and quite over the great States of Pennsylvania and New York—the fathers and fosterers of the present tariff—all their curses, for this, to them, accursed thing, seem to be concentrated upon New England. It is against the Northeast—New England alone, that the outcry is raised, and the feelings of indignation and resentment aroused.† Even the gentleman from South Carolina, [Mr. HAYNE,] in invoking conciliation and relief to the South, confined his appeal to the Middle States. Is it surprising that such complaints, mingled with such injustice, and made not always in a tone of remonstrance or conciliation, but too often in that

of menace and contumely, should not find immediate favor, and an instant and kind response? Sir, we are men, and have the feelings incident to humanity; and, if we do not speak as loudly, we feel as deeply, and act as firmly, as others. The language of each portion of this Union to every other should be that of kindness, conciliation, and fraternal regard. By compromise was the Government formed; by mutual concession only can it be preserved. There is much danger that a different style of address may produce too great a reaction. Against such effects I have sedulously endeavored to guard my own breast, and have endeavored to divest myself of all influences, but such as ought to pervade a member of the American Senate, placed here to consult the rights, the interests, and the permanent happiness of the whole country.

Twif of 1828.—I was opposed to the tariff bill of 1828; and, as a member of the other branch, raised my voice and gave my vote against it. It came here, was materially amended, and returned to the House of Representatives. Still it did not meet my approbation, and I resisted its final passage. It prevailed, and became a law. As I then said, the question of a repeal, the prostration of a system, is a very different one from that of its original enactment. If I had been asked whether I would consent to the laws passed for the erection of this vast and costly edifice, I should have answered in the negative. But shall I therefore assent to a proposition to demolish this splendid structure, and level it with the dust?

But notwithstanding this difference in the state of the question, I am decidedly in favor of a modification—a change of the tariff law of 1828. I shall, I trust, have an opportunity to state to what extent, and in what particulars, when it shall be proper to go into detail.

In the adjustment of every scheme of legislative protection, we must have reference to the necessities of the country in war, to the requisites for perfect defence, and essential independence: we must have regard also to the original adaptations, capabilities, and advantages of our country, so that the applications of art may be rendered most powerful and productive by co-operating with the effects of nature: we are to keep in view former legislation and its effects, and the present condition of the property, capacity, and industry of our citizens; we are to consult, too, the separate interests, the peculiar views, and even the prejudices, if such there be, of the several States and the different sections of the Union. Of the various pursuits and employments, those are to be chiefly fostered, which conduce, not merely to wealth, but to the preservation and permanency of our republican institutions; and that which is entitled to precedence of all others is agriculture, which, as it was the first, so it is the most important of human occupations. Coeval with the creation, it will terminate only with the extinction of the human race. Commencing in the garden of Eden, it was one of the joys of Paradise, continued in the thorny wilderness of the world, attendant upon the first curse, to mitigate and render it supportable: it has been the solace of fallen man. It is the employment most congenial to his combined physical, moral, and intellectual constitution, and most conducive to the happiness of individuals and of communities. To free and independent husbandmen we may confidently look for that morality, intelligence, and piety, upon which the hopes of freedom must rest. "Protected by the Divinity they adore, supported by the earth which they cultivate, at peace with themselves," they bow to no master, and seek no change.

Mr. WILKINS then submitted the following amendment to the resolution:

Strike out all after the word forthwith, and insert the following: "so far reduced, or altogether abolished, as to bring down the amount of the public revenue to a sum sufficient to defray the ordinary expenditures of the Government, after the payment of the national debt, as pro-

* In that year, a citizen of New England was elected President; and opposition to his administration immediately commenced.
† The speech of Mr. Tyler, of Virginia, is an exception to this remark.

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posed in the late report of the Secretary of the Treasury, and without a view to a surplus revenue, or for distribution, having such regard as they may deem expedient to such an ultimate equalization of duties as will render them efficient for the purposes of their imposition.

Mr. WILKINS said it was conceded that the revenue must be reduced in consequence of the approaching extinction of the public debt; and the question was, in what manner the duties should be spread over the various articles of imports. He was not willing to concede, in arranging the duties, the principle of protection. However erroneous the legislation of the country may have been, which led to the present posture of its industry, he was opposed to the abandonment of that system. He did not deem it consistent with public faith to withdraw from manufactures that protection under which they had grown up. He was willing, however, to conciliate the interests opposed to this system, and for that purpose he had prepared his amendment, and should offer two resolutions, which he read as follows:

Resolved, That the Secretary of State be requested to report to the Senate the laws and commercial regulations of foreign countries in relation to duties on imports, and the bounties and other regulations for the encouragement of exports, which in any manner tend, in their effect and operation, to counteract the duties now imposed by law on their importation into the United States, as far as they may have been received at the department, since the receipt of those published by order of Congress.

Resolved, That the Secretary of the Treasury be requested to report to the Senate the present credits on duties on imports; and the expediency of providing by law for the gradual reduction thereof, to what extent, and at what time. Also, to report on the expediency of making such alterations in the existing laws, as to provide for the assessment of ad valorem duties, according to a valuation of imported articles in the port or place of importation; and, also, to report whether any, or what alterations ought to be made in the law imposing duties on non-enumerated articles of importation, so as effectually to prevent frauds, and the evasion of the payment of the duties.

Mr. HAYNE inquired of Mr. WILKINS whether he understood him, correctly, as proposing only to repeal the duties on the unprotected articles, leaving the protected articles untouched. Such would certainly be the effect of his amendment, which touches none but the articles coming into competition with those made or produced in the United States; and how a reduction of the duties on them, amounting, in the whole, to no more than seven millions of dollars, could reduce the revenue to a sum sufficient merely to defray the expenses of Government, was more than he could understand, unless the expenses were to be enormously increased.

Mr. WILKINS supposed that the reading of the resolutions, with which he proposed to accompany his amendment, would have satisfied the gentleman from South Carolina as to the extent of reduction to which he was willing to go. If, by any change of our commercial regulations, and the present mode of collecting duties, an equivalent could be given to the manufacturer, he would be willing to reduce the duties on the tariff articles to that extent. A beneficial change could also be made in the imposts on what are denominated non-enumerated articles; and, also, in the valuation of imported goods. By assessing the duties in proportion to the value of the goods in the United States, instead of their value at the foreign port, a material benefit would result to the American manufacturer, and frauds on the revenue would be lessened. With these changes, he thought some reduction of duties might be made on the tariff articles, without operating to the injury of domestic industry.

Mr. CLAY made some remarks in opposition to the amendment. If any thing was to be done this session, in

relation to the tariff, it must be done without the very long delay which the adoption of the resolutions would occasion, unless the session should be extended through the year. The amendment, by itself, would not effect any object which the gentleman had in view. After all, there was but one question to be decided—whether we were to retain the protective principle or not. Afterwards the question would arise, on what protected articles a reduction could be made. It was difficult to say *a priori* what should be the precise reduction of duties on all articles. If we reduce or abolish the duties on unprotected articles, at this session, to the extent of seven millions, and leave the protected class of duties untouched till the next session, we should probably go far enough, though not so far as he was willing to go. But the adoption of the gentleman's proposition would inevitably prevent the possibility of effecting any reduction whatever at this session.

Mr. C. then asked for the yeas and nays on the question; which were accordingly ordered.

Mr. HOLMES said he rose to ask of the Senator from Pennsylvania [Mr. WILKINS] a further explanation of his project. He would preserve the protective system unimpaired, and would still reduce the revenues to the annual income of \$13,500,000. Now, if the revenues are to be \$25,000,000, how, by having the protecting system untouched, is he to reduce the income to \$13,500,000? The tax on the unprotected articles is \$7,000,000 only. Now, seven from twenty-five still leaves eighteen, instead of thirteen and a half. The question then recurs, how does he dispose of his four and a half millions? It would seem to me, said Mr. H., that, after removing all the duties from the unprotected articles, there would still remain a surplus of five or six millions over and above the wants of the Government. Where is he to make this deduction? Is he willing to take it from articles which come in competition with our manufactures? Would he take any part from iron? No. What then? Let us see his plan, if not in detail, at least illustrated by some detail.

He seems to think that the further reduction is to be made by "commercial regulations." This I do not understand; commercial regulations are either made with foreign nations by treaties, or against them by a protecting system. Now, what treaty stipulation could afford to the manufacturer an equivalent for a reduction of the protecting duties? We should like better to understand the scheme; for it seems to me that to carry it out in detail, it would bring him to the necessity of withholding about five millions from the protection of manufactures. Now, will the friends of the protecting system concede this? Is Pennsylvania become, all at once, so compromising? I hope the Senator will be a little more explicit.

Mr. MARCY said he did not rise to enter into the discussion of the general subject of the tariff, but to explain his views in giving the vote which he had given, for not striking out the resolution of the Senator from Kentucky. He had voted against striking out, because he did not approve of the amendment proposed by the Senator from South Carolina, to be inserted in lieu thereof; but he did not intend by the vote he had given to express his approval of the entire resolution of the Senator from Kentucky. He felt disposed to concur with him in a part of it. So far as it went to remove the duties on non-protected articles, as they had been called, which are objects of common consumption—articles which all classes and conditions of our citizens are in the habit of using, he was ready and willing to give it his support. But the resolution was general in its operations upon non-protected articles; it proposes to take off the duties on such as are consumed only by the rich and luxurious. He should, therefore, when the amendment of the Senator from Pennsylvania [Mr. WILKINS] should be disposed of, propose an amendment, the effect of which would be to retain a duty, but less than that now imposed, on articles usually denominated luxuries, as

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well as on wines and silks. He was aware, he said, that the duty which he wished to retain on these articles, might not be indispensably necessary for the purpose of revenue, but there were reasons very sufficient to his mind for retaining them. The abolition of all duties on articles of luxury, while, for the purposes of protection, duties were continued on articles which were consumed by the less wealthy and the laboring classes of our citizens, was wrong in principle, and would strengthen the opposition to the policy of protection: it would furnish another ground of attack upon it. As a friend of protection, he felt unwilling to do any thing that would strengthen the hands of those who would destroy it altogether. He would confess, for himself, he felt somewhat alarmed for the safety of the protecting policy, and he thought its friends had much to do to save it from utter prostration. He thought the Senator from Kentucky was mistaken in the extent of the conquests the protecting policy had made over the opposition to it. That opposition was extensive and strong; and unless something was done by the friends of protection to remove or disarm it, he feared it would ere long prevail. If we proceed no further than the resolution under consideration proposes to go, we shall leave more discontent in the country when we adjourn, than there was when Congress first met. The resolution proposes partial legislation—it left untouched the duties on protected articles. The whole tariff required revision, and there was no good reason for not making it at this time. No Senator had spoken on this subject, who has not admitted that the present law, laying duties, is very defective. It has been repeatedly alleged here that it was made by the enemies of the protecting system, and made as bad as it could be, and then forced upon the friends of that system. If this be so, we ought not to shrink from a review of it, for the purpose of removing the acknowledged imperfections, and introducing such improvements as are necessary to preserve protection and appease discontent. He was, he said, opposed to legislating piecemeal on the subject. If the duties on non-protected articles were removed now, the duties on the protected articles, which were the grounds of complaint, would remain unacted on. He was for having the whole subject sent to a committee, and he had expected some Senator would have proposed an amendment to accomplish this end; but finding the other day, when we were about to pass finally on the resolution, no such modification was proposed, he had prepared one, which would open the whole subject to the committee. At the end of the first resolution of the Senator from Kentucky (which proposes to abolish forthwith the duty on non-protected articles, except wines and silks, and to reduce it on them) he would add the following: "And that the duties on articles imported into the United States, similar to such as are made or produced therein, ought to be so graduated as not to exclude such foreign articles from coming into competition in our markets with those made and produced in the United States; but to establish the competition on such terms as shall give a reasonable encouragement and protection to the manufactures and products of the United States."

Mr. M. said he expected that the friends of protection would co-operate with him in opening the whole tariff to revision, and feel the necessity of removing objectionable parts of it. If left as it now is, it cannot, he said, long withstand the force and body of attack which now assail it, and which will be increased if we go no further than the resolution under consideration proposes. The preservation of the policy required its improvement. He feared it could not long last as it is now, or as it would be left, if the measure proposed by the resolution was adopted. However glowing is the picture of ruin and distress ascribed to the operation of the tariff in one part of the Union, it would not compare with that which will be presented in other parts if all protection should now be at once withdrawn. The fortunes of a great portion of the citizens in the East-

ern and Middle States are embarked in manufactures, and other pursuits connected with them; and he thought no man could venture to look upon the scenes of desolation which would ensue upon the total abandonment of that policy which had caused the present investment of this immense amount of capital, and the direction given to these pursuits. Mr. M. concluded by expressing a hope that no half way measures would be adopted; but that the whole subject would be sent to a committee, a revision of the duties on protected articles would be made, and the admitted imperfections of the existing laws removed.

Mr. WILKINS spoke in reply to the Senators from Maine and Kentucky. He thought it perfectly practicable to review and arrange the whole system at this session. He wished to have the inquiry made, whether, by a change in commercial regulations, an equivalent can be afforded to the manufacturers for a reduction of the duties on protected articles. He did not pretend to say how far this purpose would be effected by abolishing credits on duties, and by the adoption of another valuation system: but these regulations, as they exist, certainly have an unfavorable bearing upon the protected interests. He would not abandon the system, for he considered it as constitutional and expedient. But he would yield much for the sake of having the subject settled at once, and forever. He was not afraid of the delay growing out of his amendment. It would have a great effect. Inquiries had been set on foot by the Treasury Department, which would result in very important information.

Mr. CLAY did not know, he said, that he should be unwilling, at a proper time, to assent to the amendments suggested by the Senator from New York. He was perfectly willing, as he had frequently remarked, to look into the protected class of articles—and he did not doubt that such a reduction might there be effected as would satisfy at least the moderate portion of the opponents of the protective system. The amendment of the Senator from Pennsylvania he opposed as hostile, in its effect, to the protective system.

Mr. HOLMES, in reply, said he certainly intended nothing unkind or severe towards the Senator from Pennsylvania, [Mr. WILKINS,] but rose merely to ask a further explanation of his scheme, which did appear a little confused, and seemed to imply a contradiction. I could not perceive, said Mr. H., by what he then said, how the tariff on protected articles was to be diminished four or five millions, and the protection remain as efficient as it now is. The Senator has now gone a little further into detail, and appears to be more explicit. He would reduce the duties on protected articles, but would compensate the manufacturer to the full amount in one or all of these ways. First, he would abolish the credit system. Now, who does not see that prompt pay augments the duty? And if it augments it as much as you otherwise reduce it, it comes to the consumer under precisely the same burden as before. Another device is to change the rule of valuation. Does not the Senator see that the effect of this is the same? To compensate the manufacturer for a reduction of the duty on the foreign article, you reject the invoice valuation, which you say is too low, and charge the article at its real value at the port of importation. And pray, sir, what difference does it make to the consumer whether he pays twenty per cent. on a yard of cloth valued at fifty cents, or ten per cent. on the same article valued at a dollar. The ground of complaint, whether real or imaginary, is that the consumer pays the tax. If you, in the price of the article, in any way raise the price to the same amount as you reduce it, by reducing the tax, all must readily perceive that the scheme is entirely visionary. His other mode of compensation to the manufacturer for his proposed reduction appears not to be definite. He would change the duties on the non-enumerated articles—that is, if I understand him, enumerate them, discriminate between them, either by ad valorem or specific

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duties. The effect of this would be trifling, indeed; and if either or all those schemes shall compensate the manufacturer to the full amount of the whole reduction, it would be very difficult to perceive how the consumer gets the least relief whatever.

I was not a little amused, however, at the Senator's dissertation on luxuries, but I cannot very well agree in his distinction. Every thing dear, he says, is a luxury—nothing that is cheap. Now I can well perceive that there are many luxuries which cost nothing. A refreshing breeze, a genial sun, brilliant moon and stars, are all luxuries—the opening of spring, indeed, every thing beautiful, is a luxury. To look at a beautiful woman is a luxury; but it costs nothing.

Mr. TAZEWELL said that, in effect, there were three distinct propositions under consideration, and it was necessary to compare these with each other, before any correct opinion could be formed as to the propriety of adopting either. It was true that the Senator from New York [Mr. MARCY] had not yet presented his scheme in form; but as he had read his resolutions in his place, and had announced his purpose of offering them as a substitute for the amendment proposed by the Senator from Pennsylvania, [Mr. WILKINS,] if the latter should be rejected, the Senate was so compelled to consider this project in deciding upon the propriety of adopting either of the others.

Comparing these three schemes according to the grammarian's mode, he would say that that of the Senator from Pennsylvania was in the positive degree, and was simply bad; that of the Senator from Kentucky [Mr. CLAY] was in the comparative, and was worse; and that of the Senator from New York was in the superlative, and was the worst of all. Or, if gentlemen pleased to reverse this comparison, he would say that the New York project was positively bad, the Kentucky project comparatively better, and that of Pennsylvania was the best of all of them; although, for himself, he must say that bad was this best. Therefore, if he was bound to take one of these bitter potions, he should be compelled to take the last as that which was the least disagreeable.

All these several plans propose to reduce the amount of the future revenue of the United States; and the question was, how much? To this question the Senator from Pennsylvania answers, to the measure of the ordinary expenses of the Government, so as to leave no surplus in the treasury, to become hereafter the subject of scuffle and scramble; and this he announces in the terms of his amendment itself without qualification or reserve. The Senator from Kentucky said the same thing in his argument, but he does not express it in his resolution; and he qualified the declaration made by him, by saying afterwards that his scheme of reduction would be limited by that protection. Give him adequate protection for manufactures, and he announced distinctly his perfect willingness to reduce the amount of the revenue to any point which the most moderate would propose. To use his own strong language, in that case, he would not be "outbragged" by any one. But adequate protection he must and would retain, even if the preservation of such protection should bring more revenue into the treasury than the ordinary expenses of the Government required. It is obvious, then, that the expressed and unqualified proposition of the Senator from Pennsylvania is better than this.

So far as they regard the revenue derivable from what are called the duties on unprotected articles, both the Senators from Pennsylvania and Kentucky concur in proposing the total abolition of all these duties, except those imposed on wines and silks. In this respect, then, their schemes are similar. But that of the Senator from New York differs from each of them in this: he, although, in favor of a diminution of the duties imposed upon some of these unprotected articles, is for retaining all the duties imposed upon others, which he called luxuries. His reason, too, for this,

deserves some notice. He tells the Senate that, if they repeal the taxes which are now imposed upon articles consumed by the rich only, the tariff policy will become more odious than it now is. Therefore, for the purpose of preserving the American system in good odor with the people, they must retain the duties upon luxuries, and continue the burdens unnecessarily imposed upon the rich, lest the poor, (I beg pardon of the gentleman from Pennsylvania, who has told us that there were no poor in this country,) lest the less wealthy, (to use his phrase,) should complain more loudly than they now begin to do of the grievous impositions upon their comforts and necessities. The Senator from New York is unwilling, then, to reduce the revenue even to the extent proposed by the Senator from Kentucky.

That Senator, with his accustomed frankness, told the Senate that the revenue, if reduced to the full extent of his scheme, by abolishing all the duties imposed upon all the unprotected articles, would still, he feared, amount to at least eighteen millions, three millions more than the treasury report states to be requisite to satisfy the utmost wants of the Government. But he could not agree to reduce it more at present, because he should then be compelled to diminish the necessary protection required for the support of his favorite system, which he was not disposed now to do. The Senator from New York proposes, however, to retain a large portion of even these duties, which both the other Senators are willing to abolish, and this with a distinct knowledge that such a proposition must necessarily augment the amount of revenue, and so increase the quantum of the surplus "spoils," to be hereafter distributed in some form or other.

Of all the evils, said Mr. T., which in his judgment was most to be deprecated in this country, was the accumulation of surpluses in the treasury. Its effects must be either to transform this Government into a monster of wanton and bloated extravagance, or to generate new feuds and differences between the States as to the mode of distributing it. Either result would be equally destructive of the Union of the States, and the liberties of the people. For one, therefore, he should ever support that scheme of finance which promised to produce as little as possible beyond the actual exigencies of the Government; and, in our present condition, the public debt being discharged, he would prefer even a deficit to an excess of revenue.

The striking difference which he had stated was neither the sole or the least dissimilitude between the three several projects he was then examining, said Mr. T. They differ from each other even more in the manner than in the measure of reduction. The Senator from Pennsylvania, while agreeing with the two other Senators, in his determination of preserving unimpaired the actual protection to manufactures, is, nevertheless, willing to commute it for other equivalents of as much potency, if these shall be considered as more acceptable. He announces three different plans: the payment in cash of the duties imposed upon foreign articles which enter into competition with our domestic manufactures; a scheme of warehousing such imported articles; and a new mode of ascertaining their value by appraisements to be made at the place of importation. And he tells the Senate that, whatever of protection the adoption of all or of any of the different schemes may be considered as worth, that amount he is willing to deduct from the amount of the present duties for encouragement. Thus diminishing still more the receipt of surplus revenue, while preserving existing protection, and holding out some other advantages which seem to me to be well worthy of further examination. The Senators from Kentucky and New York, however, are neither of them willing to touch the present system of protection, in any mode whatever.

[Here Mr. MARCY interrupted Mr. T., saying that he was not unwilling to revise the present system of protect-

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ing duties, but that his resolutions expressly required a re-examination of it, and suggested the basis upon which a modification of it might be made. To prove this, he again read his project.]

I understood the scheme of the honorable Senator from New York, said Mr. T., precisely as he has explained it, and was about to show that, however latitudinous and general may be the terms in which it is expressed, its meaning and effects are precisely those of the Senator from Kentucky. Nay, that the principle which it advances, goes even beyond that contended for by that Senator. A good proof that I am right in this, the Senate have already heard, in the entire accordance in this project, expressed by the Senator from Kentucky, and his willingness to support it, so soon as the first proposition concerning the duties imposed upon the unprotected articles is disposed of.

The scheme of the Senator from New York, as the Senate have again heard it declared to be, is this, to continue all the present duties of protection, so far as they may be necessary to secure competition in the market between the foreign and domestic articles of a like kind, with what he calls a reasonable advantage in this competition to the home manufacturer, and to reduce all the protecting duties which now exceed this limit to that point. Now, what is the demand of the Senator from Kentucky? He only asks for "adequate protection," and has often expressed his willingness to reduce the protecting duties hereafter to that point, if it can be shown to him that any one of them go beyond it. Ask him what he considers as "adequate protection," and he tells you, frankly and openly, such a duty as will enhance the price of the foreign commodity in our market so much as to enable the home manufacturer to sell his rival article at that price, and at that price to secure a reasonable profit to himself. Grant him this, and he asks nothing more. But the Senator from New York is not satisfied with this degree of protection; he requires not only such a duty as will secure a fair competition between the rival articles, but so much more as may be necessary to give to the home manufacturer a reasonable advantage in what this Senator calls a fair competition. That is to say, he proposes to secure, not a reasonable, but an unreasonable profit to the home manufacturer, by enhancing the price of the rival foreign commodity above the point at which the domestic article may enter into fair competition with it.

Was I right, then, said Mr. T., when I affirmed that the Senator from Kentucky occupied a middle position in these biddings, and that, although he offered less, probably, than did the Senator from Pennsylvania, yet his offer was better than that of the Senator from New York.

So far as the duties on the unprotected articles are concerned, both the Senators from Pennsylvania and Kentucky are willing to abolish them altogether, with the exception of wines and silks; but the Senator from New York says no, most of these duties are imposed upon luxuries, and although they are not required for either revenue or protection, yet, if you disburden the rich, while you continue to oppress the less wealthy, you will surely make your American system more odious than it now is, and will so endanger its future fate. Therefore, keep such duties on, although they are not wanted. So far as the protecting duties are concerned, the Senator from Pennsylvania is willing to commute them for satisfactory equivalents, to be furnished by a system of commercial regulations, which, having no regard to revenue, will necessarily diminish the risk of a surplus in the treasury. The Senator from Kentucky is unwilling to adopt this course now, from no indisposition to attain its objects, if I understand him correctly, but from an unwillingness to disturb the protecting policy in any way at this time. For he declares his desire to reduce the duties of protection hereafter, in all cases where they give more than reasonable encouragement to the manufacturing industry, if any such

there are. But the Senator from New York announces his determination not merely to preserve the present system, so far as it gives a reasonable encouragement to this branch of industry, but never to permit any rival foreign commodity to enter into competition with the home-made article, except under circumstances giving advantage in the competition to the home manufacturer. This, in effect, is to give a monopoly of the home market to the home manufacturer, to the extent of the supply he is about to make; and then lets in the foreign commodity at an increased price to the consumer, which, while it must oppress him, is neither required to defray the expenses of the Government, nor to protect the manufacturing industry. It is, therefore, an oppressive burden, wantonly imposed, without any other object than to accumulate a surplus in the treasury.

In this view of the subject, said Mr. T., although I do not approve of the scheme of the Senator from Pennsylvania, yet it seems to be so far preferable to both the others, that I shall give it my support at present. What may be the vote I may give, if this amendment obtains, it will be time enough hereafter to state.

Mr. HENDRICKS rose to inquire of the Chair if it would now be in order to move to refer the whole subject, the resolutions of the Senator from Kentucky, and the amendment proposed by the Senator from Pennsylvania, to one of the standing committees of the Senate; and being informed by the President that it would be in order, he proceeded, and said:

It was then his purpose, before resuming his seat, and after he should have made a very few observations, to move a reference of the whole subject to the Committee on Manufactures. It must now be obvious, said Mr. H., that the further we progress in the discussion of these abstract resolutions, the greater will be our difficulties; and the less probable is it that we shall ever agree on any thing. These resolutions have been before the Senate more than two months. And surely no member of the body can entertain the opinion that we are in the least degree approaching unanimity; but that, on the contrary, we are further apart now than when we began; and, indeed, the amendment recently proposed, especially in connexion with other amendments suggested, seem to be producing a degree of confusion, and a greater diversity of opinion, than has been manifested in any previous stage of the debate.

The original resolutions assert that the existing duties on all unprotected articles "ought to be forthwith abolished," except on wines and silks, and that on these they ought to be reduced; and direct that the Committee on Finance report a bill accordingly. The amendment originally proposed by the Senator from South Carolina, declared that the existing duties on all articles, both protected and unprotected, ought to be so reduced as to bring down the revenue to the actual expenditures of the Government, after the public debt shall have been paid. On these two propositions, diametrically opposite in principle, and in their effect, upon the tariff policy, has the discussion, until very recently, progressed. The latter proposition being, in effect, rejected by a refusal to strike out the first, the Senator from Pennsylvania comes forward with a proposition of the middle ground, and, in the discussion, suggests that he has two others which he means to submit; and the Senator from New York has also read us two or three propositions, which he means to submit. Thus are we about to be deluged with every shade of proposition which can be crowded between two extremes, and the debate, which we all hoped was nearly brought to a close, is about to take a wider and more interminable range than ever.

Indeed, said Mr. H., the original resolutions of the Senator from Kentucky are fraught with great difficulty, and with much to embarrass the Senate; and, decide them as

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you may, you settle nothing; for when the bill contemplated by them shall be reported to the Senate, the whole tariff will be before us. Then any member will be at perfect liberty to introduce any amendment he may think proper, as well to the protected as the unprotected articles. This is the objection to abstract propositions in legislation. In this way you can assert a principle, but you cannot regulate its details; and the tariff always has been, and ever must be, almost entirely a question of details. In this is its great difficulty. The principle of the resolutions before us, said Mr. H., is extremely questionable. It is, that the duties on the unprotected articles ought to be forthwith abolished. Now, sir, I, for one, am not prepared to say this. While I hold the protective principle sacred, I do not believe in this doctrine. These articles are chiefly composed of what may fairly be denominated the luxuries of life; such as tropical fruits, cordials, perfumeries, and fancy articles almost innumerable. Of the duties on these articles, no one has complained. On this subject not a voice has been raised from Maine to Louisiana. They consist of articles, the consumption of which is confined very much to the wealthy portions of the community, to the cities, and the seaboard. They enter very little into the consumption of the people of the great interior of the country. There are, to be sure, some articles on this list of a different description, such as teas, coffee, and a few other articles, but he was not prepared to say that they ought all forthwith to be abolished. He did not wish to be committed by any such vote. He wished to remain at perfect liberty, after the bill should be submitted, to vote as his judgment might dictate on its details: to take the items, and retain or reject them as he might think proper. He would cheerfully vote to take the duties off teas, coffee, dye stuffs, and such like articles. But he objected to a decisive vote on these resolutions, because of their uncertainty. In examining the existing tariff for the purpose of making out this list of unprotected articles, perhaps no two Senators would entirely agree. The resolutions then required us to vote in the dark. I have, sir, said Mr. H., three lists of these articles before me, differing from each other widely. One is a list contained in a bill reported by a Senator from Missouri, [Mr. BENTON,] at a former session, another is a list contained in the speech of the Senator from South Carolina, [Mr. HAYNE,] and the third is a list not yet submitted, but prepared for that purpose. This was a conclusive objection with him to the resolutions as they stood before the Senate; and this was one of his reasons for the motion he was about to make.

We are, said Mr. H., commencing a novel and very important work—the reduction of the revenue. This policy is begun in the fear of dreadful evils from a surplus. This evil we had never yet felt; and, for one, he was inclined to wait its approach without any apprehension. Many millions of the public debt were yet upon us, and the evil could easily and speedily be removed whenever it should be found to press us. The prospect of this surplus had heretofore consoled us.

We had, heretofore, looked to it as the means of a permanent and somewhat enlarged plan of internal improvement. And we in the new States have been looking with sanguine expectations to this period of our affairs for a beneficial change in our land system. He had said that he would vote with great pleasure to relieve from duties teas, coffee, and some other articles contemplated by the resolutions; and he hoped to have an opportunity of so doing, when the bill should be reported to the Senate. But, for one, he should never vote to reduce the revenues of the country to the minimum of current expenditures; for this would be a farewell to internal improvements, and to all hopes of any modification of the land system, favorable to the new States. He was aware that it would be said that the resolutions now before the Senate contemplated no reduction to this extent; but he could not be

indifferent to some expressions which had escaped during the present debate. He had heard the propositions for a modification of the land system spoken of as wild schemes; and that of the Secretary of the Treasury, looking to their transfer to the States in which they lie, as the wildest of all; and this in the face of distinct expressions of almost every Legislature of the new States, asking a modification of the system. It had not escaped him, nor did he suppose it had escaped any member of the Senate, that, in the various schemes for reducing the revenue, it had generally been affirmed that the revenues of the public lands should remain as they are. For one, he protested against this; and he could confidently assure the Senate that the people of the new States, as far as he was made acquainted with their opinions, fully expected some participation in the proceeds of the public lands, as soon as the national debt should be paid; and that without this there would be much dissatisfaction in that portion of the Union. They know that these lands are pledged for the payment of the debt, and for nothing more; and they know that when this debt shall be paid, their proceeds will not be needed for any purpose of the Federal Government. If they had not known this before, the debate now in progress would give abundantly this information. These resolutions propose to dispense with from seven to ten millions of revenue, because it is not needed for any purpose of the Government, and because the Government, under such circumstances, is better without it than with it. These millions are chiefly paid by the States on the Atlantic seaboard—are paid by the wealth of the country, and assessed on the luxuries of life. They are burdensome to no section of the country—complained of by nobody. The revenues from the public lands have, within the last ten years, vibrated between one and three millions. Three millions will be a large estimate for many years to come. The new States will tell you that it is reasonable that, in the new modification of the great interests of the country, and in the reduction of the general revenue from ten to fifteen millions, for it may safely be thus reduced after the debt shall be paid, that some of these millions ought to be given to the new States; and so the whole Union will say that their expectations and their demands are reasonable and just. Especially will the emigrating classes of the old States say so. They will demand of you an inheritance in the new States, which you are not able to give them at home, in the old States; and that some of the moneys which they pay into your treasury for the uncultivated forest, shall be expended among them, for the purposes of internal improvement and education. They will tell you that all your allegations about purchasing the soil of the new States with the blood and treasure of the old States are delusive—that they are fallacies. They will tell you, as we tell you, that these things are the offspring of the revolution; and that we are the sons of the revolution as well as you: that, in this sense of the phrase, you have no right to say to us that you are exclusively the old States. The people of the new States will tell you, that while you enjoy the cultivated fields, the ease, the comfort, and the enjoyments of the old States, it is but reasonable that their own means should be employed in making the same improvements in their own country, which they helped you to make in yours, before they left you. This, sir, said Mr. H., is my view of the subject; but I will no longer detain the Senate. Mr. H. then moved that the whole subject, both the resolutions of the Senator from Kentucky, and the amendments proposed by the Senator from Pennsylvania, be referred to the Committee on Manufactures.

Mr. HAYNE suggested to the Senator from Indiana the propriety of a reference of the resolution to some other committee than that of manufactures.

Mr. CLAY spoke in favor of the reference, and stated that he should urge a report from the committee, of a

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bill repealing the duties on unprotected articles. He had been long anxious to obtain a direct expression of the sense of the Senate upon the resolution.

Mr. HOLMES moved an adjournment; which was rejected.

Mr. SMITH said that it was of no consequence to what committee the resolution was sent, for it instructed the committee to report a bill on certain principles.

Mr. KING said: Mr. President, it is my design to detain the Senate but a few minutes, but I cannot consent the reference proposed should be made, without giving my view of the effect which it is calculated to produce. Sir, I have not been an inattentive observer of this whole proceeding; more than two months past, the Senator from Kentucky introduced his resolutions, instructing the Committee on Finance to bring in a bill to abolish, forthwith, all the duties on articles unprotected, with a slight exception as to silks and wines. A labored and protracted debate ensued, which I forbore to take any part in, from a conviction that no practical good could result from the discussion. Mr. President, no man in this Senate, or in this nation, feels more sensibly than I do, the unjust operation of the tariff upon the section of country in which I reside; and no man is prepared to go further, in a constitutional resistance to this oppressive system, than I am; but, sir, I had hoped, most ardently hoped, that a spirit of conciliation would have guided the deliberations of this Congress; that discontents would be removed by just legislation; and that harmony would be restored to our distracted country. I will not say, sir, that this fondly cherished hope is entirely destroyed; but I must confess the course pursued by the Senator from Kentucky, and his friends, is well calculated to weaken the expectation that this all-important subject will be amicably adjusted. Sir, that Senator, it is true, has been liberal in his professions; he has said he will reduce the revenue to the lowest sum which may be required to meet the wants of the Government; and how, sir, does he propose to effect this? Merely by a repeal of the duties on the unprotected articles now, and at a more convenient season resort to further legislation; for he has repeated over and over again, with great emphasis, "you must not touch the protective system." This system, so holy in the eyes of the Senator, of taxing the many for the benefit of the few, which draws from the pockets of our people more than seventeen millions of dollars annually, must not be touched. I am not, Mr. President, disappointed in the Senator from Kentucky; he is consistent with himself; but, sir, I am surprised and pained at the proposition of the Senator from Pennsylvania; from him, I am free to confess I had hoped better things. Is this the evidence he gives of the spirit of conciliation by which he was actuated? To me the amendment proposed is decidedly more objectionable than the original resolutions; they are plain to every understanding; while the amendment, equally avoiding all interference with the protected articles, proposes so to reduce the duties on the unprotected class as to bring down the revenue to the actual demands of the Government. An annual revenue of more than twenty-six millions of dollars is thus to be brought down to the wants of the Government, which none, I believe, will contend, should exceed fifteen millions, and most of us are of the opinion should not be more than twelve, by a reduction of duties on articles which do not pay altogether seven millions. Sir, I will not give utterance to the feelings the proposition is calculated to excite.

Mr. President, I will not attempt a discussion of the general question. I am aware that I should but recapitulate arguments, urged with so much force and ability by much abler men, demonstrating, beyond the power of refutation, the inequality, injustice, and oppressive operation of this whole system; but will merely remark, that if this course of policy is to be persevered in, in all its

unmitigated severity; if, instead of affording relief from the burdens of which we so justly complain, the majority are determined to render them more aggravated, by repealing or greatly reducing the revenue duties, for the benefit of the manufacturers, and thus throw the whole weight of this unjust taxation upon the agricultural interest, then gentlemen must prepare themselves to meet the consequences which their oppressions will inevitably produce. Mr. President, I have been too long acquainted with the proceedings of the committees of this body, not to know that the reference of these propositions, whether adopted by the Senate or not, will be considered by the committee as instructions to report on them, and them only. Sir, they cannot extend their inquiry beyond the subject-matter referred; and I appeal to the older members of the Senate for the correctness of this position. Sir, the Senator from Kentucky so considers it, else he would not so eagerly seize upon the proposition now made to refer, after having so repeatedly pressed for the decision of the Senate upon his resolutions, and after having successfully resisted all amendments which would extend the inquiry to the whole subject of the tariff. I would ask, Mr. President, if this was a select committee, clothed with no powers but such as should be conferred on it by the Senate, would the reference of these resolutions justify it in reporting upon subjects not embraced by them? Certainly not. I fear, sir, my friend from Indiana, if he succeeds in this motion, will defeat the very object he has in view. He has declared himself opposed to the passage of the resolutions of the Senator from Kentucky; that he is in favor of a fair modification of the whole tariff system; and he wishes the committee to come to the examination of the subject, unrestrained; in that, my friend and myself perfectly agree. I request, then, that he will relieve me from all difficulty, by withdrawing his motion to refer.

Mr. HENDRICKS said he regretted that he was unable to comply with the suggestion of the Senator from South Carolina, and substitute the Committee on Finance for that of Manufactures. The Committee on Manufactures was, in his opinion, the proper committee. It had been constituted expressly for the consideration of such subjects, and hitherto such subjects had uniformly been referred to that committee. This opinion had governed his vote on previous occasions; and in this view of the subject he had, during the present session, voted to refer the salt bill, and the Indian blanket bill, to the Committee on Manufactures. He would cheerfully vote to refer any proposition of inquiry relative to the tariff, to that committee; and, if the Senator from South Carolina wished to refer his proposition, which had so long been the subject of debate, to that committee, he should have his vote to that effect. In reply to various opinions, recently expressed, that a reference of this subject, under present circumstances, is tantamount to an instruction to the committee to bring in a bill in conformity to the resolution, he would say that nothing could be further from his view of the reference. It was to avoid all expression of the Senate on the merits of the resolution, that his motion had been made to refer; and he had no doubt that this would be the view of the Senate in referring, if the motion should prevail. Surely no member of the Senate, in voting to refer, will feel that he is adopting the resolution; on the contrary, by referring, the Senate will clearly say that the opinion of a committee is sought for, before the Senate shall be called upon to give any vote on the principle or the merits of the resolution.

Mr. DICKERSON said, the advantage of this reference is this: that the committee may report a bill, upon which we may act with more practical effect, than upon an abstract proposition. If the Senate adopt the resolution to instruct the committee to report a bill upon the principle contained in that resolution, they may feel under obliga-

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tions to support such bill. If the bill should be reported without such instructions, no Senator, except the committee reporting the bill, will be in any way committed to support it, no more than if the bill should be introduced upon leave, or if introduced by the committee under their general powers, according to the suggestion of the Senator from Alabama, [Mr. KING.] It may be true, as the Senator suggests, that the Committee on Manufactures have the power to report such a bill as is called for by the resolution, but the committee think it more becoming them to perform duties than to exercise power. Had the committee reported such a bill under their general powers, it is possible they might have been informed by that Senator that they had performed a service not required by them. The power to report such a bill will, I presume, be exercised by the committee as soon as they can know that such exercise of power will meet the approbation of the Senate.

To the question proposed—Would the Committee on Manufactures not report a bill in accordance with the resolution? Mr. D. expressed his opinion as one of the committee, that they would promptly report a bill for repealing the duties on unprotected articles, which could not be considered as a revenue bill. As to a tariff bill, which is justly considered a revenue bill, he felt some constitutional difficulties, and doubted whether such a bill could originate in the Senate; but if the Senate should be of opinion that such a bill can originate here, or if a majority of the committee shall be of that opinion, he will, with great cheerfulness, perform his part in presenting a bill so modifying the tariff, that considerable reduction of duties may take place without impairing the protection now afforded to the most important manufactures of the country.

Mr. POINDEXTER said that, if the resolution of the honorable Senator from Kentucky [Mr. CLAY] could be so amended as to change its affirmative character into an instruction of mere inquiry on the subject to which it relates, he should make no objection to its reference to the Committee on Manufactures in that shape; but, as the proposition affirmed a principle from which he [Mr. P.] dissented, he could give no vote which might, in the remotest degree, imply his sanction of it. It had been said by several honorable Senators, that to refer this resolution, with the several amendments laid on the table by the honorable Senator from Pennsylvania, would leave the whole subject open to the committee, in the same extent as if it was sent to them in the form of an inquiry. He thought otherwise. The Senator from Kentucky had, at an early period of the session, offered a resolution to instruct the Committee on Finance to report a bill on certain general principles, on which the opinion of the Senate was asked. After a protracted and interesting discussion, a vote had been taken on striking out the whole of the original resolution, and inserting an amendment proposed by an honorable Senator from South Carolina; and, on a division of the question, the Senate have solemnly determined to retain the resolution in the form in which it was presented by the Senator from Kentucky.

Does not this decision pledge a majority of the Senate to sustain by their future votes any bill which may be reported, carrying out the broad proposition of the mover of the resolution, which we are called on to refer without any modification whatever? The committee, in the performance of its duty, will regard this reference as an expression of an opinion favorable to the views of the Senator from Kentucky, and we may forthwith expect a report, with all the details necessary to carry this new system into effect.

He protested against any such modification of the tariff of 1828 as that proposed, leaving all its offensive features untouched, and rendering it even more odious and objectionable to the great body of the American people, than

it would be without any attempt to change the system. He had listened attentively to the debate which had occupied so much of the time of the Senate, on abstract questions of political economy; he considered such a debate wholly unprofitable, and as leading to no practical result: there was no end to speculative reasoning and opinions on this absorbing subject; and until some definite scheme was matured and submitted to the Senate, he did not feel disposed to participate in the discussion. But he could not vote to send the resolution of the Senator from Kentucky to any committee, fortified by the sanction which it had received by a refusal to strike it out, and insert the amendment of the Senator from South Carolina, unless it was so modified as to show on its face that nothing more was intended than to draw the attention of the committee to the subject which it embraced. He felt a deep solicitude that all just cause of dissatisfaction, and every ground of discontent among the people, might be removed, by a reduction of duties on foreign importations to a reasonable standard during the present session. Let us, said he, in a mutual spirit of compromise and concession, do justice to all, and restore tranquillity to this distracted country; but certain he was that this object, so much to be desired, could not be achieved by adopting the scheme of the Senator from Kentucky. He should, therefore, vote against the proposed reference of the resolution. Mr. P. afterwards offered, as an amendment, the resolutions which he had laid on the table in December last; which was agreed to.

Mr. FORSYTH said he should vote for the motion. He did not consider it as committing the Senate in favor of the resolution, but rather as a refusal to adopt its principles. When the committee reported, we should have something to talk about. We should no longer be engaged in beating the air with our swords—we should have something to fight for and against. The committee would, probably, as the chairman tells us, soon report a bill repealing the duties on unprotected articles, and retaining every thing that was odious and oppressive in the present system. Such a bill he did not believe would pass the Senate, or any other legislative body on earth, for it was manifestly unjust.

Mr. FOOT said he was somewhat surprised to hear the remarks of the Senator from Alabama, [Mr. KING,] calling in question the decision of the Chair, in relation to this point. From the long experience of that Senator in this body, as well as in other deliberative assemblies, we should suppose he must be perfectly familiar with the ordinary course of proceedings in legislation! Surely, said Mr. F., a moment's reflection must convince the Senator that he himself has fallen into an error; and that the decision of the Chair is strikingly in accordance with parliamentary usage. Let me call the attention of the Senator to the case now before the Senate. The resolution offered by the Senator from Kentucky [Mr. CLAY] has not been decided. A motion to strike out the body of the resolution, and insert another of a different import, has been negatived—by which the proposed amendment failed. But another amendment has been offered; and the motion now pending is to refer the resolution and amendment to the Committee on Manufactures; and the Senator insists that the committee will be bound to report in accordance with the original resolution, viewing that in the light of positive instruction. But, sir, the amendment offered is also referred. And is not the amendment to be considered equally as a part of the instructions?—one proposing one plan, and the other an entirely different system. I would ask the Senator which proposition is to guide the committee. The answer is easy. They are bound by neither. The two propositions are before them, and it is left to their discretion which to propose. Other plans may be proposed, so as to give the committee the greatest possible latitude in their investigations.

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But, said Mr. F., I have been highly gratified with the pledge given by the Senator from Georgia, [Mr. Forsyth,] to vote with the friends of the protective policy, in referring this subject to the appropriate Committee on Manufactures. I rejoice to see some prospect of an amicable settlement of this great subject, which has produced so much excitement in the Southern section of the Union, and so much ardent zeal in debate on the resolution; and, with the proposition coming from such a quarter, we cannot but be cheered with the prospect of a speedy restoration of kind feelings, and a compromise on this exciting subject, which must be highly gratifying to all parties, and highly important to the Union—and we shall most cordially unite our votes with his in favor of the proposed reference.

Mr. HAYNE said, that whatever difference of opinion might exist as to the general effect of the mere reference of a resolution to a committee, it appears to me that no two minds can be brought to different conclusions as to the effect of referring this particular resolution to the Committee on Manufactures. The point in dispute between the friends and opponents of the protecting system, is, whether, in the proposed modification of the tariff, we shall separate the unprotected from the protected articles; and, proceeding forthwith to abolish the duties on the former, leave the latter untouched. The resolution of the Senator from Kentucky, [Mr. CLAY,] now under consideration, and the amendment of the Senator from Pennsylvania, [Mr. WILKINS,] embraces those articles only "which do not come into competition with similar articles made or produced within the United States." The rejection of my motion to strike out this resolution for the purpose of inserting an amendment, looking to a general reduction on all articles, protected as well as unprotected, has left before us the naked proposition of so modifying the tariff as to take off the duties entirely from the unprotected articles, leaving all of those which affect the protected articles; in plain terms, to maintain the protecting system in its most odious form, and its most oppressive character. And this is the proposition which it is now moved to refer to the Committee on Manufactures—a committee known to be favorable to such an arrangement of the tariff as is proposed in this resolution—a committee, of which the Senator from New Jersey [Mr. DICKERSON] is chairman, and the Senator from Kentucky [Mr. CLAY] a member—a committee, four members of which out of five are known to be devoted advocates of the American system. What, I would ask, can be the effect of such a reference, but to put the proposition of the gentleman from Kentucky into the form of a bill, and to have it in the course of a very few days brought up to be passed into a law? It is vain for gentlemen to tell us that the committee may, if they please, extend the reduction to other articles than those embraced in the resolution referred to them. No one can suppose, for a moment, that they will do so; and when the Senate, after due deliberation on the subject, determines to submit to them the single proposition to reduce or abolish the duties on wines, silks, velvets, spices, and other articles of luxury, it is hardly to be imagined that such a committee will go out of their way to take up another and distinct proposition—the reduction of the duties upon the necessities of life, such as woollens, cottons, and iron, not referred to them.

I will confess, Mr. President, that when I witness the course pursued by some gentlemen, I can no longer indulge any hope of a satisfactory adjustment of the tariff. When we see Southern men supporting such a proposition as this, it is enough to make us utterly despair of the cause. Well, sir, may the Senator from Connecticut [Mr. FOOT] congratulate himself and his friends at an event so auspicious to their hopes. No one, I should think, could fail to perceive, that in these disastrous times, when we are struggling side by side, in a common cause, for so great a stake, and against such fearful odds, our only hope of suc-

cess must depend on our presenting an unbroken front to our opponents. It has, therefore, been with regret, greater than I can express, that I have seen the gentleman from Georgia, [Mr. Forsyth,] in the progress of this controversy, falling into the views of our opponents. Sir, will not the gentleman be admonished of his error, when he finds himself, as on this occasion, advocating the course which the Senator from Kentucky, and the whole tariff party on this floor, are so ready to support? I cannot refrain from saying, that setting out, as the gentleman from Georgia did, with the declaration, at the commencement of this debate, of his determination "to die in the last ditch," I was not prepared for finding him (as on a late occasion) in the very midst of the conflict—turning his fire from the common enemy, to direct it against his own friends. The gentleman on that occasion told us that we had no right to expect that my amendment to the resolution of the gentleman from Kentucky could possibly prevail—that the amendment and the resolution were the two extremes, and we must be prepared to meet on some middle ground, and wait to a future period for a more satisfactory adjustment of the tariff. And yet it will be in the recollection of the Senate, that when my proposition was originally submitted, that gentleman rose in his place, and declared that "it yielded all that any tariff man could dare to ask." Yes, sir, the very proposition which the gentleman now denounces as an extreme measure, which we cannot hope reasonably to accomplish, he then declared granted all that our opponents could dare to ask. [Mr. FORSYTH here rose to explain, and said that Mr. HAYNE was mistaken in supposing that he had denounced his amendment as an extreme measure; he had intended to apply that designation only to Mr. CLAY's resolution. He had said, and he still thought, that the amendment conceded as much as the opponents of the tariff could with reason or justice require. But who, said Mr. F., can expect justice here, at this time, and under existing circumstances? Did the gentleman from South Carolina expect justice? He himself certainly did not, though he hoped that at some future period justice might be obtained.]

Mr. HAYNE resumed. I am rejoiced, sir, to hear that it is the resolution of the gentleman from Kentucky alone which the Senator from Georgia considers as "an extreme measure;" and yet this is the very resolution of which he is willing to make a disposition, that amounts substantially to the adoption of the principle on which it is founded—a recognition of the discrimination between the protected and unprotected articles, by acting separately upon the latter—a discrimination which I have no hesitation in saying (if it shall receive the final sanction of Congress, in the manner proposed) will rivet the American system upon this country forever, without leaving us the smallest hope of relief hereafter. For no one can be so dull as not plainly to perceive that if this great crisis in our national affairs, arising from the extinction of the public debt, is suffered to pass away without a reduction of the duties to the just revenue standard, no season half so favorable to such a reduction will ever again occur. A quiet acquiescence in the system now, must amount to submission to it forever.

Sir, I am pained to be obliged to say that gentlemen on the other side of the House seem but imperfectly to understand, and not at all appreciate, our sentiments on this subject. My amendment has been treated as if it were some extravagant ultra anti-tariff measure, which hardly the Southern people themselves could desire or expect to succeed. Now, this is so far from being true, that the proposition in question was conceived in the spirit of conciliation, and carried concession to the utmost possible extent; and I must be permitted to add, that when gentlemen say that no compromise of such a character will be listened to by them, they, in effect, make known their determination to resist every just or reasonable modifica-

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tion of the tariff. What, sir, was my proposition? Why, that the duties should be brought down to the just revenue standard; in other words, that when, by the payment of the public debt, the money should no longer be wanted, it should no longer be raised—for, if raised under such circumstances, it must either be squandered on unnecessary objects, or be distributed among the States; to neither of which could the South ever be brought to give its consent. I did not propose that the tariff should be repealed, and the revenue be supplied in some other way, less burdensome to the agricultural States. I did not propose to deprive manufactures of the protection incidental to a just revenue system; nor did I insist that the reduction to the permanent revenue standard should be made suddenly or rashly. On the contrary, I adopted the principle sanctioned by the Free Trade Convention of Philadelphia, who declared their willingness to acquiesce in such a reduction of the tariff "as shall be prospective in its operation, thereby avoiding any sudden revulsion that might operate with undue severity on the manufacturing interest, but leading to the desired result with the least possible injury to the interests which have grown up under the system of protective duties."

Thus, sir, it will be seen that my proposition required no surrender of fixed opinions—no abandonment of principle on either side. It was intended to steer entirely clear of the constitutional question, and proposed an amendment, which, in effect, would afford all the protection to manufactures that could be necessary to sustain them, without imposing a permanent and enormous tax upon the country. It is true that we have proposed that this protection should be incidental merely to a just revenue system; but I will ask whether gentlemen are unalterably determined to be satisfied with nothing less than a distinct, avowed, substantive protection, and that, too, so arranged as to throw upon the foreign articles which enter into competition with domestic manufactures, (the very articles received in exchange for Southern productions,) the whole burden of the Government. Sir, I repeat that against such a scheme I must continue to enter, in behalf of those whom I represent, our most decided protest. Gentlemen on the other side seem to think that any concession, however trifling in amount, or unimportant in principle, will be satisfactory to us. Take, for example, the amendment now proposed by the gentleman from Pennsylvania, [Mr. WILKINS,] which he introduced with a declaration of his determination to go as far as possible to satisfy the claims of the South. What is that amendment? It is in principle, as I understand it, identically the same as the proposition of the gentleman from Kentucky—to take off the duties on the unprotected articles—the articles of luxury—leaving them, as to other articles, untouched. It is true the gentleman has given notice of his intention to offer two resolutions calling upon the Secretaries of State and of the Treasury for information, on which he intimates a design, at some more convenient season, to propose a change in the mode of collecting duties, by substituting valuations in this country, and cash duties, in the place of the existing system; and the gentleman seems to think that on adopting these regulations some equivalent reduction in the amount of the duties may be consented to by the tariff party. But, sir, what, I would ask, should we gain by this scheme? If, for instance, the abolition of the credit system should be equal to an addition of ten per cent. to the present duties, and the valuation in this country to ten more, what should we gain by a nominal reduction of duties equal to twenty per cent.? Such an arrangement would obviously leave things just as they are. It is susceptible of demonstration that the effect of changing the duties, on the estimated value of the goods in this country, instead of the value in Europe, would require a reduction of duties to the amount probably of fifteen per cent. to leave the amount the same

as at present. Woollens, which cost in England one hundred dollars, and which are subject to a duty of fifty per cent., now pay fifty dollars in duties; the same woollens would, probably, be valued in New York at one hundred and fifty dollars; and if the duties were reduced to thirty-five per cent. they would still pay fifty-two dollars in duties, so that a reduction of the duty to thirty-five per cent. would leave the duties even greater than they are at present. I do not believe that I should object to a reduction of the credits, nor the gradual introduction of a system of cash duties, nor even to valuations, in this country, (if, in the opinion of mercantile men, these alterations in the revenue system could be made without injury to the commerce of the country,) provided such valuations should be accompanied by a corresponding reduction in the rates of duties. But to suppose that the people of the South would receive such an arrangement, embracing merely nominal reduction of duties, as a compliance with their wishes, is to rate their intelligence very low indeed. Sir, let gentlemen, in the first instance, bring down the duties to the true revenue standard, according to the existing custom-house regulations; and then, if they please, make further alterations, by introducing changes in the modes of valuation or collection, let them give us equivalents therefor, and I presume we shall not object. Let not gentlemen delude themselves, however, into the belief that the South will ever be satisfied with any thing short of a substantial relief from the oppression of this system. They understand its operation too well, they feel it too severely, to be deceived by any modification, however ingeniously contrived, which stops short of a material reduction of duties, both on the protected and unprotected articles. They ask no more than justice, and will be satisfied with nothing less. Sir, let me, in conclusion, solemnly assure all who now hear me, that it is a vain nearer than all others to our hearts, to have this painful and this most distracting subject finally and amicably adjusted on just and liberal principles; but next to such an adjustment, we would desire not to be misled by delusive arrangements, which may hold out the show of relief while, in truth, they afford none. Above all things, we desire justice; but, if this cannot be obtained, our next desire is that you will let us know our fate.

After some remarks from Messrs. POINDEXTER and WEBSTER, the former opposed to, and the latter in favor of, the reference,

Mr. KING moved that the subject be laid on the table. He would, to-morrow, submit a proposition for referring the resolution, together with the amendment offered by the Senator from South Carolina, and the amendment, since offered.

Mr. K. withdrew his motion, at the request of Mr. FORSYTH.

Mr. FORSYTH vindicated his course on the subject from the charge of inconsistency, adduced by the Senator from South Carolina. He had not pronounced the gentleman's scheme unreasonable, nor as leading to a dangerous and impolitic extreme. He had only referred to it as presenting the views of the ultra anti-protective party, while the proposition of the Senator from Kentucky embraced the policy of the ultra protective party. In declaring, at the commencement of the discussion, that he would "die in the last ditch," he did not mean to make a declaration of war against the Government. He would, indeed, oppose the protective system by all fair, legal, and constitutional means. He would go that far, but not one step farther. Should the majority overrule, or should the system be continued—he would not, on that account, sanction any course of opposition that would endanger the Union, or be contrary to the spirit of the constitution. God forbid that, on account of any erroneous legislation, he should be betrayed into measures that would tend to the destruction of the constitution. He

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would continue to urge upon Congress, in every proper constitutional form, the necessity and propriety of an amendment of a policy which, to a portion of the Union, odious and oppressive; and he would rely upon the intelligence of the people, and upon their sense of justice, for an ultimate adjustment of the tariff, upon fair, equal, and constitutional principles. Mr. F. admitted that he did not, at present, expect full justice from the majority; but the Senator from South Carolina himself expect it? It was for that reason he was willing to vote for the reference, as the best course to be adopted, under the circumstances of the case.

After a few observations from Mr. CLAY, who concluded that the adoption of the motion would not commit the Senate, Mr. KING renewed his motion to lay the resolution on the table; which motion was lost by the following vote:

YEAS.—Messrs. Bibb, Brown, Ellis, Forsyth, Grundy, Wayne, Hill, King, Mangum, Miller, Moore, Poindexter, Smith, Tazewell, Troup, Tyler, White.—17.

NAYS.—Messrs. Bell, Benton, Buckner, Clay, Clayton, Cass, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Kane, Knight, Marcy, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Taggart, Tipton, Tomlinson, Waggaman, Webster, Williams.—29.

Mr. FORSYTH moved to amend the motion, by also directing the committee to take into consideration the following proposition submitted by Mr. HAYNE, and reject it some days hence:

Strike out all after the word "countries," and insert—Be so reduced, that the amount of the public revenue shall be sufficient to defray the expenses of Government, according to their present scale, after the payment of the public debt; and that, allowing a reasonable time for the gradual reduction of the present high duties on the articles coming into competition with similar articles made or produced in the United States, the duties be ultimately equalized, so that the duties on no articles shall, as compared with the value of that article, vary materially from a general average."

Mr. HENDRICKS having accepted the motion as a modification of the one made by him,

Mr. POINDEXTER also moved that the committee be further instructed to take into consideration the following resolutions, submitted by him on the 22d December last:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of fixing a rate of duties on foreign imports, not to exceed, on any article imported into the United States, more than twenty per cent. ad valorem, and not to reduce the duty on any article so imported, below ten per cent. ad valorem; and to arrange such duties, having regard to all the great interests of the country, so as to produce a net revenue of not less than fifteen millions of dollars annually.

Resolved, That the said committee be further instructed to inquire into the expediency of giving effect and operation to said system of duties on the 30th day of June next.

Mr. BIBB moved that the committee be further instructed to take into consideration the propriety of reducing the duties on the public lands; to which motion Mr. ROBINSON moved further to instruct the committee to inquire into the expediency of transferring them to the States in which they lie, on reasonable terms.

The several propositions were accepted by Mr. HAYNE as modifications of his motion.

Mr. HAYNE rose, and said, that, after reflecting on that had just been said by the Senator from Georgia, it appeared to him that an observation had fallen from that gentleman, susceptible of misconception, and, therefore, requiring explanation. That gentleman, in the course of his observations, had said that, "though he was as strongly opposed as any one could be to the whole protecting

system, yet he was not disposed to resort to any illegal or unconstitutional measures to put it down—nor would he adopt a course opposed to the constitution of the Union." Now, sir, I desire to know from the Senator from Georgia whether, in using these expressions, he intended to impute to me, or my friends, any hostility to the constitution or the Union.

Mr. FORSYTH replied that he had intended no imputation upon the Senator from South Carolina, or his political friends. He had reference merely to a certain doctrine which had been propagated at the South, which he believed to be unconstitutional, and the tendency of which he considered as unfavorable to the permanency of the Union.

Mr. HAYNE then said that he was satisfied with the explanation. The gentleman from Georgia was certainly at liberty to entertain his own opinions as to the tendency of any doctrines promulgated here or elsewhere. I will take this occasion, however, to say that there are no persons in this country—come from which quarter they may—more sincerely attached to the Union, or more devoted to the constitution, according to its true spirit and meaning, than those whom I have the honor to represent on this floor; none more inflexibly determined to maintain the integrity of the one, or the rights secured by the other, though they may differ very widely from the gentleman from Georgia as to the means by which these objects are to be accomplished.

Mr. BENTON rose to second the motion of the Senator from Kentucky, who sat on his right, [Mr. BRAN.] and to thank him also for having made it. It was cheering to hear a voice from Kentucky, the eldest daughter of the West, in favor of reducing the price of the public lands. That question had occupied the younger States of the West for many years, and at this time engrossed and absorbed their feelings. A future plan of revenue was now to be settled; and, in the settlement of that plan, a preliminary question, as to the disposition of the public lands, forced itself upon the mind of every statesman, and every citizen of the West. The Committee on Manufactures—he did not say with how much propriety—had become invested with the fiscal concerns of the Union! with the whole business of settling the future plan of revenue! It had collected into its hands all the objects of revenue, except the public lands; and he [Mr. B.] must insist, so far as his voice could insist, upon their considering that object also. The question for that committee to decide was this: upon what articles shall duties be reduced or abolished? Surely the public lands, which now produce three millions of dollars, and a few years hence will produce five millions, are rather too large an object to be skipped, or overlooked, or passed by without observation, in answering that question. He was rejoiced that the Senator from Kentucky, on his right, [Mr. BRAN.] had brought it forward; heartily glad that he had moved its reference to the committee which now had the system of future revenue in its hands, and he would cordially vote for sending the inquiry to that committee for its consideration and report.

Mr. BUCKNER also made some remarks in opposition to the amendment.

Mr. KANE said that he should be excused by the Senate for rising at so late an hour, when the fact was stated that the people he represented were incomparably more interested in a change of the land system of the United States, than in any conceivable adjustment of the tariff. As strange as it might appear, there was now a necessity, founded upon the principle of a uniform dispensation of justice to all parts of the country, for referring the important subject of the public lands to the Committee on Manufactures. That committee had in charge not only the protection of American manufactures, but that of the revenue and finances of the States. Every gentleman, who, in the course of the debate which had occupied so much

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time, had spoken of the repeal or diminution of the duties upon imposts, and of the amount necessary to be retained for the purposes of Government, had proceeded upon the idea that the receipts from land sales were to remain as they were. That the sum of three millions, annually accruing from that source, was to be set down as a matter of course to the account of revenue; and, whether gentlemen had settled down upon eighteen, fifteen, thirteen, or twelve millions, as the proper sum for Government purposes, no one had hinted at diminution, either in the price of lands, or in the amount to be derived from their sale. Against all calculations, based upon the expectation that every thing was to be diminished, except the price of public land, he felt himself bound to protest; and he was, therefore, in favor of referring this matter to the Committee on Manufactures, that they might consider whether this source of revenue alone was to remain untouched. It was not possible for that committee to adjust the revenue to any given sum, without taking the lands into consideration; and he wished it to be understood that it was not a conceded point, that this important branch of it was to remain as it was. It was not proper to refer the whole finances of the nation to any committee, withholding from it, at the same time, the right to look into all its parts. And, said Mr. K., I repeat, that I am opposed totally to any reference, if it is to be understood that the Committee on Manufactures are bound to calculate upon the continued receipt of three millions from the new States, from land sales alone. It had been said that this motion was out of place; that the Committee on Public Lands should consider the proposition. This was undoubtedly the better course, and would have been pursued, had not the duties of the Finance Committee been conferred upon that of Manufactures. But this direction of the subject was now unavoidable, unless we were prepared to say that the permanent revenue of the country should be fixed upon a basis injurious, in a peculiar degree, to the new States. Suppose the gentleman from Kentucky [Mr. BRAB] should withdraw his motion, and the committee go on repealing duties upon imposts until the revenue shall be reduced to the actual wants of the Government; and then, after the report shall be sanctioned by law, the Committee on Public Lands report a bill reducing the price of lands, or authorizing a transfer of them to the States in which they lie, upon just terms—does not every man see and know that the bill must fail? That we shall then be told that the Government cannot be carried on without the money to be derived from land sales, that the estimates have been made under the present system of sales, and that there is no safety in change? This will be so, unless, indeed, we can suppose that other portions of the United States will consent to be burdened with some new and heavy tax, in order to relieve the younger States. In every point of view, Mr. K. contended for the absolute necessity of sustaining the motion.

Mr. HENDRICKS said that he accepted the proposition of the Senator from Kentucky, [Mr. BRAB], with the amendment to it proposed by the Senator from Illinois, [Mr. ROBINSON], as a modification of his motion to refer; and however incongruous it might, at first thought, appear to refer any thing connected with the public lands to the Committee on Manufactures, yet he believed it to be a very proper disposition of the matter. The resolution proposed to be referred, was the commencement of a series, by which the revenues were to be reduced to the wants of the Government after the payment of the public debt. It was admitted that this was to affect more or less all the great interests of the country, and that all these interests might be modified so as to share, in a greater or less degree, the benefits of this reduction. If the agricultural interests of the new States are to be benefited, let us know it; and if not, let us know it. If, while you have millions to scatter to the four winds, merely for the purpose of getting clear of them, there be any portion of the Senate averse to all re-

lief in favor of the new States, he, for one, wished to know it. He had recently received instructions on this subject, from the Legislature of the State which he had the honor in part to represent, in the form of a memorial, which had been presented to the Senate, and it was his duty to press the subject. He wished to see these great interests progressing *pari passu* in the Senate, and hoped that the proposition on the subject of the public lands might also be referred.

Mr. WHITE said, as the Senators are called upon to record their votes upon the proposition of the Senator from Kentucky, [Mr. BRAB], I must be indulged, late as it is, for a few minutes, to enable me to state some reasons, in addition to those assigned by other gentlemen, for the opinion I entertain upon this subject. The simple proposition is, that the Committee on Manufactures inquire into the expediency of reducing the price of the public lands, and of disposing of them, upon reasonable terms, to the States in which they respectively lie.

Others, in favor of this proposition, have insisted that this committee have already been invested with all the other powers which appropriately belong to the Committee on Finance, they ought also to be clothed with this, as the public lands, annually, yield to the treasury a considerable sum of money. Suppose them to be mistaken in the effect of this argument, I contend they are still right in the reference they wish. The appropriate duty of the Committee on Manufactures is to see that suitable and adequate protection is afforded to what is called, by its friends, the American system, or American industry. We cannot forget, that a few years ago one of our public functionaries, in making his report to Congress, made this very matter, the price of the public lands, an essential ingredient in this American system; and broached the doctrine that the large quantities put in the market, and low prices for them, were injurious to domestic manufactures, and unreasonably favored the business of agriculture, as none would labor cheap for the manufacturers, who could, for a small sum, purchase land in the West, and cultivate his own freehold.

He was a warm advocate of this American system, and believed that small quantities of land only should be put into market, and those not at a reduced price; that by these means we might prevent emigration to the new States, force a dense population in the old, multiply the number of daily laborers for their daily bread, and thus enable the manufacturer to procure labor for less money. For one, I entirely disagree with the doctrine thus advanced, and hold the contrary, to wit, that the price of the land should be so low as to enable every honest and industrious man to become the owner of a tract himself. But as the friends of the tariff, in support of their system, have advanced this doctrine, the Senate, and the public, have a right to have this branch of the subject investigated by this committee, and to have an expression of their opinion upon it. They have united the price of the public lands with their system, and I hope they will not be separated until we have an opinion from this committee.

If the view of this subject taken by the Secretary, to whose opinions I have alluded, had been recollected by the Senator from Missouri, [Mr. BUCKNER], I am sure he would not have charged my friend, the Senator from Kentucky, [Mr. BRAB], with levity, or a desire, by bringing forward this proposition, to turn the whole subject into ridicule.

It appears to me that, in every view we can take of this question, the proposition ought to succeed.

A division of the question having been ordered, on motion of Mr. CLAY, so as to separate the motion of Mr. BRAB from the others,

Mr. TAZEVELL said he should vote against the reference to the Committee on Manufactures, that he and those who thought with him might have an opportunity to vote for a select committee.

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The question was then taken first on the motion with all the modifications, with the objection of that of Mr. BIBB, and decided as follows:

YEAS.—Messrs. Bell, Buckner, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Frelinghuysen, Foot, Hendricks, Holmes, Johnston, Knight, Marcy, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—27.

NAYS.—Messrs. Benton, Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Miller, Moore, Poindexter, Smith, Tazewell, Troup, Tyler, White.—19.

Mr. BIBB said he had a sense of the dignity of the Senate, and of what was due from him as one of its members, too high to permit him, on this occasion, or any other, to trifle with its deliberations. He hoped he had, heretofore, conducted himself in the most respectful manner to the Senate, and he had resolved in his own mind, at all times, hereafter, to contribute his aid to support the dignity and independence of the Senate, as a co-ordinate branch of the Government.

I can assure my friend from Missouri [Mr. BUCKNER] that I am serious in offering the resolution for instruction to the Committee on Manufactures, to inquire into the propriety of reducing the price of the public lands. If there is an apparent incongruity between the subject proposed to be referred, and the style of the committee to whom it is to be referred, that fault is not chargeable to me, but to the vote of the majority of the Senate in referring the subject of revenue and finance to the Committee on Manufactures, in preference to the Committee on Finance. I did not vote for that reference. But as the reference of the other questions of revenue has been voted to the Committee on Manufactures, I have no alternative but to move a reference of this subject to the same committee.

The near approach to the extinguishment of the public debt has disengaged from that service the amount of ten millions heretofore appropriated as the sinking fund, together with the additions to that fund arising from excesses of other appropriations above the actual expenditures. In this state of excess of revenue, accruing from our existing system, beyond the future demands upon the treasury, we are imperiously called to cut down the revenue; in fact, to revise the whole revenue system. Whatever committee is charged with this duty, must be charged with all the parts. They must look at all the sources which are to pour their streams into the general treasury. Now, the receipts from the sales of the Western lands have constituted a prominent item in the estimates of the Secretary of the Treasury for years past. At the present session, the report of the Secretary of the Treasury estimates the revenue from that source at three millions of dollars. As the price of the public lands was graduated with a view to the extinguishment of the public debt, now that the public faith and public pledge of that fund is redeemed, it would seem but just that, in reducing the revenues, that branch should experience a proportionate alleviation. Whatever may be the sum proposed to be provided for the annual expenditure of the Government, whether fifteen, thirteen, or eleven millions of dollars, the sum to be received from the sales of the Western lands must be first deducted, before the amount to be raised by imposts can be estimated: and the rate of duties on imported articles cannot be adjusted until the amount proposed to be raised from that source is ascertained. Whatever committee is charged with the subject of imposts, must have an eye to the other sources of revenue. They must look to the revenue system as a whole, before they apportion its respective parts. It would be very incongruous to refer one part of the system of revenue to one committee, and another part of the system to a different committee. To produce a connected, well proportioned, and just system, the same committee must have charge of all the component

parts. And, at last, the disputation about the reference of this particular subject to this or that committee, is rather an argument upon a name, than upon the substance. The Committee on Manufactures is very competent to arrange a system of finance for the consideration and action of the Senate. If the President *pro tem.*, in organizing the committees, had arranged the same Senators, now composing the Committee on Manufactures, to the Committee on Finance, and to the Land Committee, all incongruity between the subject and the name of the committee would disappear; all will agree that the members of the committee are competent to the task imposed. The Senate having chosen to transfer a financial subject from the Committee on Finance to another committee, I feel myself amply justified in moving this subject of finance to the same committee. Feeling a strong desire to see the prices of public lands reduced, to give every reasonable facility to heads of families, and to the rising generation to acquire freeholds, as well as to bring all the lands within the new States within the taxing power of these States, I cannot omit this appropriate time and occasion for presenting these subjects for the consideration of the Senate.

Mr. BUCKNER said: Mr. President, if, in the few remarks I made when I first addressed the Senate, I in the slightest degree touched the feelings of my long respected and worthy friend, the Senator from Kentucky, [Mr. BIBB,] I most sincerely regret it. Nothing could be more foreign from my intention; and, although I do not suppose he intended any unkindness towards the views I entertain on the subject of the public lands, and though he does think that subject ought to go to the same committee to which has been referred the resolution of the Senator from Kentucky, [Mr. CLAY,] with other propositions on the tariff, yet, sir, I still entertain the belief that the reference of the proposition to reduce the price of the public lands, or to cede them to the several States, to the Committee on Manufactures, is an anomaly which must, in its very nature, unprofitably affect the desire we in the West have, to see some steps taken which may advance our wishes on that subject; for it does seem to me like trifling with the subject. What, sir, refer the proposition to reduce the price of the public lands, or to cede them to the States in which they lie, to the Committee on Manufactures; and that, too, sir, without an expression of the Senate on them! How, sir, will this matter be viewed by the public?—and public opinion controls public measures. Will you, then, disgust that opinion by the act of those who profess to be the friends of the measure? My colleague says, that committee has grasped for every thing. They got his alum salt and his Indian blanket bills—now let them have this, and see what they will do with it. And, sir, because his alum salt and Indian blankets have been put to that committee, will he now multiply wrongs, by sending this measure to that committee, because, sir, he did not have his way with those other subjects? I voted against his view on the motion to refer his bills; and if I did wrong, then will he not do wrong to be even with me, and jeopard a measure that he has so long advocated, and in which our constituents are so deeply interested? But the reference on this subject is not like that of alum salt and Indian blankets. These articles come in competition with the manufacturing interest of the nation; and though the bill well might have been referred to the Committee on Finance, yet they also well might be referred to that on manufactures, partaking of the nature of each. But how can it be shown that this question in any degree affects manufactures? The propriety of reducing duties on certain articles well may be sent to the Committee on Manufactures; but, sir, will he now abandon his own doctrine? He has told us a measure should never be sent to its enemies; and now he proposes to send this measure to a committee, every man of which is unfriendly to the interest of the West on this measure! Can we expect a favorable report, or, indeed,

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any report at all? I do not think this committee will report on the subject of the price of public lands, or ceding them to the States, this session. Let us, then, send this proposition to the Committee on Finance, or, more properly, to the Committee on Public Lands. I will, with pleasure, vote to refer it to either of them. We will get a favorable report from them, which we may use to our advantage; but, by this course, all is in the power of our adversaries.

Mr. President, I feel great solicitude on this subject. My constituents are deeply interested in it; and I do think it would conduce greatly to the interest of the people, and to the pecuniary interest of the Government, to reduce the price of those lands. The most of those lands have been culled for many years, and now a great proportion is second rate land; and yet, sir, the Government asks the same price as when every one had choice. By reducing the price, more sales would be made, and more freeholders would be established in our country. Your revenue would increase more rapidly, for the amount of sales would be greater, because much more land would be sold; and, beside, men would be on their own lands, improving, and their ability to pay taxes would increase as they acquired property, and they would consume more of the articles on which duties are laid, as they became better established in their home and property. But we are about to put this very matter in the hands of some men who, but a few days ago, said the tariff populated the West at the expense of the Southern States—I mean the Senator from South Carolina, [Mr. MILLER,] who last addressed the Senate on the tariff, and not the Senators from Virginia and North Carolina, both supporting this same doctrine; both of whom, in their speeches on this floor, but a short time past, used the same language as the gentleman from South Carolina. I consider the whole vote as intending to give the go-by to this whole matter altogether. I voted to report the resolution of the gentleman from Kentucky to that committee, to give it the go-by, and I have no doubt many others voted so, for the same reason; because I was not willing to commit myself in its favor—and still I did not know whether we ought wholly to reject it—and because I preferred to vote on a bill, instead of an abstraction. And is not the land, and other things thrown in to cover it up, by the vote given, no expression on the measures given? But, let us introduce a resolution to instruct the proper committee to reduce the price of those lands, or to cede them to the States in which they lie, and ask the Senate to adopt the resolution, and then we will see who will vote with us, and who against. I hope, when a vote on this subject presents us a substantial benefit, we may find I am mistaken in my fears.

Mr. ROBINSON said: Mr. President, as our candor is appealed to, permit me to assure the honorable Senator from Kentucky, [Mr. CLAY,] that the friends to the proposed amendment, in relation to the public lands, are no less serious than anxious for its reference to the Committee on Manufactures; not because that, of all others, it is the most appropriate committee to have charge of this subject, but because it is the only remaining branch of the revenue which has not been referred to that committee. And, for one, I cannot see why its reference is objected to by the members of that committee, after just manifesting not only a perfect willingness, but an anxiety, to have charge of the whole subject in relation to duties, as well on articles coming into competition with those of home growth and manufacture, as of that class which does not come into such competition.

It has, by the same honorable Senator, been triumphantly asked, what can the Committee on Manufactures be expected to know about the public lands? I may very safely answer—at least as much as about the cultivation of coffee, tea, and olives, or the manufacture of silks, mull muslins, or camels' hair shawls, and all the long list of ar-

ticles imported into our country, and which are neither produced nor made in the United States, the duties on which this committee are now about to arrange.

But let it not be forgotten that between three and four millions of dollars of your revenue is, per annum, now derived from the sale of these lands—about one-third of the whole sum necessary for the exigencies of the Government. And shall we be told that, in forming a revenue bill, which is now about to be done, that this is an item not to be taken into the general account? The whole subject—all the sources of revenue, must, of necessity, be taken together, to arrive at a proper conclusion at what rates to fix the duties you are about to reduce. If the public lands are to be reduced in price, or if they are to be disposed of to the States in which they lie, it is indispensable for the committee to know if either, or which, is to be done. Again, as has been well observed by my honorable friend [Mr. WARREN] from Tennessee, the subjects of duties, and of public lands, have been committed together for the last ten years, in the annual reports of the Secretary of the Treasury. And why now divorce them? Are gentlemen startled at the responsibility it imposes? I hope not. The public debt being now paid, we of the West wish to join in the general jubilee; and, unless some change in the disposition of the public lands be made, more favorable to the purchaser than is the present mode and price, I fear we will have but little cause of rejoicing.

Sir, the West has but little, very little, direct interest in the protective system. We are not, and never will be, manufacturers; but we are, and ever must be, agriculturists. Give us the lands on reasonable terms, and we will not be heard to complain, be the tariff arranged as we may. Whilst I am frank to acknowledge, with regard there are no constitutional scruples or doubts as to the policy of sustaining the tariff, even to protection, I must say that I think the reference of the resolutions, with the several amendments which have been offered, by way of instructions, would have been more appropriate if made to the Committee on Finance, or, as suggested by the honorable Senator from Virginia, [Mr. TANNER,] to a select committee, chosen from the Western, Southern and Eastern States, equally. I voted for the present reference, that the subject might be presented in the tangible shape of a bill, and do hope that the whole subject connected with the revenue may be acted on by the same committee, and at the same time.

Mr. BENTON expressed the great satisfaction which he felt at hearing the voice of the new Senator from Illinois [Mr. ROBINSON,] now, for nearly the first time, heard in debate on this floor, but often exerted in the Legislature of his State, and always there, as now here, to support patriotic propositions, with sound and sensible reasons. His [Mr. ROBINSON'S] amendment to the motion of the Senator from Kentucky, [Mr. BISS,] opened the whole question of the public lands, and presented the inquiry into their future disposition fairly and fully to the consideration of the committee. The double question of reducing the price, or transferring the lands to the States was embraced in the proposition, and the committee would doubtless say which of them should be adopted, or whether either should be adopted. This was not the time to discuss these questions, or to declare a preference for either of them; that time would properly arrive after the committee had made its report. The question now was to refer the subject; and to that reference two objections were made: one objection to the character of the committee, and the other to the individuals which composed it; and, strange to say, both objections came from the committee itself, and from its friends or supporters. They object to the reference on account of the character of the committee, and say it is absurd to send the public lands to the Committee on Manufactures. Sir, said Mr. B., the

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absurdity of the thing is admitted; but then it must be admitted, also, that this absurdity is only part and parcel of that monstrous absurdity which has erected the Committee on Manufactures into the Finance Committee of the Senate. The old Finance Committee no longer exists, except for subaltern and ceremonial services. As a fiscal committee, charged with plans of revenue, it no longer exists. As such, it is expunged—rubbed out—annihilated! The venerable chairman of that old committee [Mr. SMITH, of Maryland] has nothing to do now but to read his appropriation bills. The Senator from New Jersey, [Mr. DICKINSON,] whose name is at the head of the Committee on Manufactures, or the Senator from Kentucky, [Mr. CLAY,] who occupies a place upon it, will now be charged with the report of the Secretary of the Treasury upon the finances, and will deliver us future plans of revenue. It is in vain to object to their character. They have got the thing into their hands. They have got the revenue to adjust. They have got the whole treasury report before them; and the public lands is a leading article in that report. It is in vain to say they ought not to act upon the public lands. The fact is, they will act upon it, whether referred to them or not. No committee, no statesman, no individual, can start a project of future revenue, without first determining the question in his own mind, whether the public lands are to be, or not to be, a source of future revenue. These lands now yield three millions of dollars, and we want but twelve or thirteen millions. The lands, therefore, produce the one-fourth of all that is wanted. No man can then give an opinion, much less report a bill, for the future amount of our revenue, without including or excluding the lands. He must do one or the other. He cannot tell what duty or tax to leave upon a single article, until he first knows whether the large income from the lands is to be included or excluded. Away, then, with this story. The committee must decide; they will decide; they will report a bill with or without the lands; and either way is decision. For even if nothing is done, the present high and arbitrary price of public lands will be kept up. No! let us have no dodging or finching!

The Manufacturing Committee has got itself invested with the powers of the Finance Committee. Let them, then, meet its duties and responsibilities. It will decide the land question, whether we refer it or not; let them, then, decide it on their responsibility, and give a report and a bill to the Senate. Let them act aboveboard, and show us whether manufactures are the enemies of agriculture; whether the price of lands is to be kept up, to prevent the poor people from giving to the West, so as to deprive the factories of their cheap labor, and the still cheaper labor of the wretched little children who are worked like machines and fed like mice. Too many facts give us reason to believe that this is the design of the manufacturers; and now let them confirm or dispel the suspicion by an overt act; let them take part with the agriculturists in reducing the price of the public lands, or take part with the manufacturers in keeping up unjust and arbitrary prices, refusing donations and settlement rights, and resisting a transfer of the soil to the States.

The objection to the personal composition of the committee is equally ill founded; in fact, more so. It is in vain to say they know nothing of Western lands. That committee has upon it a Senator of the longest and highest standing from the West; one who has been either Senator or Representative, from a Western State, for full a quarter of a century, [Mr. CLAY,] and has often, in the course of that time, discussed the question of the public lands. He, therefore, cannot be presumed to be ignorant of the subject. Another member of that committee, the Senator whose name stands at the head of it, [Mr. DICKINSON,] has been here longer than he [Mr. B.] had been, that is to say, more than twelve years, and has regularly opposed all

and every plan for the disposition of the public lands; he therefore, cannot be supposed to be ignorant of the subject, without implying an inattention to the business of the Senate, which his conduct disproves, or accusing him of opposing the land bills through ignorance, which he [Mr. B.] could not admit. The alleged ignorance of the committee, then, would not answer. Their disqualifying excuses came too late; their self-denying ordinances were at the end instead of the beginning of the feast. They ought to have objected earlier—at the beginning of the session—at the reference of the alum salt bill and blanket bill, instead of contending, as they then did, for these bills. He [Mr. B.] ventured at that time to set himself up for a piece of a prophet, and to undertake to foretell that, if the Manufactures Committee succeeded in drawing to themselves those two bills, they could, upon the same principles, draw to themselves all the business of the Finance Committee; and his prophecy was now fulfilled. The Finance Committee was stripped of its powers—it was plucked of its plumage; in its corporate capacity, it was reduced to the appearance and dimensions of a puffed snowbird; while the Manufactures Committee, in the double investiture of their own and another committee's prerogatives, loomed upon the horizon as a new and extraordinary apparition. It had got all! Every subject of revenue was now in its hands! The whole business of reducing the present revenue, estimating the future expenses of the Government, fixing a new standard of income, was actually in their hands. The lands were there in point of fact. The lands would be passed upon by them in point of fact! And the only effect of this reference is to say whether they shall pass upon them publicly or privately; in the committee room alone, or in the Senate alone; by a side wind, instead of a fair breeze. He [Mr. B.] was for open work, and he presumed the people of the West wished for open work.

The fate of the public lands is now in the hands of the Manufacturing Committee; from that committee comes forth hard or easy terms for the people. The West has a powerful representative on that committee; and whatever is done, she is entitled to know why, and wherefore. Mr. B. would not undertake to say how that committee would report upon the public lands. He had his misgivings, and these were not lessened in seeing the committee endeavoring to avoid the responsibility of a public reference; while, in point of fact, they would act on an implied and virtual reference. He repeated, with great emphasis, that the committee would act on the public lands, whether instructed or not; that they could not proceed one step in fixing their new plan of revenue, without first deciding that the lands were, or were not, to be a future source of revenue; and he was decidedly in favor of requiring the committee to decide publicly in a case where they would, most assuredly, decide secretly. They were now the Finance Committee of the Senate, and must take the responsibilities as well as the prerogatives of their new and elevated station. A bill, they are to give us. A reduction of duties, they are to make. Friends and adversaries all admit that they are going to make a reduction. Land is entitled to a place, and the highest place, in the list of reductions. Many inferior articles will also be entitled to a place in it; but he [Mr. B.] presumed that no committee could bring in a bill for reducing duties on luxuries, and leaving them on necessities. He presumed that no committee would venture to bring in a bill for abolishing duties on figs, and leaving the present high price on land. He presumed that no committee would abolish duties on the perfumes with which boys and girls sweeten their hair, and leave a tax upon the salt with which the farmers cured their provisions, and raised their stock. He presumed that the tax would not be taken off of silks, and left on blankets. And if he was in any of these presumptuous, no friend to the people could

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object to such a course of proceeding as would bring all the facts to light, and show every thing as it really passed. He called earnestly upon the friends of the West to rally—to unite their voices—to join their strength—to put all their shoulders together, and save the public land question from being blinked in the new arrangement of the revenue. He besought, he begged, he entreated, by every consideration of justice to the West, that the great question of reducing the price of the public lands, or transferring them to the States, should not be dodged in this critical conjuncture, when the new plan of finance was to be settled. He hoped the West had friends enough present to protect her interest, by adopting the resolution, and requiring this new financial committee to consider the item of the public lands.

Mr. DICKERSON observed that the reasons urged for instructing the committee on this subject, are, that the resolution referred to them should have been referred to the Committee on Finance; that it should not have been referred to the Committee on Manufactures; from which it will follow that, if the Senate make an improper reference, they are bound to make another. The impropriety of referring the public lands to the Committee on Manufactures, must be apparent to any one who will give the subject a moment's consideration. If this resolution had been committed to the Committee on Finance, would the public lands be committed to their care? Are the sales of the public lands so identified with the revenues of the country that they are to be referred to the Committee on Finance? Hitherto this has not been the case; on the contrary, we had a standing committee, selected with a view to the interests of the States in which the public lands lie, who have the confidence of the people of such States, to whom this important subject has been constantly submitted. Why is this course to be changed? Why is the Committee on Public Lands to be relieved from the performance of an appropriate duty? And why is that duty imposed upon the Committee on Manufactures, to whom it does not belong?

Mr. TAZEVELL followed Mr. DICKERSON. The Senator from New Jersey, said Mr. T., objects to the reference of the resolution proposed to the committee over which he presides, because the subject of this resolution does not properly belong to the Committee on Manufactures, who, as such, know nothing about the public lands. I apprehend, however, that the Committee on Manufactures, as such, know quite as much about the public lands, as they do about spices, teas, coffee, wines, and silks, not one of which articles are of the growth, produce, or manufacture of this country, or enter into competition with any similar article of its production. Yet the Senator from New Jersey was desirous of drawing all these various subjects to his own forum, and has had his wish gratified in this respect. Therefore, the objection to the proposed reference of this subject to the same committee does not come with a very good grace from him.

He seeks to justify his wish to obtain a reference to his committee of the several resolutions to repeal the duties on the unprotected articles, and to reduce those on the protected articles, upon the ground that all these are congruous subjects, and affect the revenue: but he says that the price of the public lands is not connected with that matter. This suggestion might have furnished a very strong argument for referring all these subjects to the Committee on Finance, as was at first proposed; but when that proposition was rejected, and the Committee on Manufactures became possessed of some of the subjects properly appertaining to the revenue of the country, it seemed a little strange that the chairman of this committee should still desire to retain the cognizance of these fiscal concerns, and yet should be so averse to take under his care another of a like character. I say of a like character, because, whatever may be the forms and shapes in which

these several matters are presented, it must be obvious to all that the great and leading object to which all the several propositions are addressed, is the establishment of a new system of revenue better suited to the present condition of the country than that which now exists. Then, as the establishment of a new system of revenue is the great purpose aimed at by all these several projects, each of which looks to a different course of supply, in order to make this new system complete, harmonious, and permanent, it is indispensably necessary that all the sources of supply should be considered by any committee who may be charged with the duty of remodelling the present system of taxation. This will be very obvious, said Mr. T., if the slightest attention is paid to the nature of the different subjects from whence revenue is now derived, and to the conflicting interests of the several regions of the country, in regard to the revenue derived from these different subjects.

So far as this matter is concerned, the people of the United States may be properly considered as divided into three great classes; the manufacturing class, the producing class, and the class composed of the inhabitants of the States within whose limits large bodies of unoccupied lands are still held, because yet unsold by the United States. The public revenue is now derived from each of these classes, and in something like the following proportions:

The manufacturing class pays but little, comparatively, of the amount of revenue derived from the imports on foreign articles similar to those manufactured by themselves. Their own supply is very nearly, if not quite equal to their own demand of these protected articles. Consequently, far the greater portion of the taxes imposed for the purpose of encouraging and protecting their manufactures, is paid by the other two classes. The manufacturing class is then plainly interested in continuing all the duties imposed for their protection or encouragement, which taxes are paid, almost exclusively, by the other classes, and amount to about fifteen millions of dollars.

The manufacturing class is also interested in continuing the present price of the public lands; for if this is reduced, the necessary effect will be to encourage greater emigration to the Western country, so to augment the wages of the labor now employed in manufactures, and thus to diminish the profits of manufacturing capital. This effect has been often announced, in various reports from a former Secretary of the Treasury, a part of whose grand project of regulating the whole labor and capital of the country was, to make lands dear, in order that manufactures might thereby be made cheap. And the same idea, in effect, has been again presented to the Senate to-day, in the speech of the honorable Senator from Maine, [Mr. SPRAGUE.]

But, although the manufacturing class is thus interested in continuing the present high duties of protection, from whence a revenue of at least fifteen millions is now derived; and in continuing, also, the present price of public lands, from the sale of which a revenue amounting to three millions of dollars more is now received; yet this class is interested in the abolition of all other taxes, that is to say, of all the duties upon unprotected articles, because, of these, this class pays its full proportion, by consuming at least its full share of such commodities. Hence my friend from New Jersey is very willing to repeal or reduce all these duties, although he feels no disposition to curtail any of the other supplies.

The producing class is interested, like the manufacturing class, in reducing the duties upon the unprotected articles, because, of these, they too are consumers, and of course bear a share of the burden in proportion to their consumption. But as the whole of the revenue now derived from this source is estimated by no one at more than seven millions of dollars; as no complaints have ever been urged against these imposts, and as they fall, principally

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pally, upon the rich, who are well able to bear them, the producing class feels less interest in the reduction of this branch of the revenue, which bears justly and equally, than it feels in the diminution of the other great sources of supply—the imposts upon protected articles. This last tax falls upon them almost exclusively, and principally upon their poor; it is nearly double of both the other supplies put together, and so bears most unequally, unjustly, and oppressively upon this class.

In regard to the public lands, the producing class have no interest whatever in this subject, or, if they have any, it is rather opposed to the reduction of the price of these, as a reduction of the price of lands any where must, to some extent, influence the price of lands every where in the same country. But as the present condition of the country does not require the preservation of all the sources of revenue as they now stand, the producing class is willing and desirous to act justly with each of the other classes. They say, reduce the amount of the public burdens now unnecessarily imposed upon all classes, to an amount not greater than may be sufficient to satisfy all the reasonable wants of the Government. In this reduction, consult the wishes and grievances of all, and remove every burden which can properly be dispensed with, until you have arrived at the proposed point. Do not relieve the rich alone, however, by abolishing the duties which fall upon them, but disburden the poor also. Do not relieve the manufacturing class from their share of a common and legal imposition, and continue much greater burdens upon the other classes. Do not lighten the heavy load which is now borne by some, by taking off that portion of its weight which is felt to be grievous by them only; but, in this long-looked for day of expected relief, diminish the burdens of all. And as you cannot relieve one of the classes so well in any other mode, as by reducing the price of the public lands, grant this boon to them also, that none may remain dissatisfied.

The class of our citizens who are inhabitants of the several States within which the public lands are situated, are interested but little, if at all, in any of the duties of impost, whether these are imposed upon protected or unprotected articles. The remote position of far the greater part of this class in the interior of the distant West making the cost of transportation of all such commodities considerable, and the supply irregular, must augment the price, to them, of all imported articles, so much as to prevent such articles from entering much into their consumption. Therefore, whether the duties of impost are continued or abolished, is of but little consequence to them. In either case, they must rely mainly upon their own household manufactures and productions to supply their own wants. Duties of protection give no encouragement to them, for they are not made for sale; and if these duties were abolished, the same cause which produced such manufactures at first, must continue them still. This class, therefore, feels but little direct interest in any of the duties of impost.

But, although indifferent to this part of the subject, they are not indifferent to the other. The sales of the public lands act as a perpetual drain of their currency, the amount of which is continually reduced by remittances of the proceeds hither; and thus the value of their whole capital and labor is kept in a state of perpetual fluctuation, to the great detriment of the interests of both. Moreover, according to the price of the public lands within the limits of the States, will be the migration to them. Diminish this price, and you multiply the number of emigrants desirous of purchasing there. Thus you increase the number of the inhabitants of these States, so open new sources of revenue to their local Governments, and augment at once the price and value of all their productions. Besides, while the United States continue to be the great landlords of the West, the people of the several States within whose limits their farms exist, are so made the tributaries of this Government, dependent upon its power and patronage

more than any others. Surveys are made, land offices are opened, and offices created there at our discretion. By bringing more or less of land into the market at any time, and at any place, we are so enabled to regulate the price of the property of every one in these dependent States, and to give to the tide of emigration whatever direction we please. I do not say that these powers have ever been used for these purposes, but merely that they exist, and may be so used. Of this the Western States are perfectly aware; and to their consciousness of the existence of such a power may be ascribed much of what has occurred in this Government. All these causes combine to induce the class of which I am now speaking, to desire relief from the burdens they produce, by a reduction of the price of the public lands. The boon they ask is so small in itself, that I, for one, said Mr. T., am disposed willingly to grant it, especially as it is the only benefit which they can get, probably, in the arrangement of the new system of revenue.

These considerations ought to satisfy every one, said Mr. T., of the propriety of connecting the subject of the public lands with any and every other project for the establishment of a new system of revenue and taxation. It is vain to say that the various sources of supply may be examined separately, and each acted upon by itself. This is true; but who can say with confidence, that when one of the great classes of which I have spoken, have procured the gratification of their desires, in the repeal or reduction of the burdens which bear most grievously upon them, that they will then aid in administering like relief to others? The mere possibility that they may not do so, will naturally excite suspicions and jealousies, which ought to be avoided if possible. This can be done, however, only by connecting the three subjects indissolubly together, and incorporating the provisions concerning each in one and the same bill, the fate of which bill will then depend upon the faithful observance and preservation of all its connecting links.

Such, at least, is my opinion, said Mr. T., and, therefore, I shall give my vote most willingly in favor of the proposed reference; nor, so far as I am concerned, will I ever permit the subjects to be again separated. I should have preferred, as I stated formerly, that all these different propositions be referred to a select committee, to be composed of an equal number of Senators from each of the great regions of the country wherein a majority of the persons composing the three great classes to which I have referred are found. But as the Senate have already decided to send two of the subjects to the Committee on Manufactures, to that committee should the third be sent also.

Mr. Bibb's proposition was then decided in the affirmative, by the following vote:

YEAS.—Messrs. Benton, Bibb, Brown, Dallas, Dudley, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Tipton, Troup, Tyler, White, Wilkins.—26.

NAYS.—Messrs. Bell, Buckner, Clay, Clayton, Dickerson, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Prentiss, Robbins, Ruggles, Seymour, Silabee, Sprague, Tomlinson, Waggaman, Webster.—20.

The Senate then adjourned.

FRIDAY, MARCH 23.

THE PUBLIC LANDS.

Mr. CLAYTON submitted the following:

Resolved, That the Committee on Manufactures be instructed to inquire into the expediency of distributing the public lands, or the proceeds of the sales thereof, among the several States, on equitable principles.

Mr. CLAYTON supported this resolution in a speech of considerable length. He justified the reference, on the

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Unclaimed Dividends.--Apportionment B.U.

[MARCH 26, 27, 1832.]

ground that the other subjects connected with the public lands having been referred to that committee, the Senate could not consistently refuse to allow the whole subject to be committed to them. He advocated the rights of all the States to participate in the territory acquired by the blood and treasure of all in the various wars and treaties which had taken place since the constitution was adopted. He spoke at length in support of the reference, and considered that the object of those who had supported the reference yesterday of the subject to this committee, was to enlist the members coming from the new States in the ranks of the opposition to the tariff, by holding out the inducement that they should receive in consequence the exclusive benefit of those lands. He also argued that one important effect of dividing the proceeds of the lands among the States would be to reduce the dangerous and increasing influence of Executive patronage.

Mr. POINDEXTER moved to strike out "the Committee on Manufactures," and insert "the Committee on Public Lands."

On motion of Mr. HAYNE, the resolution and amendments were laid on the table.

The resolutions offered yesterday by Mr. WILKINS were taken up.

Mr. WILKINS rose to explain his views which he had presented yesterday on offering an amendment to the resolution of Mr. CLAY, and which had been mistaken by gentlemen, who had understood him to express the opinion that incidental protection was all that the constitution would allow. He did not mean to be so understood; he was of the opinion that this question was not under consideration; and the Senate were not now called upon to decide the abstract question whether a law can be passed for the sole purpose of protection. The present object was to ascertain whether they could not so arrange the duties imposed for revenue, as incidentally to protect manufactures. Mr. W. was proceeding to show that the object of the resolution was to obtain important information relating to the adjustment of the tariff; when

Mr. SMITH inquired if the gentleman from Pennsylvania was in order. There were reasons why he should not proceed: one was, that it was out of order; another, that there was an important bill that he [Mr. S.] wished to call up now, making appropriations for the army during the year 1832.

The Senate then passed to other business, which occupied the remainder of the sitting; after which,

The Senate adjourned to Monday.

MONDAY, MARCH 26.

The resolutions submitted yesterday by Mr. WILKINS were taken up, and agreed to.

UNCLAIMED DIVIDENDS.

The resolution some time ago offered by Mr. SPRAGUE, calling for a list of the names of persons owning unclaimed dividends on public stocks, was taken up.

Mr. SPRAGUE said, it appears that we have in the possession of the Government about 200,000 dollars, belonging to persons who have owned stock in the funds. The dividends are unclaimed, because the persons to whom they belong are ignorant of the fact that those whom they represent, as heirs or administrators, ever owned stock on which the dividends had not been drawn. He thought it was due to honesty to give to the public the information, in order that the persons interested may be made aware of their rights.

Mr. CLAY opposed the resolution, as opening a wide door to fraud—as giving an invitation to impostors to come forward, with their wax and parchment, and claim money which does not belong to them, because there is nobody to dispute their claims. The Government was not bound, as a public debtor, to publish a list of the

names of its creditors. The old Bank of the United States never published any list of the names of its creditors, though they created a fund for their payment. He thought it would be better for the members of Congress and others to look over the books, and give the information to such claimants as may be within their knowledge. This, he thought, would be a sufficient degree of publicity.

Mr. SMITH stated that Congress had uniformly decided against the proposition to publish the names, for the reasons just given by the Senator from Kentucky.

Mr. SPRAGUE spoke again in support of his resolution, and contended that there was more danger of fraud now by forgery, while the names are known only to a few, than there would be were they known to all. It was easy now for an impostor to make a demand, with a prospect of success, for the rightful owner could not contest it. He also argued that the publicity would give no greater feasibility to fraud than is given every year, in the case of the Bank of the United States, by publishing the names of its stockholders and the number of shares owned by them.

Mr. SILSBEE supported the resolution.

Mr. CLAY said, the gentleman from Maine begged the question, by assuming that the money belonged to some person in existence. The fact more probably is, that the owners are dead, without leaving heirs or representatives. He alluded to the frauds committed by claimants for pensions, and property destroyed on the Niagara frontier. Pensions had been paid for persons who were afterwards found to have been long dead, and claims allowed for property which never had existence.

Mr. TYLER gave an instance in which he was himself near being made an instrument of a fraud of this sort. A person manufactured a widow and a set of papers, and sent them to him to obtain for him the five years' full pay allowed by law to the widows of soldiers killed in the service. He concurred in the views of the Senator from Kentucky, as to the inexpediency of adopting the resolution.

Mr. DICKERSON referred to cases of fraud arising from the publication of the names of those entitled to bounty lands: and similar frauds would, he thought, be invited by the publication of those names.

The discussion was continued by Messrs. HAYNE, SMITH, TAZEWELL, and CLAYTON against the resolution, and Mr. SPRAGUE for it; after which,

On motion of Mr. CLAYTON, the resolution was laid on the table.

TUESDAY, MARCH 27.

On motion of Mr. CLAY, the Senate proceeded to the consideration of the bill for the relief of certain importers of merchandise, without notice of the act of May 19, 1828; and after a long discussion of its details, in which Mr. CLAY, Mr. SILSBEE, Mr. SMITH, Mr. TYLER, Mr. HAYNE, Mr. FORSYTH, Mr. FOOT, Mr. MARCY, Mr. KNIGHT, Mr. DALLAS, Mr. SPRAGUE, Mr. WEBSTER, and Mr. WILKINS engaged, it was recommended to the Committee on Finance.

APPORTIONMENT BILL.

On motion of Mr. WILKINS, the bill apportioning representatives among the several States of the Union, was taken up—the question being on the motion to reconsider the vote by which Mr. WEBSTER'S amendment was rejected.

After some debate on a question of order which arose, Mr. CLAY spoke briefly upon the question of reconsideration. Were this a question for the first time presented, he might decide in favor of the representation of fractions; but, as he considered that the question had long been put at rest by the decisions and practice of the Government, he should feel himself compelled to vote against any bill providing for fractional representation. He should, however, vote in favor of a recommitment of the

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Colonization Society.

[SENATE.]

bill, in the hope that some means might be devised for rendering it more acceptable to the several States.

The question was then taken on the motion to reconsider, and decided in the affirmative.

Mr. HOLMES moved that the bill be recommitted to the select committee from which it was reported.

Mr. WEBSTER expressed a wish that before the Senate proceeded further in the matter, a vote might be taken in full Senate (now there were forty-seven present, and to-morrow the whole number would be here) upon the representation of residuums on fractions. He suggested, therefore, the expediency of trying that question, before the Senate proceeded any further. If the question was postponed till to-morrow, the absent Senators would probably attend. If the Senate should decide in opposition to the representation of fractions, then the bill might be recommitted with a view to such other attention as might render it less unequal in its character.

Mr. FORSYTH was willing to adopt the course suggested by the gentleman from Massachusetts, but thought that the question had better be taken immediately, as there was little probability that the Senate would be fuller to-morrow than it now is.

Mr. HOLMES withdrew his motion.

Mr. CLAYTON said it was evident that the Senate was not now prepared to act upon the bill. He hoped that the question on the representation of fractions would be taken in full Senate. He moved that the bill be recommitted to a select committee of five, without instructions. By the time the report was made, the absent Senators would return.

Mr. POINDEXTER was still doubtful as to the constitutionality of the representation of fractions, but he was anxious, by an alteration of the ratio, to amend the bill in a manner which will secure to the old States their present number of representatives. He hoped that the bill would be recommitted to a select committee, and, if he could bring his mind to the support of the representation of fractions, he should do it with pleasure, as it certainly produced a more equitable result than any other mode.

Mr. FORSYTH did not believe that any one Senator had changed his mind on the question of the constitutionality of representing fractions. He proposed, therefore, that the vote should be taken now on that question; and if it should be found that the result would be varied by the presence of the Senator from Delaware, [Mr. NICHOLS,] he would move a reconsideration of the vote on Mr. WEBSTER's amendment; and

The question being taken on the reconsideration, it was determined in the affirmative, by yeas and nays, as follows:

YEAS.—Messrs. Bell, Benton, Buckner, Chambers, Clayton, Clay, Dickerson, Ewing, Foot, Frelinghuysen, Hayne, Holmes, Johnston, Knight, Mangum, Miller, Poin-dexter, Prentiss, Robbins, Seymour, Silsbee, Smith, Sprague, Tomlinson, Waggoner, Webster.—26.

NAYS.—Messrs. Bibb, Brown, Dallas, Dudley, Ellis, Forsyth, Grundy, Hendricks, Hill, Kane, King, Marcy, Robinson, Ruggles, Tazewell, Tipton, Troup, Tyler, White, Wilkins.—20.

The bill was then, after considerable conversation, re-committed to a select committee of five members, viz. Messrs. WEBSTER, CLAYTON, MANGUM, FORSYTH, and HAYNE, to consider and report thereon.

The Senate then adjourned.

WEDNESDAY, MARCH 28.

COLONIZATION SOCIETY.

Mr. CLAY rose, and said he had received a memorial signed by a large number of the citizens of Kentucky, inviting the attention of Congress to the subject of the colonization of the free blacks on the coast of Africa, and requesting the aid of Congress to accomplish that object.

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He felt some difficulty with regard to the proper disposition of the memorial. The general subject was one, than which, perhaps, no other had more seriously engaged the attention of the people of this country. No man, he presumed, could fail to cherish the hope that at some day or other, however distant, and in some mode, the country would be rid of this the darkest spot on its mantle. How that was to be accomplished, it was, perhaps, not allowable to the present generation to foresee. All, however, must unite in the hope that, at the proper time, the proper means would be devised to arrive at this most desirable end. With respect to the constitutional question involved, he entertained not the slightest doubt that the subject of abolition of slavery could not be touched by the General Government; it belonged peculiarly and exclusively to the States where slavery existed; they, and they alone, were directly concerned; and they only had the power to entertain the question. With respect, however, to the great question of the final disposition of the African race among us, he would take the liberty to remark that, in his opinion, the first great effort should be to rid our country of the free blacks as a preliminary measure. In that object, all the States had a common interest—none were exclusively interested. Whether the General Government possessed powers to accomplish that object, was a question of great and serious import, and deserved a more careful and thorough investigation than in the present state of the country could be probably made. The idea had been entertained by some, whose opinions were entitled to much respect, that, in reference to the public lands, Congress possessed more extensive powers than it does in respect to appropriations of the ordinary revenue of the country. This was a question of great importance, and required the most serious consideration. It was not Mr. C.'s intention to press at this time any decision on the question he had suggested. When questions of such deep and exciting interest agitated the country from Maine to Georgia, literally, when Congress was already engaged with a subject, the settlement of which was so important to the present and future welfare of the Union, he did not think it expedient to introduce any new topic likely to produce fresh causes of excitement. He did, however, sincerely entertain the hope that the day was not far distant when, forgetting all that now tended to distract and excite us, and recollecting that we were a common people, alike interested in the common prosperity, we could, without any of those objections, take this great question into full consideration, and dispose of it in a manner congenial with the feelings, as well as the interests of all. He would now content himself with the simple discharge of his duty in presenting the memorial, in asking for its reading, and in moving to lay it on the table.

Mr. HAYNE said, before the gentleman makes his motion to lay the memorial on the table, I wish to make a few observations in relation to its present and ultimate objects. The subject is one not only of deep interest, but calculated to produce very unpleasant feelings at the South, where it was perfectly understood in all its relations. This was not the first time that questions of that nature had been presented to the Senate. On one occasion no notice had been taken of the memorial; and on the other, a report had been made by the committee who had the subject under consideration, adverse to the objects of the memorialists. Mr. H. was glad that the Senator from Kentucky did not intend to press any decision at this time, as that would undoubtedly tend to increase the excitement which now prevails in one quarter of the Union. It was true that in the appropriation, by Congress, of funds asked for to accomplish the objects of the Colonization Society, the question of slavery was not directly touched; but he must be blind who did not see that, if the powers of the General Government were conceded to carry into effect the first preliminary measures of the Society, the

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colonization of the free people of color on the coast of Africa, its power to accomplish the ultimate object in view, the removal of the whole of the African race from the United States, would, in due time, be claimed as a necessary consequence. The advocates of this scheme avow the principle of the constitutional power of the Federal Government, which covers the whole ground. What is it? The right in the Federal Government to impose taxes and appropriate money for purposes of colonization—a power certainly not to be found in the constitution of the United States, never recognised by the States, and which rests on the assumption that the power of taxation and appropriation, in which the colored population exists, is unlimited. The Southern States would never feel secure, with regard to this question, unless the powers of this Government, to levy and distribute money, were limited to the definite objects specified in the constitution; and, unless that question was settled, he, for one, would never feel secure for the rights or the property of the Southern States, exposed, as they will be, to be constantly assailed through the treasury of the United States. Mr. H. was glad that the Senator from Kentucky had disclaimed any intention to touch the question of slavery. He himself should certainly not enter upon it. It was a question he would never willingly permit to be brought into question here, for it was altogether a domestic question, and belonged exclusively to the States where slavery existed. If it was a curse, the burden was on the South, and let them bear it; if it was a blessing, it was theirs, and there let the matter rest. Mr. H. repeated that he was glad that the Senator from Kentucky did not intend to press this question at the present time. It was one that could not be raised without creating alarm in the States peculiarly interested. South Carolina has, years ago, entered her solemn protest against any action by the General Government on the subject of colonization. Georgia has done the same. And other Southern States have declared similar sentiments on the subject. He [Mr. H.] had risen to give timely notice that he would resist, to the utmost, now, and at all times hereafter, any attempt to touch the colored population, by the interposition of the General Government. It is a matter which belongs, exclusively, to the several States, and Congress cannot interfere with it by appropriations of money, or otherwise, without assuming a power not conferred upon them by the constitution; a power capable of being perverted, and which, he verily believed, would be perverted to objects absolutely fatal to the Southern States.

Mr. CLAY said it was not his intention to engage in any discussion at this time. But, while he might be allowed to say that he perfectly agreed with the Senator from South Carolina, that the General Government could not, constitutionally, entertain for a moment the question of abolition of slavery, he could not agree with him that the subject of colonizing the free blacks belonged exclusively to South Carolina, Georgia, and other protesting States. The gentleman was mistaken in supposing himself the organ of all the Southern States where slavery was tolerated.

[Here Mr. HAYNE explained, and denied that he undertook to speak as the organ of all the Southern States. He had referred to the protests of South Carolina, Georgia, and other States, and had expressed the views of the State he in part represented.]

Mr. CLAY continued. With regard to the slave question, the States mentioned by the gentleman were not the only ones concerned. There was the State of Maryland, the State he represented, (Kentucky,) and some of the Southwestern States. But Mr. C. repeated again, that, as respected slavery, there was not a particle of power in the General Government to touch the question; and he should not, nor was it necessary for him to enter upon it. But the question, as respected the money power of the

Government, was emphatically a South Carolina question. It was from two of the most eminent men that South Carolina had ever produced, that he first heard, on the floor of the House of Representatives, the doctrine broached that the power in the General Government to appropriate money was without limit or restriction. When he first heard that doctrine, he had expressed his decided disapprobation of it, and contended, as the Senator from South Carolina now does, that the money power of the Government was limited by the other powers granted in the constitution. With regard to the appropriations of the public lands, that was another question. It had been contended by some that Congress had the power to dispose of them at will; but, assuming the existence of such unlimited control, whether it would be proper to apply their proceeds to the colonization of the free blacks or not, he would not now give an opinion. When the proper time had arrived, he hoped the subject would have the fullest consideration. But the question, as it respected the free blacks, was not peculiarly a Southern question; the great Northern capitals contained a comparatively greater portion of that population than any other portion of the Union. The State of Maryland, which, according to the late census, contained a very large portion of them, had constantly, earnestly, and enthusiastically, raised her voice in favor of the objects of the Colonization Society. The question of colonization, then belonged to all the States where free blacks were to be found, and they were to be found in every one of them, and they had all, therefore, the unquestionable right to confer with the slaveholding States as to the expediency of applying such means as the General Government can constitutionally apply towards ridding themselves of the evil by colonization. It was true that the friends of the Colonization Society had contended that the right to remove the free blacks existed in the General Government; and that, as this part of the black population was moved off, the several States themselves might deem it proper to introduce a system of gradual emancipation, such as was introduced by Franklin in Pennsylvania, in 1779; but no member of the Colonization Society, to Mr. C.'s knowledge, had ever advocated the power of Congress, after removing the free blacks, to emancipate and remove the slaves. The latter question was one for Virginia, South Carolina, Georgia, and other slaveholding States, each acting for itself alone, to decide. The only aim of the Colonization Society was the colonization of the free blacks, with their consent, aided by such means as may be supplied by the benevolence of individuals, or the liberality of Government, leaving untouched the subject of slavery in the hands of the several States, to whom it exclusively belongs. With these explanations, called forth by the observations of the Senator from South Carolina, he should rest the case, and, unless some gentleman wished to speak on the subject, he should move to lay the memorial on the table.

Mr. CHAMBERS said, the deep interest felt in Maryland, in regard to the question, must excuse him for saying a word. The Senator from Kentucky had remarked, justly, that no State in the Union had so large a population of free blacks as Maryland; a population of which the State was anxiously disposed to rid itself. It was equally true that the Colonization Society had been regarded as presenting the most probable facilities to effect this most desirable result. The Society had, therefore, been cherished and aided by the State, and an appropriation from its treasury was annually made to promote the objects of the Society. He would take leave to say, however, that while the State was thus affording aid and encouragement to the Society, it would be a most egregious error to suppose that this was done in any purpose to countenance a power in the General Government to interpose, in any manner, or in any degree, with the question of slavery. On this question Maryland is altogether a Southern State.

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Refunding of Duties.

[SENATE.]

Neither South Carolina, nor any other State, will be found more firm or more prompt to protest against the assumption of any such power by the National Legislature. Such was the state of feeling and opinion of his State; and while he had the honor to be an organ of that feeling and opinion, it should be most fully expressed.

But the objects of this Society had never been considered by the people of Maryland to be such as the Senator from South Carolina now describes. That Senator must be altogether mistaken in reference to those objects. He was justified in this remark, not only by the fact which he had stated, of the encouragement given by Maryland, but also by the concurrent testimony of the States of Delaware, Virginia, Georgia, and Tennessee, all slaveholding States, and each of which had, in the most formal and deliberate manner, approved the objects of the Society. It was impossible to conceive that these States could have expressed their approbation of an institution, the very purpose of which was to assail an interest, in regard to which, above all others, they were singularly sensitive.

It was but an act of justice to the Society to vindicate it from the imputations made. That some individual members may have united themselves with it, in the expectation of effecting the purposes suggested, was quite possible. For the latent purposes of its members, no Society could be responsible, if they are not encouraged by the avowed and acknowledged doctrines of the Society. The constitution and terms of the association repudiate all idea of interference between the owners of slaves and their legal rights as secured by the local laws.

That many individuals, members of the Society—if gentlemen so pleased—most of the members, looked to the period when, by the facilities to promote the comfort and happiness of our black population, it should be practicable to emancipate slaves without the certain infliction of misery and degradation; when, by removing them to a distance, they may be placed in a condition to enjoy those advantages which the state of society must deny to them in this country, and anticipated, as one of the results of this altered condition of matters, a gradual change of opinion upon the subject of emancipation, was, he thought, strictly in accordance with the fact.

If it be matter of reproach that the Society was likely to be instrumental in effecting such a change in the condition of the country as to lead intelligent men, in the full and free exercise of their uncontrolled judgment, to adopt a different course of conduct from that which they were now reluctantly compelled to pursue, he would admit the propriety of this rebuke. So far from agreeing to this proposition, however, he, for one, most anxiously and earnestly desired to see the condition of the colored population of the United States so provided for as to enable those who now held them in servitude to emancipate them with any rational prospect of advancing their intellectual, moral, or religious character. To emancipate them now was thought by many, and, he believed, from much observation, accurately thought, to doom them to penury and want, to a life of degraded vice and infamy, and very often to an ignominious death as malefactors.

He regretted to hear from the honorable Senator, [Mr. HAYNE,] that obstacles would always be presented, and resistance made to any effort for removing from the country the free people of color. He had reflected much upon this important subject, and believed that means might be devised for their removal, in perfect accordance with the interests and feelings of the South, and in accordance with the provisions of the constitution, as it exists, or as it may readily be modified. The evil was one of which all complained; the means of relief from it should originate, he thought, with the slaveholding portion of the Union, who best understood the general subject; and whatever system they should introduce, he was quite persuaded other parts of the Union would yield a willing support.

The present might not be the most desirable period for the effort, but he hoped the appropriate time was not distant. The question must be approached with a calm spirit of conciliation, and in the true purpose to accomplish a necessary object by the most acceptable means. The Government has the ability; and when the feelings, interests, and wishes of all could be gratified by calling into exercise the power now possessed by the Government, or vesting it with whatever additional power may be required, he could not conceive why the effort should not be soon and zealously made to rid ourselves of this great and acknowledged evil—of a free black population.

Mr. HAYNE said, in reply, that he had expressly stated, in the beginning, that he did not intend to enter, at this time, into the merits of the Colonization Society; when that question came before the Senate, he should be prepared to give it a thorough examination. At present he must be permitted to make one or two observations in reply to the gentlemen from Kentucky and Maryland. Some of the most respectable and distinguished individuals who were members or advocates of the Colonization Society, had avowed that they viewed that scheme as chiefly valuable, because it looked eventually to a removal of the whole of the African race from the United States, and the consequent abolition of slavery. The Senator from Maryland had declared that the State he represented was friendly to the objects of the Society, and made an annual appropriation towards it. Mr. H. hoped that Senator did not understand him as objecting to any separate action by the States on this subject; that was a matter for their own sound discretion. The States might contribute what money they pleased to the removal of their own free people of color, and no one had a right to complain; his objection was to the General Government taking a matter in hand with which they had no constitutional right to interfere. With regard to the distinction drawn by the Senator from Kentucky, between an appropriation of the public lands and the public money, he would not then enter into a discussion, though he confessed he could see no difference in the principle. He would only now repeat, that whenever the General Government should assert the power to levy and appropriate money, or to apply the public lands towards the objects of the Colonization Society, it would inevitably lead to the consequences which he had deprecated—for it would rest on an assumption of power not to be found in the constitution; and when the rights of the Southern States should come to be held by no better tenure than the discretion of Congress, he should consider their value as gone forever. His only object, at this time, however, was to enter his protest, as he had often done before, against any such exercise, by Congress, of what he must consider as unconstitutional power.

The memorial was then laid on the table.

The Senate then proceeded, on the motion of Mr. SMITH, to the consideration of the bill from the House of Representatives for the support of Government. Several amendments to the same, reported by the Committee on Finance, were read and agreed to; but before the bill was gone through, on motion of Mr. WEBSTER, it was laid on the table; and the remaining amendments (those connected with the diplomatic intercourse) ordered to be printed.

Mr. SILSBEE, from the Committee on Finance, reported the bill, yesterday recommitted, for the relief of certain importers of merchandise, without notice of the act of Congress passed 19th May, 1828.

The Senate then adjourned.

THURSDAY, MARCH 29.

REFUNDING OF DUTIES.

The Senate proceeded to consider the amendment reported from the Committee on Finance to the bill yester-

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Public Lands.—The Tariff.

[MARCH 30, 1832]

day recommitted, to exempt from duties goods imported without notice of the tariff act of 1828.

The following was the amendment, being a substitute for the bill which had been referred:

Be it enacted, &c. That, in all cases in which foreign merchandise was imported into the United States after the thirtieth day of June, and on or before the first day of September, eighteen hundred and twenty-eight, and shall have paid duties to the United States according to the rates established by the act of the nineteenth day of May, eighteen hundred and twenty-eight, entitled "An act in alteration of the several acts imposing duties on imports," the Secretary of the Treasury be, and he hereby is, authorized and directed to refund, out of any moneys in the treasury not otherwise appropriated, so much of said duties as was first created or imposed by said act, as additional to the duties before that time, and retain so much only as said merchandise was liable to previous to the passage of that act: *Provided*, That the said duties have not been returned in debentures on the exportation of said merchandise.

Mr. TAZEWELL moved to amend the substitute, by inserting the 1st of October in lieu of the 1st of September; and, after some discussion on the part of Messrs. TAZEWELL, SILSBEE, DICKERSON, SMITH, FOOT, JOHNSTON, TYLER, HAYNE, FORSYTH, and WEBSTER, the amendment of Mr. TAZEWELL was negatived—yeas 14; and the substitute was agreed to, and ordered to be engrossed for a third reading.

PUBLIC LANDS.

On motion of Mr. KING, the amendments to the bill supplementary to the several laws to dispose of public lands, made by the House of Representatives, were read and considered. The first was concurred in; but the question being to concur in the second, allowing entries of forty acre lots, &c., Mr. EWING spoke in opposition thereto.

Mr. MOORE made some observations in favor of the principle of the amendment, but, to give opportunity for information, moved to lay the bill on the table, and that the amendment be printed.

Mr. BUCKNER desiring to say a few words in favor of the policy of the amendment, the motion to lay on the table was withdrawn. Mr. B. having concluded, the motion of Mr. MOORE was renewed, and determined in the affirmative, by yeas and nays—24 to 16.

Mr. FOOT moved to proceed to the consideration of the bill supplementary to the act for the relief of certain soldiers and officers of the revolution; but the motion was negatived—yeas 14, nays 20.

On motion of Mr. WHITE, the Senate proceeded to the consideration of executive business; and, after some time, Adjourned.

FRIDAY, MARCH 30.

THE TARIFF.

Mr. DICKERSON, from the Committee on Manufactures, to which had been referred, on the 22d instant, the following subjects:

1st. The resolution submitted by Mr. CLAY, proposing to repeal the duties on all articles of importation not coming into competition with similar articles manufactured in the United States, except wines and silks, and to reduce the duty on these articles.

2d. Mr. WILKINS moved to amend the first resolution, by striking out all after the word "forthwith," and inserting the following words:

So far reduced, or altogether abolished, as to bring down the amount of the public revenue to a sum sufficient to defray the ordinary expenditures of the Government after the payment of the national debt, as proposed in the late report of the Secretary of the Treasury, and without

a view to a surplus revenue for distribution, having such regard as they may deem expedient to such an ultimate equalization of duties as will render them efficient for the purposes of their imposition.

3d. Mr. HAYNE's motion to amend the said resolution, by substituting for it that the existing duties be so reduced that the amount of the public revenue shall be sufficient to defray the expenses of the Government, according to their present scale, after the payment of the public debt; and that, allowing a reasonable time for the gradual reduction of the present high duties on the articles coming into competition with similar articles made or produced in the United States, the duties be ultimately equalized, so that the duties on no article shall, as compared with the value of that article, vary materially from the general average.

4th. The resolutions introduced by Mr. POINDEXTER on the 22d December, as follows:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of fixing a rate of duties on foreign imports, not to exceed, on any article imported into the United States, more than twenty per cent. ad valorem, and not to reduce the duty on any article so imported, below ten per cent. ad valorem; and to arrange such duties, having regard to all the great interests of the country, so as to produce a nett revenue of not less than fifteen millions of dollars annually.

Resolved, That the said committee be further instructed to inquire into the expediency of giving effect and operation to the said system of duties on the 30th day of June next.

5th. The amendment offered by Mr. BINA, and modified by Mr. ROBINSON, directing the committee to inquire into the expediency of reducing the price of the public lands, and of transferring them to the States in which they lie, on equitable terms, made the following report, accompanied by a bill to repeal, in part, the duties on imports.

The Committee on Manufactures beg leave to report, in part, upon the following resolution referred to them:

"That the existing duties upon articles imported from foreign countries, and not coming into competition with similar articles made or produced in the United States, ought to be forthwith abolished, except on wines and silks, and that they ought to be reduced," together with instructions under which they considered it their duty to inquire—

In the first place, how far it may be proper to abolish the duties upon the articles stated in the resolution;

In the second place, how far they may be abolished or reduced, so as to bring down the amount of the public revenue to a sum sufficient to defray the ordinary expenditures of the Government after the payment of the national debt, having regard "to such an ultimate equalization of duties as will render them efficient for the purposes of their imposition;" which purposes the committee consider to be, the raising a sufficient revenue for all the exigencies of the Government, and the giving an adequate protection to those manufactures which it was intended, incidentally, to promote by the imposition of those duties;

In the third place, to inquire into the expediency of so reducing the duties upon all articles imported from foreign countries, that the amount of public revenue may be sufficient to defray the expenses of the Government after the payment of the public debt; and, after allowing a reasonable time for the gradual reduction of the present duties upon protected articles, that "the duties be ultimately equalized, so that the duty on no article shall, as compared with the value of that article, vary materially from the general average;"

In the fourth place, to inquire into the expediency of fixing a rate of duties on foreign imports, not to exceed,

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on any article imported into the United States, more than twenty per cent. ad valorem, and not to reduce the duty on any article so imported, below ten per cent. ad valorem; and to arrange such duties, having regard to all the great interests of the country, so as to produce a nett revenue of not less than fifteen millions of dollars annually; and,

In the fifth place, to inquire into "the expediency of reducing the price of the public lands, and transferring them to the States on reasonable terms."

This last subject is one of great importance, requiring an early consideration, but upon which the committee cannot decide, without the information on the public lands which has been called for by a resolution of the Senate.

The fourth subject of inquiry is one of extreme difficulty. To adjust the revenue with a maximum and minimum of duties ranging from twenty to ten per cent., and which must yield a revenue of fifteen millions of dollars annually, may be found to be impracticable, even if every principle of protecting our agriculture, commerce, and manufactures, should be abandoned. But when the committee, under these restrictions and limitations, are instructed to make such adjustment, "having regard to all the great interests of the country," they perceive that the task is much beyond their strength, and must express an opinion that it would be inexpedient to attempt such an adjustment of our revenue.

The third subject of inquiry is confined to the expediency of abandoning the policy heretofore pursued, of affording incidental protection to our commerce, agriculture, and manufactures, by the imposition of higher or lower duties, as circumstances might require, and of gradually withdrawing that protection by so equalizing the duties that the duty on no article shall vary materially from the general average.

Upon this depends the whole protective system, which cannot be sustained under this proposed average of duties. Such an average has never yet been introduced into the fiscal code of any commercial or manufacturing nation. It would, if adopted as a principle of our revenue laws, interfere with the power of promoting, under low duties, the importation of articles necessary for promoting the industry of the country, and of discouraging the importation of luxuries by imposing high duties. It would interfere with the power of counteracting the regulations of foreign nations injurious to our commerce, agriculture, or manufactures; and, as a measure of revenue alone, it presents no advantages over the present system. The committee are of opinion that it would be inexpedient to adopt this principle of a general average of duties as the basis of our revenue laws.

As to the second subject of inquiry, the committee are of opinion that the duties now imposed upon imports may be so reduced or abolished, that the revenue will not be more than adequate to the exigencies of the Government after the extinction of the public debt; that a large part of this reduction may take place by the total abolition of duties upon many articles, and the partial repeal of the duties upon many others, not produced or manufactured in this country, or which do not require the protection of our laws; and a part, by reducing the duties upon protected articles, by such modifications and arrangements as will secure to them a support equivalent to that which our laws now afford them. But they are of opinion that no ultimate equalization of duties can be adopted, without the most serious injury to the country, which shall leave our manufactures without an adequate protection.

To correct such parts of our laws as impose unnecessary burdens, and to reduce or modify the duties in cases where it may be done without injury to our manufactures, is a subject of inquiry which will occupy the most serious

attention of the committee. But a bill so reducing and modifying duties, if not subject to objections on constitutional grounds, as a bill for raising revenue, which can only originate in the House of Representatives, will require much investigation, which the committee will bestow upon it with all the diligence which their other indispensable duties will permit.

As to the first subject of inquiry, above stated, it is one more simple in its character, and less embarrassed with difficulties, than the others, and one which has already received a thorough investigation in the Senate.

The line of distinction between articles which are produced and manufactured in this country, and those which are not, is easily drawn; and there is no difficulty in discriminating the articles which have received the fostering care of the Government, from those which have not.

The committee have selected certain articles of import, not coming into competition with similar articles produced or manufactured in this country, contained in the bill herewith reported, upon which they recommend an entire abolition of the duties, unless imported in foreign vessels, or, as it respects a part of them, from places not beyond the Cape of Good Hope.

The reduction of the revenue, by the repeal of the duties upon these articles, although many of them are of but little importance, will probably, in the aggregate, amount to \$5,660,000, which, added to the reductions of duties upon articles not contained in this bill, and which may be made without injury to our manufactures, agriculture, or commerce, will, it is confidently believed, reduce our revenue to fifteen millions of dollars.

The reductions proposed fall chiefly upon articles of general consumption, as teas, coffee, drugs, and others, which are now considered as necessities of life. A small portion of them fall upon articles of luxury, which may be struck from the bill, should it be thought advisable, without diminishing, to any considerable extent, the total amount of reduction as above stated.

The following statement will show the estimates of reductions of duties under this bill. These estimates are made from the best information in possession of this committee, and from an examination of importations for the last four or five years.

On teas of all kinds,	\$2,060,000
coffee,	2,390,000
spices of all kinds,	150,000
fruits of all kinds,	200,000
indigo,	100,000
cocoa, gums, dye stuffs, medicines, drugs, sponges, India rubber, horns and tips,	500,000
parts of watches, tin in plates or sheets, bolting cloths, corks, bristles, brass in plates and sheets,	130,000
crude saltpetre, quicksilver, linseed, rapeseed, and hempseed oil, and flax,	92,000
cutlasses, dirks, and sabres, epaulets and wings of gold and silver, macaroni, millstones, sextants and quadrants, spy glasses, telescopes, paintings and drawings, respecting which the committee have no returns or papers by which to regulate their estimate, but which they believe may be safely estimated at,	35,000
other articles in the bill, but not here enumerated,	3,000
	<hr/>
	\$5,660,000

The report and bill having been read,

Mr. FORSYTH observed that the committee, it appeared to him, had misunderstood the sentiments of the Senate, in referring the several subjects to them on the 22d instant, from the partial report they had made. So

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far as he had understood the sentiments of the Senate on that occasion, they looked to see the whole subject in all its relations presented to their view before they should be called to act on it again. He, for one, was not disposed to take up the subject again until the whole was laid before them; and in order more distinctly to ascertain the sense of the Senate with regard to the reference that had been made to the Committee on Manufactures, he would move to recommit the bill, with an understanding that it should remain with the committee until they were prepared to report on all the propositions that had been referred to them.

The VICE PRESIDENT remarked that a motion to recommit would not be in order until the bill had received a second reading.

Mr. MILLER then moved that the bill be read a second time by its title; and this motion having been agreed to by unanimous consent, the bill received its second reading; and

Mr. FORSYTH renewed his motion to recommit it to the same committee.

Mr. DICKERSON thought it strange that any Senator should have expected a report, at this time, from the committee, embracing the whole subject of the tariff. When the discussion upon the reference took place, it was said that the committee would report, as soon as possible, a bill embracing the subjects included in the resolution; and when he [Mr. D.] was appealed to, and asked if that would not be the case, he answered distinctly that, as one of the committee, he should be in favor of such a report, as soon as it could conveniently be made; that he was in favor of embracing the articles upon which it would be expedient to repeal the duties totally, in one bill, and those on which it would be expedient to repeal the duties in part, in another; that the committee would proceed diligently to investigate the subject of reducing and modifying duties, but that it was one of difficulty, requiring time; that we expected information upon the subject from the Secretary of the Treasury, as soon as he could obtain it from agents in different parts, appointed by him for making the necessary inquiries, when the committee would be prepared to make a further report on this subject, applicable to such a bill as we may receive from the House of Representatives, where such bills generally originate, or to one which may be reported to the Senate. But as to articles upon which there may be a total repeal of duties, there is less need of information: the subject has already been discussed for a month, without coming to any result. It is time to act more decisively upon a bill than we have done, or could do, upon a general proposition. The session is two-thirds gone, and nothing done. It was deemed proper to report this bill as soon as possible, that it may be published for the information of the public, from whom we are undoubtedly to receive instructions as to the propriety or impropriety of retaining many of the items in the bill. He had no doubt but that it would be found expedient to strike out several articles, and insert others. From what he had heard within a few minutes, he was of opinion that the duty upon linseed oil should not be reduced. The information we shall receive in a few days after this bill shall be published, will enable the Senate to make the proper amendments. It was said, upon the reference, that a bill in accordance with the resolution would be preferable to the resolution, as the latter would give us something in a tangible shape—something upon which we could come to a final result.

The committee supposed themselves to be in the line of their duty by reporting, in part, the bill now presented, which is not necessary, connected with the other subjects referred to them.

Mr. FORSYTH, in reply, said he did not wish at that time to argue the question he had presented to the consideration of the Senate. All he wanted was to ascertain the sense of the Senate in reference to the partial report just received from the committee; and whether that report was

in conformity with their instructions. He had one remark, however, to make in answer to the gentleman from New Jersey. The answer given by that gentleman as chairman of the committee, was, after the refusal of the Senate, to strike out the principal part of the resolution of the Senator from Kentucky, for the purpose of inserting a substitute, and before the reference of the four other propositions had been made.

Mr. HAYNE said it was impossible not to see that this bill amounted to neither more nor less than a proposition that the tariff should be so arranged as to take off the duties entirely from "the articles which do not come into competition with those manufactured in the United States" and to leave the duties on all other articles untouched. It was, in fact, the resolution of the gentleman from Kentucky, [Mr. CLAY,] thrown into the form of a bill, with this exception, that whereas the resolution proposed the reduction of duties to the amount of \$7,000,000, this bill goes only to the extent of \$5,660,000, in which respect it was worse than the resolution itself. This difference had arisen from the rejection from the list of articles to come in duty free, of wines, laces, silks, velvets, and perfumery, which the chairman of the committee [Mr. DICKERSON] candidly confesses were stricken out to avoid the clamor which would have attended a proposition to exempt from taxation these articles of luxury—consumed only by the wealthy—while cottons, woollens, iron, and other necessities of life, consumed by the mass of the people, were to continue subject to the enormous duties now imposed upon them. But the gentleman says, if we will move to exempt these articles of luxury, the committee will have no objection to put them into the bill. Sir, we shall make no motion; since nothing could be more inconsistent with our notions of a wise and liberal policy, or more abhorrent to our sense of common justice, than so to adjust the tax as to exempt luxuries—consumed only by the rich—from taxation, and to throw the whole of the burden upon the necessities of life, indispensable to the poor.

It is the plain design of this bill, Mr. President, to restrict the action of Congress, during the present session, to an abolition of the duties on the unprotected articles. It is as clear as the sun at noonday—he that runs may read—the true object of this proposition. The unprotected and protected articles are to be kept separate; and the former to be first acted on, in order to preserve the protective system unimpaired; and if we can only be persuaded to pass this bill, we shall hear no more of any further reduction during the present session. Sir, is it possible for any one to misunderstand the object in view? Why separate the protected from the unprotected articles, if it is really intended to act upon both? What are the pretenses urged as an excuse for pursuing this course? Why, the chairman of the committee tells us that they are not prepared, at present, to say what reductions, if any, can be made on the protected articles; and he fears that the delay which may arise in obtaining the necessary information, might prevent any reduction from being made even in the unprotected articles, should the committee until this information can be had. Now, if this delay prevent the reduction of duties on the unprotected articles, must it not also prevent the reduction on the protected articles? The object of the committee, then, manifestly is, to secure a reduction on the former, and to leave the latter to all the vicissitudes of time and chance.

But it seems the committee have made up their mind on one branch of the subject, and so far are ready. Yes, sir, and if we consent to such action, I apprehend they will not be found ready to act upon the other branch of the subject during the present session. Sir, I protest against this separation of two branches of the same subject, so intimately connected. We must take up the whole subject at the same time, or we shall never be able to make a satisfactory adjustment of the tariff.

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But the Senator from New Jersey has another reason for acting separately on the protected and unprotected articles. He doubts the constitutional power of the Senate to originate a bill reducing duties, while he has no doubt whatever of their right to originate a bill repealing duties; he thinks, therefore, the Senate may act so far as the unprotected articles are concerned, but that they cannot act in relation to the protected articles. What becomes then of the promise held out to us, that, as soon as information is obtained, the committee will present us a bill to reduce the duties on the protected articles? Does the gentleman mean to report us an unconstitutional bill, on which, of course, we are not to be suffered to act? Sir, the prohibition in the constitution against the originating of bills for raising revenue in the Senate, either applies to this proposition to repeal the duties on the unprotected articles, or it has no application to the proposition for reducing duties on the protected articles. The gentleman's constitutional scruples are most convenient ones; they oppose the law to taking off duties which affect the manufacturers, but come in to his aid when duties are to be taken off which operate as bounties to their industry. If there be any force in this objection, it would only prove the propriety of the Senate's not acting at all on this subject until we receive a bill from the other House; for surely if we can only act partially and unjustly, we had better not act at all. But, sir, what are we to think of these objections urged by the chairman of the committee, against our undertaking to act on the protected articles, because on them the duties are only to be reduced, and not entirely abolished, when, in the very bill which he has here reported, he has introduced several of the protected articles, and has actually proposed to reduce and not to abolish the duties upon them. Here, sir, is a provision that teas, when imported from any places not beyond the Cape of Good Hope, shall pay a duty of ten cents per pound—and all the articles inserted in the bill, when not imported "in vessels of the United States," are to be subjected to duties—so that the whole bill, in point of fact, merely provides for the reduction or abolition of duties in certain cases. Besides, look at the protected articles inserted in this bill. Here are "feathers, ox horns, millstones, indigo," and a number of other articles, which come directly into "competition with similar articles made or produced in the United States." How comes it that the duties on these are to be taken off? Is it not that they are articles, the duties on which fall heavily upon the manufacturers; and, therefore, the taxes must be taken off? Let the chairman of the committee point out, if he can, why indigo may be introduced into this bill, but iron may not. Indigo is a production of South Carolina—iron of New Jersey. Thus, sir, do all the reasons urged by the chairman, for the course pursued by the committee, vanish into air.

But the proposed plan of acting separately, on the protected and unprotected articles, is not more objectionable than the mode of action proposed in this bill. The duties on the former articles are to remain substantially as they are, while the duties on the latter are to be totally repealed. And this, we are told, is merely a just discrimination between these two classes of articles: and who is there, it is asked, that denies to Congress the right to discriminate? Yes, sir, the discrimination proposed is, to relieve one class entirely from taxation, and to levy the whole amount upon the other; and gentlemen express no little astonishment that we do not receive this as a great concession, and eagerly embrace so just and liberal a compromise. The point in dispute is, the policy, justice, and constitutionality of the protecting system. Against the duties imposed for protection, the South most earnestly protests, while not a voice has ever been raised against the duties imposed merely for revenue; and it is gravely proposed to settle the controversy, by repealing all the revenue duties, leaving the protecting duties untouched. On the articles em-

braced in this bill, every class in the community, and every section of the country, pay their fair proportion of the tax; while, on the protected articles, the tax imposed upon the agricultural States operates as a bounty to the manufacturing States; and, by way of compromise and concession, it is gravely proposed to relieve entirely from taxation every article on which the tax operates equally upon their different interests, and to transfer the whole burden of supporting the Government upon those articles, the duties upon which operate as a tax upon one section, and a bounty upon the other.

What a solemn farce, Mr. President, are gentlemen attempting to play off in the face of an intelligent people. For ten years have the entire South been petitioning, remonstrating, and protesting against the injustice and inequality of a system, which, for the benefit of the manufacturers, imposes a tax to nearly equal fifty per cent. on every foreign article which they receive in exchange for their productions. They show you, that, for the purpose of giving bounties to the manufacturers of sugar and salt, of iron, and cottons, and woollens, &c. they are taxed to near one-half of the value of all the necessaries and conveniences of life which enter into their own consumption, or for which they exchange their cotton, rice, and tobacco, and they call upon you, with one voice, now that the public debt is about to be paid off, to relieve them from this most unjust, unequal, and oppressive system. And what redress is it now proposed to give them? Look at this bill, and read the answer. Yes, sir, the Southern people are here told that if they will only consent to continue to pay their duties for the benefit of the Northern manufacturers, they shall be permitted to import "alum, and figs, and dates, and nutmegs, capers and corks, frankincense and gamboge, bristles, and horns, and tips," and a hundred other similar articles, duty free. I trust, sir, that this bill will be recommitted.

Mr. DICKERSON said, there is no justice in the charge that the committee have deceived the Senate, or have misled a single member of it. They were explicit in expressing their opinions when the reference was made. There is a good reason for separating the articles which are to be considered as protected, from those which are not. If the whole were reported in one bill, still they would be in separate sections. By combining them, we may produce discussions which will only end with the session: by separating them, we may act upon both. But this attempt to separate these classes of articles does not originate with the Committee on Manufactures. Here is a report, of last session, from the Committee on Finance, repealing the duties upon nearly all the articles contained in the bill now reported, and many others, with a reduction of duties upon many articles, but not upon the woollens, cottons, glass, iron, or sugar. The Committee on Finance have, therefore, lent the weight of their authority in drawing this line of distinction. In the bill of the Committee on Finance will be found many articles of luxury, as cashmere shawls and laces, pearl and mother of pearl, made free of duty, which are omitted in the bill of the Committee on Manufactures; but these may be added, should it be deemed expedient. It is said that the duty upon indigo and crude saltpetre should not be repealed. Indigo may be struck from the bill, and cashmere shawls and laces introduced; crude saltpetre may be struck, and pearl and mother of pearl introduced. As to the indigo, it rested with the gentlemen from the South to say whether it should be subject to the present duty or not. If either of the Senators from South Carolina would move to strike it from the bill, he believed every member of the committee would vote in favor of the motion. It was understood from gentlemen from the South, that no attempt to raise indigo would be made. It was also understood, from the region in which crude saltpetre was produced, that there was no wish there that the duty on this article should be continued.

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If, in these, the committee have been misinformed, the corrective is easily applied.

The doubt expressed in the report, of the power of the Senate to originate a bill for regulating the tariff, was not the reason offered for not reporting on a great variety of subjects on which it may be found expedient to reduce and modify the duties; but the difficulty of the task, the time required to perform it, the propriety of waiting for the information upon the subject which the Secretary of the Treasury is now collecting. Besides, it was expected that we should have a bill from the House of Representatives containing general modifications of the tariff.

Mr. MILLER said he felt it his duty, as a member of the Committee on Manufactures, to say, he had been opposed, in the committee, to the report of the bill which it is moved to refer back to the same committee. He would vote for the recommitment, because he thought it was the sense of the Senate that the various subjects referred to the committee, together with the resolutions of the Senator from Kentucky, required to be considered in connexion with each other; they were intended to embrace the entire subject of our protective and fiscal policy. There could be no reason to refer the public lands to the Committee on Manufactures, except its connexion with the reduction of duties to the proper standard. He had contended, in the committee, that, as the Senate had for a long time this subject under consideration, and a protracted debate had taken place on the resolutions of the Senator from Kentucky, instructing the Committee on Finance to report specifically what the present bill contains; and as the Senate had, at the very moment, a question which was about to be taken on this specific proposition, referred the whole subject to the Committee on Manufactures, that it was a virtual and implied instruction to that committee to consider and report on the whole subject, so that the whole might be before the Senate at one time, in one report. In this he was overruled by a majority of the committee. He still thought that the majority of the Senate had expected, when this matter was referred, that the committee would report on the entire subject. He was, himself, in favor of the reference to a select committee, one not organized to sustain a particular interest, which was the character of the Committee on Manufactures. As this involved conflicting interests, and comprehended the most important and delicate questions, he thought a committee to whom it should be referred, ought to be constituted on a different basis from the manufacturing committee. He considered this a packed committee. No one could doubt, from the component materials thereof, what would be its report. It was instituted to sustain the manufacturing interests, and he argued it was an improper committee to have other interests referred to it. But, as the entire system of policy comprising protection and finance had been referred, he regarded this as an implied instruction to the committee to report upon the whole in connexion; and he considered that the committee, in returning this partial bill, carrying into effect the object of the original instructions of the Senator from Kentucky, contrary, as he thought, to the intent of the majority in this reference, ought not to be sustained. It was putting the will of the higher and greater authority at defiance; it was in contempt of the will of the majority of the Senate; and it was for them to reform the error, unless it was meant now to sustain the principle contained in the original resolutions of the Senator from Kentucky. He certainly did not understand that this was the object or design of the Senate. The various views taken by the different Senators who took part in the debate on the question of reference, clearly proved that the isolated proposition of the Senator from Kentucky did not accord with their views.

Mr. SMITH commented on the scruples of the chairman of the Committee on Manufactures, as to the consti-

tutional right of the Senate to originate a bill for the reduction of duties. It was a new thing to him that the Senate had not the right to institute such a bill. He was not altogether sure that the Senate had not the power to institute a bill to make revenue. But with regard to the scruples of the gentleman who had found no difficulty in reporting a bill to repeal duties, he could see no difference as regarded the principle involved between a bill to repeal and a bill to reduce duties. Mr. S. did not think the committee had complied with the instructions of the Senate, by making only a partial report on the several subjects referred to them. When the subject was under discussion, and inquiries were made as to the effect of the reference, he had contended that the committee would be bound to report according to the terms of the resolution of the Senator from Kentucky; and to obviate that difficulty, which he fully believed was understood on all hands, one proposition after another was made and adopted, in order that the committee might have all the various interests of different sections of the country before them, and not be trammelled by the single proposition of the Senator from Kentucky, which it seemed alone they had acted on. He was entirely in favor of a recommitment of the bill, and strenuously opposed to acting on the single subject it presented—a reduction of duties. Let that bill but pass, and my word for it, said Mr. S., you will never be able to get another one for the reduction of duties on the protected articles of importation. Mr. S. recounted many articles of importation consumed by the poorer classes, not to be found in the bill, though manufactured, or only partially so, in the United States—bombyxins, stuff goods, baizes; and he supposed the committee did not propose a repeal of the duties on them, for fear it would interfere with some articles of American manufacture that might answer as a substitute for them. The resolution of the Senator from Kentucky proposed a reduction of the duties on wines and silks; and he had proposed to the committee a repeal of the duties on wines and silks brought from beyond the Cape of Good Hope. He saw nothing of these in the bill; and this was, perhaps, because the committee was waiting for the bill from the other House, (for we are bound, said he, by the French treaty, to reduce the duty on their wines and silks,) or they were restrained by the constitutional scruples of their chairman. After taking a financial view of the effect intended by the bill, the small reduction it would make of the revenue, compared with the amount of reduction that ought to follow the payment of the national debt; and the partial relief that would be afforded by a repeal of the duties on articles the greater part of which were not of necessity and general consumption, Mr. S. concluded by saying that he never, in the whole course of his parliamentary career, knew a committee to step out of the line of their duty, and report so partial a bill, after having been so fully instructed. What, he asked, was the inducement of the Senators from the new States to vote for the reference, but the proposition to consider and report on the subject of the public lands? The bill leaves, said Mr. S., exactly where we were before the reference was made; or, indeed, we might as well, he said, have passed the resolution of the Senator from Kentucky in the first instance, without the subsequent amendments, and received from the Committee on Finance a bill similar to the one before us. The chairman of the Committee on Manufactures had nearly gained one object that he had been trying for years to accomplish. The bill exactly answered his purpose; if passed, it would leave a surplus of ten millions in the treasury, to be divided among the States according to the plan proposed, and so zealously advocated by the gentleman some years ago.

Mr. CLAY considered the question before the Senate as one of vital importance. It was nothing more nor less than whether we shall abandon the policy so long pursued

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sued, and which had produced such unexampled prosperity throughout the country. The question before the Senate involved the fate of the protecting system. It was not a question to be carried by storm, by arraigning the committee which had reported this bill as a packed committee, instituted to protect a particular interest. So far as he was concerned, he repelled the charge with indignation, and asserted that the committee had acted in strict conformity with its instructions. What, he asked, was the duty of the committee? The Senate had referred to them a variety of subjects, and left them to consider how, when, and what number of bills they should report. No particular instructions, with regard to these particulars, had been given; the committee were left to act according to their own sense of propriety and understanding of the several propositions given them in charge. It was not for him to inquire what had been the sense of individual members of the Senate in voting for the reference; it was enough for him to take the order of the Senate, and act on it, either in whole or in part, as his best judgment dictated. This the committee had done; they had reported as far as circumstances permitted them at that time; and he contended that neither order, simplicity, or propriety would have been consulted by a contrary course. Mr. C. urged many reasons why the committee should not have made a more extended report at that time. Why was it that many gentlemen had forbore to speak while the resolution he had submitted was under discussion? It was a mere abstract proposition, said they, the discussion of which can tend to no valuable result. Give us, they said, a bill; something tangible—something that we can applaud or condemn, amend or reject, and then a discussion will be proper. The committee then, he said, had performed their duty by presenting a subject that could be touched. If gentlemen had objections, let them make those objections known. If the bill did not contain all they wanted, it was open for amendment; and if, finally, after full discussion, it did not meet with the approbation of the Senate, a majority would so decide it. With regard to simplicity of proceeding, was it not more in conformity with that object to present, in the first instance, in one bill, those articles which it was not the policy of the country to protect by discriminating duties, than to comprehend in the same bill all, both protected and unprotected, together with the important subject of the public lands? Suppose the committee had comprehended the whole in one paragraph, would the action of the Senate be thereby accelerated? Or would not, on the other hand, time and convenience both be consulted by discussing and acting on the subject first presented, while the committee were collecting information and preparing materials for further reports? There was, one question gentlemen could not get over, and that was whether the system of protection should be abandoned, or the policy that had operated so beneficially should be persevered in. That is a question you must decide, come when it will; whether it be presented in one or many bills.

But this bill was said to be intended for the peculiar benefit of the manufacturers. How? What were the articles of importation on which it proposed to repeal the duties? Tea, coffee. [Mr. C. mentioned several other articles.] Do the manufacturers alone, said he, of all the people of the United States, drink tea and coffee? Were there not greater quantities of those necessary articles consumed at the South than at the North? He could safely say there were. The bill proposed to repeal the duties on articles of general consumption; and it was not the manufacturer, as such, alone, but the consumer, that would be relieved. With respect to the observations of the gentleman from South Carolina, relative to the repeal of the duty on indigo, he could answer, that the committee had inquired, and were satisfied that the article was not now produced in the United States. Mr. C. proceeded to enlarge on the reasons which influenced the

committee in delaying their reports on the other subject committed to their charge. Weeks, perhaps months, said he, must elapse before the committee could obtain from the Secretary of the Treasury the information they had called for, to enable them to estimate the value and quantity of the articles of import coming in competition with similar articles produced or manufactured in the United States, to determine whether the manufacturers were, as had been alleged, making moderate profits; and whether any, and what, manufacturers were so firmly established as to permit of a reduction of the amount of protection. In every view of the case, then, Mr. C. deemed it the wisest course to act first on the bill presented by the committee. What was the precise question chiefly to be considered? We are to consider, in a reduction of the revenue from eight to twelve millions of dollars, what are the articles of importation on which we may safely make that reduction. Here, then, was a bill reducing the duties between five and six millions on articles that no one, he apprehended, would contend that the duties ought to be retained; and shall we, said he, keep back that reduction—refrain from relieving the country from that amount of taxation, until we can settle how the further reduction is to be made? Gentlemen assume, said he, that we shall reduce the duties on the articles that are now protected: that was their own assumption—for his part, he made no such concession. He did not mean to say that no reduction of duty could be made on the protected articles; but that, until sufficient information was obtained, (and the Secretary of the Treasury then had his agents engaged in collecting it,) he would not determine that question. Sir, the honorable chairman of the Committee on Finance [Mr. SMITH] spoke of the bill not comprehending many articles of importation named by him, and on which, in his judgment, the duties ought to be repealed or reduced. Sir, if this bill is recommitted until every Senator is satisfied with its details, it may be committed, and recommitted, until the day of judgment. It was not possible for the committee to frame such a bill as would answer the views of every Senator. If his bill did not comprehend all that was required by the gentleman, it was competent to him to propose amendments, and take the sense of the Senate on them. The committee had had the lights shown by the draught of a bill handed them by that gentleman: they did not choose to take all that it contained; and on this, also, he could, when occasion served, take the sense of the Senate. One further remark, and he was done. The chairman of the Committee on Manufactures considered the questions as doubtful, whether the Senate could, constitutionally, originate a bill for the reduction of revenue, deeming a bill for that purpose the same as one for the raising of revenue. He did not share with the chairman of the committee in that opinion. After a careful consideration, and an examination of the precedent to be found in our legislation, he was satisfied that the Senate fully possessed the power.

The Senate would place itself in a very ungracious position, if it declined lessening the burdens of the people to the extent proposed by the bill, on the ground that the whole reduction of revenue that was contemplated could not be made at once. He did hope that this question, which was to settle the fate of the future policy of the country, would be favorably disposed of. He repeated his hope that the other questions would be acted on before the close of the session; but their delay ought not to interfere with immediate action on the one that was then before them. Suppose, said he, we lessen the revenue to the amount only of seven or eight millions, we shall accomplish much—we shall quiet that alarm which gentlemen so sensibly feel at the prospect of a distribution of a surplus revenue.

Mr. HOLMES regretted the motion that had been made to send back the bill. He was in hopes that the printing

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would have been ordered, both of the report and bill, that he might ascertain whether there was any thing in either that came within the scope of his instructions. He wished to look over the list of his instructions, and compare them with the bill and report, to see whether he was instructed to act for or against them. While on this subject, he ought to mention, for the information of the Senate, that the Eastern mail had arrived, and brought him no instructions. However, should the motion prevail, and the bill be sent back to the committee, the instructions could run in but one way, and that was to reduce the tariff; and as this was contrary to the opinions entertained by the Legislature of Maine, he should for once act in conformity to his instructions, by voting against the recommendation. He thought that sending back the bill would be making haste too fast; if printed, and laid on the tables of members, an examination could be given to its details, and a more correct decision formed with regard to the proper disposition of it. He was amused at the doubts expressed by the Senator from New Jersey as to the power of the Senate to originate a bill for the reduction of revenue, under the idea that the constitution gave to the House of Representatives the exclusive power of instituting a bill for the raising of revenue. This, he said, was a new idea to him. He should suppose that the reason for that provision in the constitution was, that, as the members of that House came fresh from the people, they would be more competent to form a correct judgment with regard to the sources from whence the revenue should be derived; and for this purpose they were to present a plan of revenue to the Senate, which that body could alter or amend.

The idea that the popular branch of the Legislature only should originate a revenue bill, was taken from the British Parliament, and adopted in many of the States without reason; as, for instance, the State of Maine. The House of Representatives in that State was elected by corporations, and the Senate by the people; and yet that provision existed in her constitution. However, he could not understand the grounds for the constitutional scruples of the Senator from New Jersey. Diminishing the duties on articles of importation was not raising of revenue—that would be lowering. He really did not know what we should come to next. Raising, he had always understood, meant lifting up; lowering meant letting down. All seemed to be going wrong nowadays. The whole administration was wrong—tail end foremost; the head was where the tail ought to be, and the tail where the head ought to be.

Mr. MILLER said he had used the term "packed committee" with reference to its organization to sustain a particular interest, founded upon the known opinions of the members of that committee. The Senator from Kentucky had said, "he repelled with indignation the imputation that the committee was a 'packed' one." In the sense in which these terms are used, he would be glad to know whether the Senator from Kentucky would deny the fact that the committee was a "packed committee." Mr. CLAY, said yes, he did. Then, Mr. M. said, he must take the liberty of dissenting from the Senator from Kentucky.

He considered the committee constituted upon the ordinary parliamentary rule, and made up of materials favorable to the manufacturers, pledged by their known opinions to a particular policy, and certainly it had furnished no evidence that it had failed to subserve the manufacturing interest. The honorable Senator had, in the course of his remarks, just said that he had never admitted that he would compromise the principle of protection; he was the open, avowed, and decided friend of that interest. Mr. M. said, so far as he himself was concerned, he did not consider his voice as having the least influence on the committee, not even a fractional influence.

Upon every question, in which the agricultural interests which he represented on this floor were concerned, the vote was a dead one against him—four to one. No attention was paid to his suggestions, his wishes, nor to the interests he was identified with. So far as the conflicting interests of agriculture and the public lands were concerned, he would maintain that the Committee on Manufactures was a "packed committee."

[Here Mr. CLAY called Mr. MILLER to order. Mr. MILLER explained. The VICE PRESIDENT said, if he had supposed the gentleman had applied the words in an offensive sense, he would have interposed; but as it was not so understood, and as the gentleman had disclaimed any offensive meaning, the Chair did not consider him out of order. Mr. CLAY said he denied that the words "packed committee" could be applied in any sense to a committee of that House.

Mr. MOORE called for the words to be taken down in writing, and it was so done.

The VICE PRESIDENT said that those words, used without connexion with the other words of the Senator from South Carolina, would be out of order. But taken in the sense in which they were used and explained by the Senator using them, they were not out of order, and the Senator could, therefore, proceed with his remarks.]

Mr. MILLER resumed. He said the proper course clearly in order, to do equal justice to all, was to appoint a committee consisting of two Senators favorable to the landed interest, and two favorable to the manufacturers' interest; and if there must be an odd number, let three be taken favorable to the manufacturers. The various interests would be then fairly represented, and heard in the details of their report; but, as it now was, he did not care much whether it was recommitment or not, although upon the mere question of propriety, he should vote for the motion to recommit. The committee had the right to put their own construction upon the reference, and the course to be pursued by them—that he did not deny; but the true question was, would the Senate consent to let their judgment be controlled by the committee, or must the committee be controlled by the Senate? It was a question of power—shall the Senate dictate to a committee, or a committee to the Senate?

It had been said that this was not a report favorable to the manufacturers; a very slight observation would tend to show the contrary. It was very obvious, if the articles unprotected were admitted free of duty, that if the whole revenue to be collected on like articles manufactured in the United States. Suppose the consumption of the tax on the articles in the bill reported, would operate in favor of the consumption in the South as well as the North, still the great body of the articles consumed at the South were to be subject to high taxes, while the only articles on which the manufacturers now pay anything would be relieved from the duty altogether.

He had put it to the committee, to their sense of justice, to their respect for equal rights; he had even appealed to their sympathy, whether it would be just and proper to levy the taxes from a particular section of the country. It was known to every one that there were no manufacturing establishments at the South; and, although the law might appear equitable and fair on the face, yet, in consequence of the different interests and different pursuits of various sections, it would, in point of fact, be partial. He had been struck with the force of the suggestion of the Senator from Virginia, [Mr. TYLER,] who illustrated the subject, by supposing in a system of direct taxation it should be proposed to raise ten millions, or any other sum, and Congress should levy this tax on the sugar planters, could any one pretend that this would be just or constitutional? If this bill should be adopted, and the principle of it be sustained, the same result will be effected to the prejudice of the planting interest. If it should pass,

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there will be no security that the high taxes upon the necessities of life will be reached by any subsequent modification of the tariff.

Mr. KING said he was fully aware that nothing was to be gained by a further discussion of the subject; but he felt it a duty he owed to those whose interests he represented on this floor, to make one or two remarks in reply to the observations of the Senator from New Jersey. When, sir, a few days past, resolutions were submitted by direction of the Committee on Manufactures, calling for information relative to the public lands, embracing inquiries of a most extensive character, the answers to which would necessarily involve considerable delay, I then thought I foresaw in this call the manifestation of a disposition to make a partial report on the subjects committed to it by the Senate, and to avoid, altogether, that part relating to the reduction of the price of the public domain. I then, sir, rose in my place, and asked the Senator from New Jersey whether it was the intention of the committee to make a report before the information relative to the public lands was received. The answer of that gentleman was explicit, that, so soon as the information asked for was received, the committee would report—leaving no doubt on the minds of all who heard him, that he considered it to be the duty of the committee to present the whole together, and not in the detached and partial manner in which it is now brought forward. I cannot, sir, withhold the expression of my astonishment at the course this committee has thought proper to pursue. The design of the Senate in referring all the subjects of revenue to the same committee, could not be misunderstood, and especially after what took place on that occasion. The Senator from Kentucky, convinced that the resolutions introduced by him would be rejected by the Senate—[Mr. CLAY shook his head]—yes, sir, I repeat they could not have received the sanction of this body. I know the fact; and the Senator himself must have been aware of it, else how did it happen that he so readily acquiesced in the proposition to refer them to the Committee on Manufactures, without obtaining for them that sanction which he had urged so strongly? But, sir, the Senator went much further: finding that even this reference could not be obtained from them, unconnected with the whole subject of reduction, he unhesitatingly consented to include all the instructions proposed, with the single exception of that relating to the public lands; and yet, sir, with a full knowledge of the wishes of the Senate, this committee has taken upon itself to do what the Senate had declared it should not do—act upon the resolutions of the Senator from Kentucky—leaving out all the other subjects connected with them. And upon what ground does the chairman of the committee base this extraordinary report? Why, sir, that a bill for the reduction of duties could not, constitutionally, originate in the Senate; and yet this bill proposes the entire abolition of duties. The constitution presents no barrier to a repeal of all the duties upon unprotected articles; but the moment you touch the protected class—iron, for instance—it forms an insuperable obstacle!

I will not dwell upon the absurdity of such a distinction. [Here Mr. K. commented on the unjust and partial operation of the bill, recounting the different articles the committee had thought fit to relieve from duty, though particularly favoring manufacturers, and instituted a comparison between them and the articles of necessity and general consumption, on which the tax is still to remain.] So sure, said Mr. K., as there is a God above, if the majority will persist in this species of injustice and oppression; if, when we invoke this justice, they turn a deaf ear, and meet our entreaties to give some small relief to our suffering people with insult added to injury, consequences will result which I shudder to think of. Sir, this is no idle threat; in this there is no gasconade. I stand here as

one of the most moderate of those who are opposed to the miscalled American system, advocating conciliation, union; and those I represent well know it. Sir, it is not the wish of the South to prostrate the manufacturing industry of the country; and the assertion, frequently made on this floor, that such is their object, is destitute of foundation. Sir, for the sake of peace and harmony, and of union, they are disposed to bear much. Fix the revenue at an amount required by the ordinary wants of the Government, and the agricultural interests will be found giving their support to such an arrangement of the duties as will give a fair and reasonable encouragement to manufactures. Yes, sir, they will do this with a perfect conviction that the burdens will still fall unequally, and that they must bear the greater portion. Can the advocates of the tariff, with the least semblance of justice, contend for more? Will they not meet us on middle ground—settle this distracting question, and save the Government? I ask, then, that this partial report, embracing but a single proposition, calculated to benefit almost exclusively the manufacturer, and affording next to no relief to those ground down to poverty by the oppressive operations of this unjust system, shall be thrown back upon the committee, with the understanding that they shall discharge their duty by presenting the whole subject of reduction, embracing the public lands, as intended by the Senate. Sir, I have not forgotten that the Senator from Kentucky has told us that gentlemen should not outrage him; that he would bring down the revenue as low as any of them. That gentleman, with the committee to which he belongs, have been put to the test, and what have they done? Why, sir, dextrously shuffled out the public lands; given the go-by to the whole protective system, and proposed to reduce a revenue of twenty-seven or eight millions of dollars—a little more than five millions; and this is what we are to understand by the declaration of the Senator that he would bring down the revenue as low as any one! But, sir, we have been told that the Committee on Manufactures contemplated further action on the subject committed to them—perhaps a further reduction of duties might be safely recommended, when they had further information to guide them. But it was scarcely to be expected that they could complete their labors during this session; that this important information was exceedingly difficult to obtain; that the Secretary of the Treasury had agents now employed in collecting it; and, upon the whole, it was best to postpone it to a more convenient season. Sir, are we to be amused with such miserable pretexts for withholding from us that justice which, as a part of this great American family, we have a right to demand? Act upon this bill—pass it—and I warn my friends of the West that they must give up all hope of seeing any reduction in the price of the public lands. That, too, sir, will be postponed to a more convenient season. Sir, it is not my design to enter at large into this subject at this time. I appeal, sir, to the Senators from Indiana, New York, and, I think I may add, the Senator from Pennsylvania, to bear me out in the assertion that this reference was made with the full belief that the committee would act upon all the subjects together, and present them, in connexion, to the Senate. I repeat, sir, they have failed to discharge the duty which properly belonged to them, and the disapprobation of this body should be manifested by recommitting the bill. Sir, if by the vote this day we give the go-by to these important subjects, I shall lose all hope of any settlement of this distracting question, on terms that will be at all satisfactory to the aggrieved and suffering portions of the community; and when that hope, to which the South has fondly clung, that this Congress would not adjourn without affording relief to her sufferings, shall be given up, consequences, sir, which no man can portray, will throw a dreadful weight of responsibility upon the heads of those whose injustice has produced them.

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Mr. MANGUM rose, and said, I do not rise to add to the excitement already so naturally and so strongly felt in this part of the House, growing out of the extraordinary course which the Committee on Manufactures have felt it their duty to adopt. I rise merely to call the attention of the Senate to the course so frequently adopted by the Senator from Kentucky. Whenever a question is to be taken upon any point, direct or collateral, the tocsin is sounded by that Senator, and he tries to rally all his forces, by representing the vote as being upon a test question. Every thing is a test question in which his feelings are in the least enlisted. My object is to present this matter in its true light. The question is not one to test the strength of the tariff policy, but it is to effect, by indirection—I mean not to speak offensively—that which the Senate, as I understand it, refuses to do directly. The resolution of the Senator had been elaborately discussed for more than two months. We were informed, at the different stages of its progress, that the action of the Senate upon it was very desirable; that it must be had before the committee could proceed in its duties in a satisfactory manner. When the debate had ceased, and the final vote was about to be taken, it was clearly ascertained that the resolution would not be adopted. I had ascertained, to my entire satisfaction, that it would be either amended, evaded, or rejected. I had supposed this was equally apparent to the Senator from Kentucky; and it was upon that supposition only that I could account for the feebleness with which he pressed a final vote, and the apparent facility with which he adopted the proposed reference of his resolution, without any expression, by the Senate, of an opinion in regard to its principles. This course was so different from the line that I had supposed was, early in the discussion, meant to be pursued by the Senator, that I very naturally supposed his acquiescence was the result of what he deemed inevitable necessity. The resolution, with divers others, wholly irreconcilable and inconsistent with it, was referred; and the committee, with great haste, made a report, embracing only the policy indicated by the Senator's resolution: so that, by a manœuvre perfectly familiar to gentlemen long schooled in parliamentary tactics, the Senate is now placed precisely in the predicament which I clearly understood it meant to avoid by the vote upon the reference of these various resolutions; and that, by this legislative evolution, the sense of the Senate is not only to be evaded, but the Senate is called to act precisely in opposition to the course which I understood to be marked out and adopted by that vote. The present motion is made to ascertain the sense of the Senate, as expressed by that vote of reference; and I have the fullest confidence that the vote will sustain the views I have expressed.

It is certainly a little extraordinary that a committee, organized expressly to watch and guard the interests of manufactures, should, after a debate of more than two months, and after having usurped the whole subject connected with the public revenue, make a report not touching a single article in that system of protection, nor expressing a single opinion upon that subject; but touching simply that part of the subject which, more appropriately, belongs to another committee, and which, in truth, has been usurped by the Committee on Manufactures. It is strange that a committee, which have labored so sedulously to get possession of the whole subject, should so speedily make a report upon the part of the subject within the province, peculiarly, of the Committee on Finance, and so studiously abstain from touching, in any shape, the matters which properly belong to them. That this course should produce strong excitement, and even feelings of indignation, is not a matter of surprise. No man, who understands the least of the subject, can be blind to the object of the committee, or the effects of sustaining them in their course.

I shall not go into a subject already exhausted, and show the pernicious consequences of the policy of this resolution. I think it more important to ask the Senators from the new States whether this course indicates a friendly feeling to the interests more immediately affecting them, and whether it is in accordance with the views entertained by them when they voted the reference—whether, if this subject shall be first acted upon, with their concurrence, they have the least guaranty that their peculiar interests will receive a favorable consideration—whether, in a word, they will not give up the only hope of reducing the price of the public lands, so as to enable every head of a family to be an independent freeholder; who, in truth—I mean the freeholders—constitute the real strength, and pride, and glory of this great confederation. I ask them to look to it.

Sir, I mean not to discuss the constitutionality of originating in the Senate a revenue bill. Yet I certainly was much struck with the novel view offered by the Senator from New Jersey; that the Senate might repeal *in toto* all duties upon unprotected articles, but could not properly reduce duties on the other class. He doubts—he has scruples. He can abolish, but not reduce. Does not the Senator see that, by abolishing duties upon all unprotected articles, he, in fact, increases the duties upon the protected class; or, in other words, enhances the protection? As it is obvious to every body else, I should do the Senator great injustice to suppose that it is not equally obvious to him. And, besides, if there be any meaning in that part of the constitution which requires that revenue bills shall be originated in the other branch of Congress, I suppose it to mean that the immediate representatives of the people shall be as well the judges of the proper objects of taxation as of the amount of the revenue. Indeed, the selection of the objects of taxation is not only the most undoubted, but, in fact, the most interesting power of the other House. But, by the course proposed here, the Senate originates a bill, not only striking out more than half the subjects of taxation heretofore adopted, but accumulates the whole revenue upon a few subjects; and, in the selection of which, the House, in the first instance, is not consulted.

I trust this high-handed course will be arrested. I have lost all confidence in a certain part of the Senate, in reference to any conciliatory disposition in the adjustment of this great and dangerous subject. I look to them for nothing. I hope from them nothing. I wish the country could say, it fears from them nothing. But I appeal to that part of the Senate, who, though in favor of the protective principle, yet are capable of looking to the whole subject, unbiassed by any views but those that belong to their country and its best interest. I call upon those who love their country, and have no objects connected with party interests, and who can lift their eyes to the great and enduring glory of this great country, to come to the subject sacrificing something, as we who will sacrifice much, and let us join and settle this subject so agitating to the public mind, and so dangerous to the peace and harmony of these once happy States.

Mr. BENTON said he would vote with his friends for recommitting the bill, but he saw no use in it. It was impossible to make a bird sing that would not sing. He apprehended that the Manufactures Committee would report no bill that would answer any purpose—none that would make any essential modification of the tariff. The bill they had brought in was a rare bird. Out of thirty-one millions of revenue, they proposed to reduce five and a half, leaving twenty-five millions, when twelve or thirteen was all that the wants of the Government would require. These five and a half were to be reduced, not upon the necessities of life, but upon the merest trifles! bagatelles! most of them so insignificant that the people did not know their names or their uses. Mr. B. had no objection to in-

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cluding these trifles in the list of reductions. They were too insignificant to be taxed, and for that reason ought to be struck from the statute book. By way of completing the reductions, they might be thrown in; but to make them the main articles of reduction—to compose the bill wholly of such small trash, while omitting all the great objects of revenue, was to present legislation under a new aspect to the American people. Mr. B. said, every body had read of the mountain that was delivered of a mouse; but here was a great committee which was delivered of a bill which was not even a grown mouse; which is nothing, in fact, but a litter of young mice. The committee had drawn to itself the business of the Finance Committee; they had gone out to prepare a bill for reducing and settling the revenue; and they had brought in—what? a dish of toys and confectionary! and gravely presented it to the Senate, as the revenue bill which was to settle the destinies of an empire! The Senate had directed that committee to consider the whole subject of the revenue, the public lands, woollens, cottons, iron, salt, every thing, yet we have nothing but a long list of trifles, and a few luxuries. What would be thought of a man, who, being directed to fetch you a horse, should go and pull one hair out of his tail, and come and lay it down before you, and say, there is your horse, sir. Yet this was the conduct of the committee. Their bill, to our revenue system, is what one hair would be to the whole horse. Mr. B. would not speak of the bill according to his feelings. He wished that a million of copies of it were printed, and a copy sent to every farmer in America, labelled with the inscription, that it was the American system bill—that it was the bill which the manufacturers gave to the farmers; that it was the bill that came from the committee which had been ordered to report upon the reduction of the price of public land. He wished that it could go out thus labelled, that the farmers might see, from under their own hands, what kind of relief the Manufacturing Committee mean to extend to the cultivators of the earth! No description, no speech, no power of language, can give them an adequate idea of that bill. They should see the thing itself. They should look upon it; they should handle it. The view of such a bill would astound them. Indignation would seize some; contempt, others. Many would consider it as a joke; some would think it a satire upon our legislation, got up by some mischievous boys; but inspection would show that it was a real document, conceived and produced by the Manufacturers Committee, and pressed upon the Senate, in real earnest, as a bill for the reduction of the revenue and relief of the country! That it is, in fact, the genuine production of the American system committee, and the real mode in which that committee complies with that part of the President's message which recommends the repeal of unnecessary taxes, and the reduction of the revenue to the wants of the Government! Yes, sir, that bill ought to be printed by the million, and distributed by handfuls! It would be viewed with universal scorn. A tempest of indignation would pursue it. The lightning of public wrath would blast it. The thunder of a nation's curses would annihilate it.

But to avert the consequences which the committee could not but foresee—to break the force of that feeling which their bill was obliged to produce—the committee have come forward with a half promise that they will look a little further; that they will study the history of some other articles, and, perhaps, yes, perhaps, report another bill at some indefinite period, to add a few more items to their important list of reductions. But what items, no hint or information is given; and, in the mean time, this bill, not of abomination, but of froth and flummery, must be swallowed down by the Senate. Sir, there is a story of a clown in London, who had a fashion of going up to people, and saying, give me a penny, and I will sing you a song; but you must give me the penny first! and when he had got

the penny, would scamper off in a laugh. Mr. B. hoped the committee would take no offence—certainly none was intended; but the reminiscence was excited, and the expression of his feelings irresistible, at hearing the committee's request and promise. We must pass their bill first, and trust to them for something better hereafter. But suppose that something better should never come; the Senate would then be in the condition of the good people who parted with the penny before they heard the song. Mr. B. expressed his astonishment at the request of the committee, to have time to consider whether they could do any thing more. That committee was active and insatiable in drawing to itself the business of the Finance Committee. It had been zealous to get the revenues into its hands. It had struggled, and wrestled, and contended for it; and had succeeded at last by dint of its own votes; and now it comes forward with a ridiculous and starved bill—a bill which, in the vernacular tongue of the further West, would be called “the little end of nothing sharpened,” and, presenting this abortion as the *ne plus ultra*, the Herculean pillars, of their present exhausting efforts, demands time to refresh, and repose to recover from overdone nature, and to study books before they can do any thing more. They want a history of the public lands; a long, minute, circumstantial, detailed history of the purchase, and surveys, and sales, and donations, and reservations, and relinquishments, and reclamations, of the public lands, from the foundation of the Government to the present day! And until they get that history, which it will take months to compile, and weeks to print, not a word can be said about reducing the price of the lands, or transferring them to the States. Sir, who so blind as not to see through this thin and threadbare curtain? Who so short-sighted as not to see the delay which lies beyond it, and which is to get rid of the land question without responsibility of direct action? Why did not the committee act in the same way by other articles which, nevertheless, they have put into their bills? Why did they not ask for a history of tea, and frankincense, and figs, and tamarinds, and a hundred other exotic productions, of which they know a thousand times less than they know of land, before they could include these things in their bill? Why make such a glaring distinction? Simply, it may be presumed, because the manufacturers want the price of land kept up! and, therefore, are for delay in their operations upon that subject! And, sir, what is the use of all this history? Will the committee read it when it comes? Would they read it if it was now here? Would any man read it, to make up his mind upon the question of reducing the price of public lands? Certainly not. That question is exclusively a question of policy, not of detail. It is to be decided by the nature of the subject, and not by its history. The question is, whether the public lands shall be reduced in price, or transferred to the States. And every man will decide that question upon views of policy, drawn from reflection and consideration, and not upon details of old surveys and obsolete history. Beyond doubt, the committee would not read the details of our public land history, if they now had them; in all probability their minds are made up upon the question at this moment. It is well known that the manufacturers are opposed to any relaxation in the sale or disposition of the public lands; because they want to confine the poor people to the old States, to work in the factories. The plan of the manufacturers is to keep up the price of land to the highest possible point; to prevent all donations either to the States or individuals; they oppose all pre-emptions, and all settlement rights, and all confirmations of French and Spanish grants; and they do all this upon a fixed principle of opposition to emigration and Western settlement. As the guardians of the manufacturers, the committee, then, may be assumed to be hostile to any relaxation in the present rigorous land system. Some of the committee are known to be so. Its chairman

SENATE.]

The Tariff.

[MARCH 30, 1832.]

[Mr. DICKERSON] is known to have been, for twelve years, the most determined, unbending, and uncompromising opponent of every bill for the benefit of the Western settlers.

A leading member of the committee [Mr. CLAY] has disclosed his policy, which is to take the proceeds of the public lands for internal improvement, (which now goes to the seaboard in the North Atlantic States,) and the colonization of Africa, in which the British Government sunk above forty millions of dollars, without accomplishing any thing. Mr. B. would not now stop to examine the practicability of African colonization. He would refer those who wanted real information on that subject, to the sworn testimony taken by order of the British House of Commons, in 1826, relative to their settlement at Sierra Leone, which is only four degrees of our settlements, and both just under the equator, on the Western coast of Africa. For the present, he would only remark upon the anomaly of a company of private individuals in America, without law or charter, setting up a Government in another quarter of the world. It was a strange thing to see the agents of these private individuals, exercising all the powers of Government, making war and peace, administering justice, collecting revenues, passing laws, and exercising all the powers of sovereignty. This was an anomaly, which he merely mentioned in passing. The real point he was aiming at was this: that the proceeds of the Western lands were to be taken, (according to the plan which had been disclosed,) to keep up this anomalous and visionary Government in Africa. If any one wished to be charitable, and send his charity to Africa, let him do so. Mr. B. would not object to the friends of African colonization sending their own money to Africa; but he did object to the appropriation of the proceeds of the Western lands to that object. He did object to ravishing the West, to replenish Africa. He did object to taking the labor and sweat of the white population in the new States, to bestow as a gift upon the black race in Africa. He knew too well the difficulty with which Western farmers obtained money to buy land; how many toilsome labors had to be gone through before the crop, or the stock, was ready for market; how many retrenchments were made in the family; how many purchases were denied to daughters to ornament their persons, and even to sons to advance their educations; that all the money might be saved and laid away to buy public lands. He knew all this too well, to be willing to see all this money, after being thus laboriously earned, and carefully hoarded for their own Government, sent off to Africa to be given as a present to the black colonists. For when the money would get there, it was to be laid out in buying lands from the native tribes, and having kroomen to clear it, and building houses for the black colonists. Mr. B. was opposed to seeing the price of public land kept up in the West, to raise money from his own white fellow-citizens for these gratuitous, and distant, and visionary objects. Let the charitable exercise charity at their own expense. Our constitution forbids the levy of money for the support of any religion at home. Congress cannot raise a dollar for the support of the christian religion in America; and yet here is a proposition to take the proceeds of the public lands, now three millions a year, and soon to be five, (if the price is not reduced,) to support our religion in Africa; and that upon the Western coast of Africa, between the burning tropics, and where no seed of that religion would ever take the slightest root.

Mr. B. did not mean to go into the bill which the committee had reported. There was enough in it for laughter and for sorrow; for ridicule and for argument. His ear was struck by the word indigo; an article which it seems was selected by the committee for the total abolition of duty. It was struck out of their American system. Yet indigo was a plant of the American growth, and, under "British colonial oppression," in the time that Mr. Joseph

Gee wrote his book, was one of the staples of the South. It was even now cultivated there to some degree, supplies household manufactures, and furnishes something for export to Europe. [Mr. B. here called for the document of commerce and navigation, and showed that several small parcels of American indigo had been imported to France and Scotland in the year 1830.] Under the colonial system, Great Britain cherished the growth of indigo in the Southern colonies; she allowed a bounty upon its production. After she lost the colonies, she turned to her possessions in Bengal, and cherished the plant there. She was determined to have a home supply of indigo, because, without it, her manufactures would lie at the mercy of foreign Powers. Our American system manufacturers proceed on a different principle; they rely upon the foreign supply, and abolish even the insignificant protection which was allowed by the act of 1828 to American indigo. They purchased the foreign article, and had actually bought, chiefly from the British possessions in Bengal, nearly five millions of dollars worth since 1824. They have also bought foreign wool, chiefly from England, to the value of more than two millions of dollars in the same time. Foreign soap and foreign oil are also bought for the factories. And then, when this wool, which came from England, is greased with oil which came from Leghorn, and washed with soap which came from Florence, and dyed with indigo which came from Bengal, is made into cloth, that cloth is christened with the name of American, and is put up for a domestic manufacture; and the people must pay double for it in hard money, and listen to a long story, besides, about the value of a home market, and the grand policy of being independent of foreign nations, and especially of England, for the clothes which we wear. Sir, the committee have done right. They have acted upon the true principles of the American system, in striking out the protection upon indigo. They go for domestic manufactures upon foreign materials, and let them show their hand, and play out their game.

Mr. B. concluded with some philosophical remarks upon the different temperament of men, and observed how diversely different individuals were affected by the same circumstance. The application of his remarks was to the bill just brought in. Some Senators were indignant, and spoke with rage against it; some were amused, and laughed at its ridiculousness; some were in despair; others inspired with fresh hopes; and to this latter class belonged himself. He looked out from this moment forth for the dawn of new light in favor of the South and the West. The darkest hour of the night was that which preceded the break of day. The American system, in the conception and production of this bill, had reached its deepest and lowest point of darkness! It had exhibited its most hideous deformity! It had offered its highest insult to the people! It had rebelled and revolted against the common sense of all mankind! It had received, from its own hands, the wound that is "past all surgery!" and from this time forth it must decline and sink, until it vanished from all view, and disappeared from the light of day.

Mr. FOOT remarked that not only had the proceedings of the committee been called in question, but the intention of the Senate, in ordering the reference, was differently understood by the gentlemen who had taken part in the debate. He did not rise to enter into any discussion of the question, which it appeared would be a protracted one, but to call for the reading of that part of the journal in which the order for reference was inserted. From the reading of that part of the journal, the intention of the Senate might be understood.

The Secretary then read that part of the journal referred to.

Mr. DALLAS said, I do not rise, Mr. President, to take any part in the general debate, which seems to be misplaced and premature. The gentleman from Georgia

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The Tariff.

[SENATE.]

[Mr. FORSTH] moved the recommitment of the bill just reported from the Committee on Manufactures; and based his motive upon a single ground, that the committee had neglected or mistaken the design of the Senate in confiding to them the charge of the subject. If this be correct—if the committee have failed, intentionally or otherwise, to obey the directions, or to conform to the instructions, or even the general understanding of this body, as to the mode of executing this duty, I should join cheerfully in sending the bill back to them. But my recollections vary from that of the Senator from Georgia, or rather my impressions as to the prevailing motive and design in confiding many and apparently disconnected matters to the Committee on Manufactures, differ from his. All these subjects were referred to that committee, on the motion of the gentleman from Indiana, [Mr. HENDRICKS,] at a time when the protracted debate having closed, though some few new propositions were started, we were about to vote for the original resolution of the gentleman from Kentucky, [Mr. CLAY.] The gentleman from Indiana declared his object to be to obtain a matured list or specification of the unprotected articles to which the resolution applied; being unwilling to assent or dissent, without perfectly understanding the detailed effects. It was subsequently agreed, upon suggestions from other quarters, to put before the same committee all the resolutions and subjects which seemed, in the remotest degree, to bear on the main object of their inquiry. Not, as I conceive, that the Senate expected from that committee a report upon each and all of these matters, a report which it would take months satisfactorily to prepare, but that the Senate desired that the committee should deliberate upon the main object, without overlooking the direct or indirect, the near or remote, connexion with it, of those various other subjects. Well, sir, the committee have reported; their report is avowed only in part; and, while presenting a bill which attains the chief purpose of the gentleman from Indiana—an enumeration of the unprotected articles which it is proposed to admit duty free, they announce a determination to deliberate fully upon the other topics, and to report, if they constitutionally can, at large hereafter. I believe this course to be perfectly regular and in order. I believe it to involve no contempt whatever of the obligations of the committee to the Senate. I believe it usual, expedient, and natural, on particular occasions; and I cannot, therefore, join my friend from Georgia in his proposal to recommit, implying, as it clearly does, a censure or reproach upon the committee.

The result of the labors of the committee, as far as thus communicated to us, has my entire approbation. I will consent, at any time the subject comes up, to abolish wholly the existing duties upon the goods specified in the reported bill. It is the first step we ought to take in accommodating the tariff to the present condition of the country as to revenue. I say this, Mr. President, reflectingly; having noticed and approved it as the wisest mode of proceeding, distinctly recommended to Congress by the Chief Magistrate in his message prior to the last. My wish, therefore, sir, is not to part with the bill just put in the Senator's power, but to retain it, at all events, as the basis of future action. I am about, in pursuance of this desire, to move to lay the bill upon the table, reserving it within the custody of this body, by whom, at any time hereafter, it may be taken up and finally disposed of.

It does, however, sir, seem to be a general solicitude that the Committee on Manufactures should make their promised final report before we proceed to consider the bill now before us; and I think it most consistent with fairness and good policy, that this solicitude should be gratified. Hence, so far as respects my individual conduct, I have only to add that I shall vote to keep the bill upon the table until a reasonable time shall elapse; until it be satisfactorily ascertained that the committee do not,

and will not, make an additional report. I move you, sir, that the bill be laid upon the table.

At the request of Mr. DICKERSON, Mr. DALLAS withdrew the motion before the question was put.

Mr. DICKERSON said that he should not have risen again on this subject, but for the many references to his constitutional scruples. He was compelled to say that the committee did not participate in his scruples. And, indeed, there was no good reason for restricting the power of the Senate upon the subject of revenue bills; this part of our constitution was borrowed from England, and very unnecessarily; but it formed a part of our constitution. Bills for raising revenue must originate in the House of Representatives. Some Senators seem to think it quite a ridiculous affair, that a bill for reducing duties could be a bill for raising revenue. But the words raising revenue do not mean increasing revenue, but levying and collecting duties and taxes for the purpose of revenue. A bill reducing the duty on wines from one dollar to seventy-five cents per gallon, would be a bill for raising revenue to the amount of seventy-five cents per gallon upon wine; whatever may be the duty left, it will be a bill for raising revenue to that amount. We wish to reduce our whole revenue one-third; a bill for doing this will be a bill for raising revenue to the amount of two-thirds of what we now raise. But diminishing the duties does not necessarily diminish the revenue. On the contrary, it may increase it; a moderate reduction of high duties will always have that effect. A reduction of twenty per cent. upon wines would add thirty per cent. to its consumption; and so increase, and not diminish, the revenue. If the Senate may originate a bill reducing duties, upon a presumption that they are not increasing revenue, which they could not do if it increased revenue, and it is discovered that on any one article the reduced duty would increase the revenue, it would then be a bill which the House of Representatives alone had the power to originate. Or if, when such a bill should be under consideration in the Senate, a motion should be made to insert any amendment which should give an increase of revenue, we should be in the awkward predicament of being able to vote one way and not the other. But in all their scruples he was willing to be overruled; and if it was the opinion of the Senate that we could originate a tariff bill here, he, for one, would be willing to report such a bill as soon as the necessary information could be obtained.

Mr. D. said he was desirous of reducing the revenue to the wants of the Government. No wish to have funds for distribution, as insinuated by the Senator from Maryland, [Mr. SMITH,] would induce him to keep on taxes. If any portion of our funds are to be appropriated to internal improvements, then he was for a distribution fairly among the States. He considered, heretofore, that the current in favor of internal improvements was irresistible—that large funds would be appropriated to them. He viewed with horror the partial legislation of Congress upon such funds, and, therefore, was for dividing them, before we should give another million to the Chesapeake and Ohio canal, in which his section of the country had no interest. If the friends of internal improvement, by the legislation of Congress, will agree to reduce the revenue, so that there shall be no funds about which we are to scramble in the two Houses of Congress, he would join them heart and hand.

Mr. CLAY rose, and said that it gave him much pleasure to say to the Senator from South Carolina, [Mr. MIXER,] in reference to certain expressions used by that gentleman, which he understood, at the time, in an offensive sense, that he did not now so understand them. The gentleman having explained that there was no offensive meaning conveyed in the expressions used, and taking them in connexion with other parts of the sentence, it would be far from him to attach to them a different signification.

SENATE.]

The Tariff.

[MARCH 30, 1853.]

The terms used were unfortunate, and might naturally lead to misapprehension.

Mr. President, the Committee on Manufactures has been charged with being an engrossing committee. And with what justice was such a charge made? The first proposition referred to them, called on the Committee on Finance to make just such a report as the one before them. After a full discussion on the motion of the Senator from Indiana, followed by motions of other gentlemen, this and other propositions had been forced upon them; and now, said he, they are called a usurping committee? Was it because they had reported only on the first subject committed to their charge? Did the gentleman in truth expect them to report on all these important subjects at once? With respect to the public lands, they had performed part of their duty, by calling for information on that all-important subject; and gentlemen certainly could not expect them to act further, before that information was obtained. Of the necessity of this information to enable them to form a correct estimate, every gentleman must be aware. The Senator from Indiana himself, [Mr. HENDRICKS,] on whose motion the Committee on Manufactures were selected to take charge of the subject, had, on the very next day after the reference was made, submitted a resolution calling for information on the very subject. Then, as to the other propositions given to the committee. [Here Mr. C. entered into an analysis of the different subjects of reference, and argued that the committee could not, consistent with propriety, act further, until fully possessed of all the information expected by them; and contended that it ought not to hinder the consideration of the subject reported on.] He did not concur with the Senator from Missouri, [Mr. BAXTOR,] that the sales of the public lands could be regarded in the light of a tax on the purchasers. If it were so, it would be well worthy of consideration whether those who have purchased lands at a higher price than they are now held, are not entitled to some relief. A purchase of land was certainly a voluntary act, and could not properly be viewed as a tax.

The information called for in relation to the public lands, he repeated, was necessary to enable the committee to report satisfactorily on that subject. It was necessary for them to know the number of acres in the market, and their value, and the amount unsurveyed. The gentleman from Missouri, [Mr. BAXTOR,] himself, had introduced a bill to sweep off for the State he represented a half of a million of acres; a bill had been introduced to grant a like quantity to the State of Mississippi; and it was proposed to make a similar grant to one other of the new States. How far these and other propositions would reduce the public domain, was yet to be ascertained. The gentleman assumed to speak for his constituents of the West!—the West!!—the West!!! He was, perhaps, less enlightened as to the sentiments of the West, than the Senator from Missouri; but there were other Western States interested in the public domain, than the State of Missouri; and others, though perhaps less enlightened, less eloquent than the gentleman, who were entitled to speak the sentiments of the West. But the Senator from Missouri would not, he apprehended, find that all agree with him in his views as regarded the public lands and the protective system. Further, the gentleman amused himself with this bill, by calling it a diminutive quadruped, and applying to it other degrading comparisons. Sir, the gentleman ought not to depreciate his own progeny. Two years ago he introduced a bill, differing but little from the one now before the Senate. In that gentleman's bill, he proposed to repeal the duties on various articles of luxury not of general consumption, and, among others, on essence and perfumery. This bill did not comprehend those articles, and, therefore, was not so odiferous as that of the gentleman just referred to. Mr. C. descanted at large on the value of the protecting system, and concluded by saying that the committee was still assiduous-

ly engaged with their examinations, constantly keeping in view a further reduction of the revenue, and contemplated another report before the close of the session. He should vote for the motion of Mr. DALLAS to lay the bill on the table, and hoped that that and the report would be printed.

Mr. BENTON rose after Mr. CLAY, and thanked him for producing the bill which Mr. B. had brought in two years ago. He was happy it had received the notice of the Senator from Kentucky so far as to be produced and quoted by him. It contained many things which Mr. B. should endeavor to get inserted in the bill now before the Senate. It contained a catalogue of taxed articles really worthy of reduction and abolition. It entered the woollen and the cotton region; it embraced the salt tax, and many other important articles, not one of which had the Senator from Kentucky read. He had read the bagatelles only, which Mr. B. had put into his bill on account of their insignificance; because they were too insignificant to remain upon the statute book; too frivolous to be a subject of revenue; too contemptible for the progress of tax gathering. They were thrown into the bill to get rid of them, as dust would be thrown out of the balance to clean it. But these insignificant items were gathered up by the Manufacturing Committee as the great objects of taxation from which the country was to be relieved; and, if struck from their bill, it would be emptied of all its contents; but, if struck from his [Mr. B.'s] bill, they would not be missed. His [Mr. B.'s] bill proposed a reduction of sixteen millions of taxes! It bore in its title the sum of sixteen millions for education! The bill of the Manufactures Committee proposed to reduce to five and a half millions; just the one-third of the reduction proposed by his [Mr. B.'s] bill; and this five and a half was to be confined to articles of the most ridiculous insignificance. Mr. B. was free to say, that if his bill had contained nothing but what the Senator from Kentucky had read, or what had been copied from it, he should have considered it a burlesque upon legislation—a species of legislative jesting to tantalize the anti-tariff gentlemen—and which, however unworthy of consideration, could not, consistent with the rules of the Senate, be thrown out of the windows as it would have deserved. But it contained something else—something really valuable—something to carry the reduction to sixteen millions instead of five and a half; and the Senator from Kentucky might rest assured that he would have to vote upon their admission into the manufacturers' bill, as he [Mr. D.] would certainly propose them as an addition to it.

Mr. B. adverted to the state of public sentiment in Missouri, on the question of the American system, which the Senator from Kentucky had mentioned with exultation, as having been proved, on a recent occasion, to be in favor of that system. Mr. B. assured him that the proof was the other way; that the only trial of that question which had been made in Missouri, was at the general election in August last; when the American system candidate—he who went for the system in all its parts and all its glory, Bank of the United States, Supreme Court, and all!—was beaten four thousand votes. Since then there has been no trial of the question in the State. The recent election for member to Congress, to which the Senator was alluding as the triumph of the American system, was nothing but a special election, at which little more than one-half the voters attended. But Mr. B. said it was needless to look backwards. Forward was the word! Other elections were depending, and to come on soon, which would settle all questions! One very eminent election, in which the American system flag would be hoisted on one side, and reduction of revenue to the wants of the Government would be hoisted on the other side; and he apprehended the difference between the coming out of the two flags would be sufficient to decide the question, without the aid of argument, or a resort to referees.

MARCH 30, 1832.]

The Turiff.

[SENATE.]

With respect to the bearing of that remark, and which evidently was intended to signify to the Senate that he [Mr. B.] was misrepresenting his constituents on this question of the American system, he begged that the Senator from Kentucky would give himself no uneasiness. Mr. B. and his constituents understood each other. If he mistook their interests, he paid the penalty. He did not hold his seat in the Senate by the tenure of six years, but at the will of his constituents. They had his manifesto upon that point, with his sign manual to it. Whenever they signified to him in any way that he had mistaken or sacrificed their interests, he retired from his station and made room for another; and this without any cavilling as to forms or ceremonies. If the people, in their original capacity, either in public meetings, or in signed memorials, or through the Legislature, condemned his conduct, he submitted to the condemnation; and paid the penalty upon the spot, by restoring their trust to their hands. He acknowledged the right of instruction, and should either conform to instructions, if he received them, or resign his place. Mr. B. said he knew how immaterial these personal explanations must be in the eyes of the Senate; but the Senator from Kentucky had imposed the task upon him, by intimating that he [Mr. B.] was misrepresenting his State upon the question of the American system. The time was when that system was popular in Missouri; but the uses to which it had been put, and the metamorphosis it had undergone, and the purposes it now had to answer, had sickened the people, and they were drawing off from it.

One word more, and Mr. B. would resume his seat. The Senator from Kentucky objected to the idea of a tax upon the people of the new States in selling the public lands to them. Mr. B. considered the sales as a tax, and that the lands were given to the Federal Government to answer the purpose of taxation, that is to say, to raise revenue. They now raise three millions of revenue from these lands; and revenue came from taxes. He deemed it a tax, and the most burdensome kind of tax, as it was all paid in advance, in a lump, and before any thing was made out of the land. Far better would it be for the people to have the price of the land levied as an annual tax, so many cents on the acre every year, until the sum of \$1 25 was made up, than to pay it all down in advance. He must adhere to his idea, then, that the sales of the public lands were in the nature of a tax; that these sales were made to produce revenue; that they now produce an enormous revenue, and, if the present price was kept up, would soon produce five millions. The Government only wanted about twelve millions of revenue; and unless the price of public land was reduced, the main burden of supporting the Federal Government would fall upon the farmers in the new States. Mr. B. would consider himself truly misrepresenting, or rather betraying, the people of Missouri, if he did not struggle to obtain for them some benefit from the reduction of revenue! if he did not labor hard, and exert himself to the uttermost degree, to prevent the article which they use most, the public lands, from being made the subject of hard and permanent taxation, while every thing that the manufacturers use is to be relieved from taxation.

Mr. BROWN said that he had, heretofore, during the progress of the discussion, through its various stages, abstained from taking any part in it, under the hope that the main question would be presented to the Senate in some tangible shape. The further the session advanced, the more remote that object appeared; and he had, since hearing the report of the Committee on Manufactures, lost, in a great degree, the hope which he had heretofore indulged, of a favorable adjustment of the subject of the tariff. That report having disappointed the just expectation of the majority of those who voted for the reference, ought, at all events, to be recommitted to the committee, to fulfil the original intentions of the Senate, by presenting to its

view, in one bill, all the subjects that had been given them in charge. He differed very widely with the Senator from Pennsylvania, who supposed that the success of the motion of the gentleman from Georgia to recommit the bill, would be an implied censure on the committee. In his humble opinion, it was not only consistent with the rules, but it was in conformity with the almost invariable practice of the Senate, to recommit subjects that had been presented to them in an unfinished shape. But these, said Mr. B., were not the times to stand on mere questions of etiquette, to look only on questions of delicacy, when far more important objects were involved. If the Senate refused to require a full and perfect action on the important subject of a reduction of the revenue, through motives of delicacy to the Committee on Manufactures, we shall, said he, do what is worse—we shall commit an act highly disrespectful to a large portion of the States of this confederacy, whose interests were so deeply at stake. If etiquette is to be violated, let us do it in favor of those States whose rights have so long been disregarded, and whose citizens are now looking to the proceedings of Congress in relation to this subject, with such intense and deep solicitude. Almost four months of the session had already elapsed, and he saw but little indication that this question, so vitally interesting to many of the States of this Union, was likely to receive that full and deliberate consideration which it was entitled to, above all others. The period had arrived, when some decisive action was absolutely necessary. He called upon gentlemen who had so repeatedly pledged themselves to a course of conciliation, to redeem those pledges. He by no means questioned the sincerity with which those professions had been made; but if gentlemen were sincere, as he presumed them to be, the period had then arrived for them to carry them out in practice.

Sir, said Mr. B., there is a species of tactics in legislation as well as in war, which accomplishes the defeat of an adversary, by delay; and this report, he believed, was calculated to produce that result. It showed nothing affirmatively or negatively, with regard to the great question of reducing the revenue down to a proper standard. Let us of the agricultural States understand fully, and at once, what we are to hope for. If our voices are to be wholly unheard, and our interests disregarded, in the national councils, it is due to us, from the advocates of the protective system, to let us know it at once. Let us no longer be tantalized with professions which are to create only vain and illusory hopes. What, sir, will be the feelings of indignation excited among the people of those States, oppressed by the crying injustice of the protective policy, when they shall be told that Congress is debating on the expediency of abolishing the duties on a class of articles consumed mostly by those in opulent circumstances, while they ought to be taking the most efficient steps to relieve the country of the burdens which were daily undermining its prosperity?

The Senator from Maine [Mr. SPRAGUE] had expressed his astonishment that any excitement should have been manifested on this question. To him it was a matter of no surprise. It was natural for those who believed that justice was denied them, to feel it, and express themselves strongly. He believed that even in the gentleman's own State some excitement was felt on the subject. The Legislature of that State had very lately adopted resolutions expressing the strongest disapprobation of the existing tariff, a circumstance which he hailed with gratification.

The Senator from New Jersey had expressed his constitutional scruples with regard to the power of the Senate to originate a bill for the reduction of the revenue. This principle, if correct, would place the Senate, on questions of taxation, in the unenviable attitude of being powerful for mischief, but impotent for good. We may, according to this doctrine, assist the other branch of Congress in imposing burdens on the country to any extent, but we

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cannot originate any measure for their reduction. He admired the dexterity of some of those gentlemen friendly to the protective system, in suiting their opinions to their wishes. When the question was before them, of reducing the duties on articles of general necessity, then the constitution imposed objections; but when the question arose of totally repealing a portion of duties, the repeal of which would operate beneficially to the manufacturer, then their scruples were no longer heard of.

Mr. B. could not agree with the Senator from Kentucky, [Mr. CLAY,] that a reduction of duties would lead to an abolition of the protecting system. Whenever a reduction was urged, the fears of the manufacturing interests were to be alarmed by representing their destruction as inevitable by such a course. Was that system so dependent for its existence on high duties, that it must, as a necessary consequence, perish without them? He could not believe it. He did not wish to see the manufacturing establishments of our country destroyed, though he was unwilling that they should be sustained by the destruction of other great interests.

The principle of protection, as practised by our Government, he sincerely believed unconstitutional; and not deeming this a proper occasion to go into an argument of that question, he would content himself with remarking, that this, or any other Government, which exerted its authority to take from one class of citizens the profits of their labor to bestow them on another class, was, in his opinion, essentially despotic.

The most valuable principle in free Government was, next to the security of personal rights, that which secured the private property of the citizen from being taken for any other purpose, except in the shape of taxes, to support the Government in its legitimate objects. He had the highest reverence for the Union of the States. His most anxious desire was to perpetuate it. The experiment which we were now making, in a great degree, involved the success of free Governments in every part of the world; and its extinction here would be the signal for its extinction in every other country. He was willing, therefore, to sacrifice much for the sake of conciliation; and though a representative of one of the Southern States, not the least strenuously opposed to the protective system, he was prepared to meet gentlemen on the half-way ground, believing that our federal system of Government can only continue to exist by the exercise of that spirit of compromise and conciliation which gave it birth.

Mr. SMITH observed that they had been informed by the Senator from Kentucky that the Committee on Manufactures would wait until they received information from the Secretary of the Treasury, who had his agents abroad collecting it, before they reported further on the other subjects referred to them. And why not, said Mr. S., have waited until they got that information, before they reported at all? They might then give to the Senate such a report as it would be proper for it to receive, and then to give; and by this means have avoided the difficulties that were then presented. The Senator from Pennsylvania considered this bill as a report in part, and that the committee, in conformity with their instructions, had a right to make such a report. In this particular, this bill in part was in fact a bill *in toto*—open to amendments, which will be proposed when in Committee of the Whole; and which the committee, if they had rightly performed the duty assigned them, would have rendered unnecessary by comprehending the whole subject. Well, then, this committee was to wait until they got the information required from the Secretary of the Treasury. When would they get this information? How long had they to wait? The committee had not told them; but it was shrewdly suspected that it would not be received before the close of the session. Better had they left the subject untouched, until they got all the information they wanted, or until a bill was sent to

us from the other House. After some further remarks from Mr. S.,

Mr. MARCY said he should like to know from the Senator from Pennsylvania, whether, in moving to lay the bill on the table, his object was to let it remain there until the committee had further reported, or whether the bill was to be taken up and acted on, perhaps the next day, or a day or two afterwards. If the latter was the object of the Senator from Pennsylvania, he was disposed to vote it down by adopting the motion of the Senator from Georgia, for at once he saw the difficulties apprehended by the Senator from Maryland. The committee tells us, said he, that their bill applies only to articles not coming in competition with American produce or industry; and yet, if their bill takes the course suggested by the Senator from Maryland, the very first votes will probably be taken on the protected articles, which it includes. Mr. M. made no promises with regard to conciliation, and he did not intend to make any, for he was not disposed to mislead any one; but if conciliation was the object, it appeared to him that it was to be attained by a bill essentially different from the one before them. He had said, in the commencement of the discussion, that he would vote for a revenue adequate to the bare wants of the Government; and, secondly, that he would not abandon the principle of protection. Whether these were incompatible or not, he would not then pretend to say; both objects were dear to him, and he should be glad to see them reconciled.

If the object of the Senator from Pennsylvania was to lay the bill on the table until the report was received from the Secretary of the Treasury, to enable the committee to comply fully with the instructions of the Senate, he was disposed to vote for the proposition; but if the bill was to be taken up the next day, or a day or two thereafter, he should vote for the recommitment moved by the Senator from Georgia.

After some additional remarks from Messrs. CLAY and FORSYTH,

Mr. DALLAS, having been called on by the Senator from New York [Mr. MARCY] to state the object he had in view in moving to lay the bill on the table, said that he preferred that course, from a sense of courtesy to the committee who had reported the bill. He preferred that course for other reasons; one of which was, that if the Senator from Georgia succeeded in carrying his motion, he would defeat his own purposes. A recommitment would of course go without instructions, and to-morrow, or the earliest period thereafter, the same bill, or one similar in principle, might again be presented. By permitting this bill to lie on the table, the Senate would keep possession of the labors of the committee so far as they had gone; and, if it should be the sense of the Senate that this bill should not be taken up until the committee had completed their investigations, it would be easy to ascertain it. For his own part, he was perfectly satisfied with the bill, and, as he had before said, prepared to act on it at once; but, from a feeling of courtesy towards those gentlemen who differed with him in opinion, he should be unwilling to call it up until the committee had had a reasonable time to make further reports.

Mr. TAZEWELL, after expressing his objections, at length, to the partial report of the committee, suggested to the Senator from Pennsylvania [Mr. DALLAS] a course which would obviate the difficulties presented by a recommitment, and be preferable to laying the bill on the table. Let us, said Mr. T., take up this bill, and make it the order of the day for some day in the month of May. Surely, by that time the committee would be prepared with sufficient information for a further report, or the House of Representatives will have sent us a bill as a substitute for this. One further remark. When objections were urged against committing the proposition of the Senator of Kentucky [Mr. BIAN] to reduce the price of the public lands to the Committee on Manufactures, he had contended that that

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proposition, affecting one item of the public revenue, was just as much suited to the consideration of that committee, as the other propositions that had been referred to them. He had told them, then, that there were three great interests to be consulted in fixing the revenue on a permanent basis. First, the manufacturers, whose interests were promoted by a system of high duties, and these were principally to be found in the North and East; second, the producers, principally of the South, whose interest it was to reduce the duties to the lowest extent, consistent with the wants of the Government; and, thirdly, the people of the West, who were but little affected by either high or low duties on articles of importation, but whose object it was to be relieved from the annual draught on their resources, in the shape of sales of the public lands.

The first of these classes, the manufacturing part of the country, was benefited by a system of protecting duties, because it enhanced the price of the articles produced by their industry, and could by no means be injured by the enhanced price, because they produced as much of the articles as they wanted. Did not every gentleman see this? What harm could a tax of even a thousand dollars per ton on iron do to his friend from New Jersey, [Mr. DICKERSON,] who made as much of it as he wanted? One of the Senators from Rhode Island was largely interested in a cotton factory. How could that gentleman be injured by a duty, to any extent, on manufactured cotton? Was it not plain that every manufacturer was interested in keeping up the duties to the highest rates on the goods manufactured by him, because it was his business to sell, not to buy? The shoemaker did not go to his neighbor to buy shoes. Now, as respected the unprotected articles, had the manufacturers not an interest in reducing them to the lowest possible price, by a repeal of duties? These articles do not come in competition with their industry; they do not produce them; have to purchase what they consume, and are consequently as much interested in reducing the duty, as the anti-tariff portion of the country is interested in reducing the duties on the protected articles. So far, then, the system of protection operated as a bounty on the interest of the North and East, while the relief afforded by the bill is to be divided between them and the South. But the benefits to be derived from the bill would not be equally divided. Three-fourths at least would be received by the manufacturing States; for a large proportion of the population of the South did not consume the articles to be exempted from taxation. He appealed to the Senator from Kentucky. Did that gentleman's slaves drink wine, tea, and coffee? Did he feed them with spices, and clothe them with silks? Where, then, was the fairness claimed for the bill, when one-half of the Southern population did not consume the articles it relieved from duty? This was, then, the compromise that gentlemen were pledged to. Here is a revenue of twenty-two millions of dollars, say they, of which you of the South pay fifteen, and we and you together pay seven; and we will, for the sake of conciliation, take off the seven, and keep on the remaining fifteen. Mr. T. next adverted to the interests of the Western people. Do they care for protection. They live in such a situation, that the cost of transportation to them on articles of importation, even if they came in duty free, would come to so much as to preclude the possibility of their using them. They were, therefore, necessarily restricted to the use of the domestic article. I appeal to the Senators from Ohio. Do you sell any iron in Pennsylvania? No. Pennsylvania has as much iron of her own as she wants. Do you sell any in Tennessee? No. Tennessee has not only as much now as she wants, but she can undersell Pennsylvania in one of her own markets, (Pittsburg.) Ohio, then, supplied Ohio alone. As it was with iron, so it was with other articles of general consumption. It makes but little difference to them whether you take off or put on duties. Their own

wants are supplied from their own resources; and protection neither enhances the price of their commodities, nor diminishes the consumption. But, then, there was another subject in which they were interested; and that was the amount of money annually drawn from them for the sales of the public lands. Mr. T. entered at large on this branch of the subject, showing, in various views of the subject, how greatly the West was interested, both as regarded their pecuniary interest, and the great object of increasing their population in getting the lands into market on the lowest terms; and concluded by adverting to Mr. Rush's celebrated report, in which it is recommended to keep up the price of the public lands, to prevent a drain of the population from the manufacturing States. That is, said Mr. T., to keep wages down there, you must keep up the public lands to the highest price.

Mr. T. next touched on that part of the remarks of the Senator from New Jersey, [Mr. DICKERSON,] in which he expresses his constitutional scruples with regard to the power of the Senate to originate a bill for the reduction of revenue, which he considered equivalent to a bill for the raising of revenue. He did not wish to weaken the gentleman's scruples; he wished rather to strengthen them. Months ago, when the Senator from Kentucky introduced his resolution, Mr. T. entered his protest against the principle it contained. Whence do you derive your power to originate a revenue bill? It was not to be found in the constitution. Mr. T. here entered into a full and luminous exposition of the constitutional question; after which, he concluded his remarks by proposing that if the Senator from Pennsylvania would move to lay the bill on the table, with a perfect understanding that it was not to be taken up until the committee had had a reasonable time to make additional reports, or until a bill came from the other House, he would vote for the motion.

Mr. DICKERSON said that it appeared that the Senator from Virginia [Mr. TAZEWELL] had much stronger scruples as to the power of the Senate, than he had, or than the Senator had in times past, for he was confident that Senator had by his vote sustained bills originating in the Senate for raising revenue.

Mr. DALLAS then renewed his motion to lay the bill on the table, with the understanding that it remain there until a reasonable time had been allowed to the committee to make a further report.

The yeas and nays having been ordered, on motion of Mr. MILLER, the question of laying the bill on the table was decided in the affirmative by the following vote:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Marcy, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tazewell, Tipton, Tomlinson, Waggaman, Webster.—27.

NAYS.—Messrs. Benton, Bibb, Brown, Buckner, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Miller, Moore, Robinson, Smith, Troup, Tyler, White.—19.

The Senate then adjourned to Monday.

MONDAY, APRIL 2.

Mr. POINDEXTER laid on the table the following resolution:

Resolved, That the Committee on Manufactures be discharged from the further consideration of the several subjects referred to it by the Senate on the 22d ultimo, and not reported on, and that the same be referred to a select committee.

Mr. HOLMES laid on the table the following resolution:

Resolved, That the President of the United States be requested to communicate to the Senate the amount of imports and exports to the European possessions of Great Britain during the year ending the 30th September, 1831, together with the amount of tonnage engaged du-

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ring that time, distinguishing between the American and foreign tonnage.

Mr. SMITH laid on the table the following resolution:

Resolved, That the Secretary of the Treasury be directed to cause a statement to be made to the Senate of the amount of the several duties that would be repealed in case the bill reported from the Committee on Manufactures on the 30th ultimo, "to repeal in part the duties on imports," should pass.

The Senate then proceeded for a short time to the consideration of executive business.

When the doors were opened, the consideration of the general appropriation bill for the support of Government was resumed.

The amendment thereto proposed by the Committee on Finance, augmenting the appropriation for the contingent expenses of the Supreme Court, and other courts of the United States, was discussed at length by Senators SMITH, WEBSTER, FORSYTH, TYLER, HAYNE, MARCY, and MILLER. Mr. FOOT also made the following remarks:

From the statement made by the chairman, said Mr. F., that this amendment only proposes an appropriation for the payment of such expenses as were authorized by law, taxed by the courts, and approved by the Comptroller, he was not disposed to withhold the appropriation; it had become a debt, which the Government is bound to discharge. But, said Mr. F., I was gratified to find that even the Senator from Maryland [Mr. SMITH] is ready to acknowledge that there has been an "enormous increase of expenses," under this administration. It is, indeed, enormous!! In 1820, '21, '22, there appears to have been but thirty thousand dollars appropriated for expenses of courts. In 1830, '1, '2, these expenses have amounted to five hundred and ninety-eight thousand dollars! showing an increase of five hundred and sixty-eight thousand dollars!! and the report of the Secretary of the Treasury shows no good or sufficient reason for such "enormous increase!" Is it not possible—is it not probable—is it not a fact—which will appear on a close investigation in the departments, from the accounts, that the expenses have been much increased by the removal of faithful and competent district attorneys, and the appointment of young or incompetent officers? of district attorneys who have involved the United States in great and unnecessary expenses? in groundless prosecutions? or from their inability to defend the interests of the United States? or in large sums paid for assistant counsel, to aid these new district attorneys? It is well known that almost every district attorney has been removed, or a new one appointed on the expiration of his term, since the commencement of this administration! Connecticut has furnished one example of the removal of an able and excellent officer. It will be recollected that an attempt was made to postpone his nomination, with all others, during the last session, in the late administration, which failed—and he was appointed. I understand that at the first court after his appointment, and during the pendency of an important trial for the recovery of a penalty, the district attorney received a letter revoking his commission, which he stated to the court. The court, however, appointed him to manage the cause, and it has been said he made a most able argument, and recovered a judgment for the heaviest penalty which has been recovered in that State for many years!

It is notorious that the removal of clerks in the Executive offices, and the appointment of inexperienced officers, has caused much delay in the settlement of accounts, and greatly increased the expenses in those departments. The Senator took occasion, some time since, on a bill for the erection of barracks in New Orleans, to enter into a defence of this administration, to deny that the expenditures had increased; and endeavored to prove that, instead of any increase in the expenditures of the Government,

there had been an actual diminution in the expenses since the present administration came into power.

[Here Mr. SMITH interrupted Mr. FOOT, and said: "the Senator has made his speech to show that the district attorney in Connecticut has been removed"—and was called to order by the Vice President.]

Mr. FOOT resumed. Sir, the Senator may rest assured. I have other objects in view, and he will hear more on this subject of wasteful expenditure; and I call his attention to the statement which was made by me at the last session, taken from official documents, which he cannot controvert or deny, and which he may examine, and see if he can discover any mistake! The same statement is now before me, showing that the appropriations for all objects except the public debt, during the two first years of Jackson's administration, exceeded those of the two last years of the preceding administration by an amount of \$2,968,563 80; and of this excess \$1,283,039 95 was in the civil list! And, sir, I go further: the appropriations in 1829-30, were . . . \$52,157,522 18
Do. 1827-28, . . . 45,859,059 47

Making excess in the two last years, above the appropriation of the two preceding years of Mr. Adams's administration,	6,298,462 78
Deduct for public debt, balance in two last years over two first, . . .	1,572,519 56

Leaves an excess of appropriations in two last years over and above appropriations in the two preceding years,	\$4,725,943 17
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But, sir, it may be said, these are only the appropriations. This is true, sir; but we will now examine the actual expenditures in the same years; and the attention of the chairman of the committee, [Mr. SMITH], who has said that "this administration has reduced the public expenditures," is particularly invited to the statement drawn from the returns from the Treasury Department. [Here Mr. SMITH declared, "I will not hear." Mr. F. proceeded to state: If there is no mistake in the calculation, (and I can find no mistake,) it will be found that the actual expenditures of the two first years of Jackson's administration were . . . \$37,859,395 41
Similar expenditures in do. do. of Adams's, 35,475,521 65

Showing, in two years, that this "economical" administration of General Jackson actually expended more than Mr. Adams's, the sum of . . .	2,383,873 76
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And leaving a balance of the appropriation for those years to be yet accounted for, either for current expenses, which may increase the amount, or to be carried to the surplus fund, . . .	2,342,069 41
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Which, added together, will give the amount appropriated, . . .	\$4,725,943 17
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But, said Mr. F., this is not all: we are now called upon for an appropriation exceeding in amount the appropriation of the last year by \$371,092!

This is the boasted economy! this the retrenchment! this the promised reform! of this prudent and saving administration!! Sir, such retrenchment needs reform! Such reform needs retrenchment! And such economy needs both retrenchment and reform!

The Senator from Maryland [Mr. SMITH] complained a statement made by the Senator from Delaware, [Mr. CLARKE], which has been published in the National Intelligencer, which he admits wears rather an "ugly appearance for this administration;" but he says it embraces a favorable period, of only two years, in each administration.

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and to the prejudice of this administration, and that ought to have embraced the whole four years of each! It says there is a small mistake in that statement. Sir, I will give the comparative expenses for three years, in what has been called our diplomatic intercourse, during the administration of Mr. Adams, and of General Jackson, and General Jackson has been in office but three years!) and the Senator will find he has made a mistake of over 30,000. Instead of \$236,000, as he has stated it, the appropriation is \$270,156; he has not included one of the 3,000 contingencies!

appropriations for diplomatic foreign intercourse (if this is the term) in 1830, '31, '32,	\$694,656
same, in 1827, '28, '29,	467,500

Which makes the last three years' excess over the first three years, in our foreign intercourse alone, in recalling foreign ministers, and rewarding favorites,

\$227,156

But, sir, these are not the only expenses which, in my opinion, ought to be reduced. It will be recollected that one time since a resolution was offered by me, instructing the Committee on Finance to inquire into the expediency of abolishing the offices of Second Comptroller and Second Auditor. In looking at the "official" Globe, to which my attention was called this morning, it seems that the incumbent in one of those offices has charged me with something like coalition, or combination, to injure him! by proposing to abolish his office! On this subject, I have only to say that the incumbents are both unknown to me. They have been appointed under this administration. I never saw either of them, to my knowledge; and am very sure they know as little of me—when such a charge is made. But, sir, this is not the only attack which has been made on me for offering that resolution; and I shrewdly suspect I know the quarter from which it came. But, let it go for what it is worth! It is now twelve years since, as a member of a committee of the House of Representatives, then called by the Senator from Maryland the "radical committee," I made the same proposition in that committee; and my opinion on that subject remains unchanged, that these offices ought to be abolished. A single fact is sufficient to prove it. Previous to 1817, all the duties now performed by the First and Second Comptroller, and the Solicitor of the Treasury, (a new office, created two years since, involving an annual expenditure of \$10,000,) were performed by the First Comptroller alone; and the duties now performed by five auditors were then confided to one auditor and two accountants; since which, the war accounts have been settled, and the army reduced! My opinion was then formed on an actual inspection of the duties performed by each, and from having kept an account with the Treasury Department for about nine years before I had the honor of a seat in Congress; and my full belief then was, and now is, that, by a proper distribution of the labor in those offices, one-third of the present number of clerks might be dispensed with, and the public service would not suffer; and in this my opinion is sustained by another committee of the other House, to which I shall soon call the attention of the Senate.

The Senator from Maryland stated in this body, two years since, that "the radical committee" effected a reduction of expenses to the amount of three millions of dollars, "as the amount of receipts and expenditures would show." Sir, the Senator gives that committee too much credit. It is due to the present presiding officer, who was then Secretary of War, to state, that, for much of the success of that committee in reducing expenses, and for the system of accountability growing out of that investigation, we were greatly indebted to his voluntary and efficient aid; and the country owes him much for his

services. Sir, we need another "radical committee," to save three millions of dollars, to bring the expenditures of this administration back to the expenditures of former administrations.

The Senator, a few days since, on inquiry, informed me he had received a statement from the Treasury Department on the subject of my resolution; on my asking him for the perusal of it, he refused!

[Mr. SMITH here said, in an under tone, "I did, and you had no business with it."]

Mr. President, this refusal brought to my recollection, very forcibly, a remark made to me at my desk in the other House, (of which we were then members,) by that Senator, on the subject of the radical committee, and which at the time made a very deep and lasting impression on my mind. "What," said he, "do you radicals expect to do? You can do nothing, you are a new member! You do not understand treasury tricks! They will throw dust in your eyes."

[Here Mr. SMITH interrupted, and said "Not so; he had no recollection of any such remarks."]

Mr. FOOT resumed. If the Senator's memory has improved by age, perhaps I ought not to oppose mine to his; for he has been in use thirty years longer than mine, and let him have the benefit of this argument.

I will now call the attention of the Senate to a report from the Committee on Retrenchment, made on the 15th day of May, 1828, which has been circulated extensively through the country. I shall read a few paragraphs, which seem to me very appropriate; and although this committee found no abuses and no increased expenditure in that administration, the report contains some excellent sentiments as well as some predictions, which have been too fully and fatally fulfilled under this administration. The report proposes a reduction of unnecessary expenses in the administration of the Government. It fully sustains the views of the "radical committee" of 1821, and recommends the abolition of the offices of Second Comptroller and Second Auditor, as wholly useless. And the committee reported a bill for that purpose; to which bill I wish to call the attention of the chairman of the Committee on Finance, which committee now has that subject under consideration by a resolution of the Senate. But, sir, before I proceed to that report, let me say to the Senator from South Carolina, [Mr. HAYNE,] who, in reply to the statement of the Senator from Maryland, [Mr. SMITH,] on the subject of the barracks at New Orleans, expressed his firm belief "that the expenses" of the Government had increased nearly one hundred per cent. "since 1820," that I still hope he has not abandoned his intention of calling by resolution on the proper department for a detailed statement of the expenditures in those two periods, because there is no doubt on my mind but the statement of the Senator from South Carolina will be found much more correct than the estimates and calculations of the chairman of the Committee on Finance. The actual expenses! I do not speak of expenditures for great national objects; for the improvement of the condition of the country. Surely on this subject there is no cause of complaint against this administration. But that the expenses in the several departments, foreign intercourse, and in the increase of officers and agents of every description, to enhance the value of the "spoils of victory," have nearly doubled since 1820, I fully believe; and that the resolution proposed by the Senator will draw out full evidence of the fact, unless it should be evaded by "treasury tricks." But, sir, in consequence of the flourishing condition of the country, an overflowing treasury, and the regular reduction of the public debt growing out of laws and arrangements made under former administrations, and which this administration could not prevent, these extravagant and wasteful expenditures of the public money have not excited much interest, or aroused the public

SENATE.]

Expenses of Courts.

[APRIL 3, 18

attention, merely because the burden has not been felt in "direct taxation or in forced loans."

Mr. F. here read extracts from the report of the Committee on "Retrenchment," 3d page: "Your committee obtained information enough to satisfy them, that by a judicious system of reform, instituted by the Executive officers themselves, at least one-third of the present number of clerks in the departments might be reduced with safety to the public interest." "At present the public offices are not open for the discharge of public business, more than, on an average, four hours each day."

"State Department."—Page 4.—"Your committee are decidedly of opinion that the diplomatic relations of the country are in a state unnecessarily expensive," and "concur in opinion on the propriety of abolishing the fund called the contingent expenses of all missions abroad." Page 5.—"There are three distinct contingent funds, under the control of this department, 'one of the department, including expenses of printing,' &c.—one, 'contingent expenses of foreign intercourse'—one, 'expenses of missions abroad.'" Page 14.—On "appointing and compensating 'bearers of despatches,' they say, 'it is prone to degenerate into a species of favoritism, adverse to the public interest;' they 'apprehend it is little short of a convenient mode of sending favorites abroad, to travel for their pleasure, health, or instruction, out of the public coffers.'"

"Treasury Department."—Page 19.—"To introduce economy and despatch in this department, it will be necessary to simplify the forms of business, and to reorganize its subordinate branches. The various offices of the treasury were arranged on their present plan by act of 3d March, 1817, abolishing the accounting offices, and establishing an additional comptroller and four auditors, with clerks. This arrangement was temporary; so ought to have been its continuance. The war was just over, and its disbursements threw upwards of forty millions of suspended accounts into the treasury for adjustment; this amount has been reduced to two millions; and yet the same extensive and complicated machinery is still in existence."

Page 22.—The committee recommend a new organization of some of the departments, and that the offices of the Second Comptroller and one auditor be abolished. N. B. They reported a bill for this.

Page 23.—They "consider the power of the Secretary of the Treasury to appoint examiners of the land offices as 'liable to great abuse.'"

"War Department."—Page 26.—The committee "express surprise, that while the business has greatly decreased, the number of clerks has not been reduced."

But, sir, in all this, no abuses are found in Mr. Adams's administration! The only complaint is, that the expenses have not been reduced! No complaint of increased expenses!!! They were not increased.

Page 34.—Executive patronage of the press.

Mr. F. here called the particular attention of the Senate to this part of the report. Sir, in this extract will be found sound doctrine and "sure words of prophecy!" which we have seen too fatally verified! It ought to be printed in letters of gold! suspended in both Halls of Congress, and spread before the whole nation!

"When your committee look at this amount of patronage, placed, without control or responsibility, in the hands of the Executive, or in those of the subordinate chiefs of his departments; and when they reflect on the moral mechanism upon which this patronage acts with a power that seems irresistible, they would deem their duty very inadequately discharged, if they did not propose some remedy for abuses already existing, and essentially liable to be augmented. Your committee will not stop to argue what they predicate as an undeniable fact, that, by the employment of the expenditures of the contingent funds of the depart-

ments, a Government press is, to all intents and purposes effectually established; as much so, as if there were annual item in the appropriation bill for the purpose purchasing the joint and harmonious action of one hundred papers in the uncompromising vindication of those power, and in the unsparing abuse of those who are not. The danger which assails the freedom of the press through the insinuation of this species of influence, is far more serious than any star chamber code of pains and penalties! "This pecuniary censorship of the press must end in utter prostitution to an indiscriminate support of the acts of the Government, however injurious to the rights and interests of the people!!!" Is not this prophecy literally fulfilled? "Believing that no administration, if it be wise, virtuous, and patriotic, requires the aid of a Government press—and if it be not, that, precisely for that reason, ought not to have it—your committee proposes, as far as practicable, the abolition of this branch of the Executive patronage."

Has this patronage been reduced? What is the present condition of the press? Here I leave the subject.

The question being put, the amendment was adopted by yeas and nays, as follows:

YEAS.—Messrs. Benton, Bibb, Buckner, Dallas, Dickerson, Dudley, Ellis, Foot, Grundy, Hendricks, Kane Knight, Mangum, Marcy, Robbins, Robinson, Smith Tipton, White, Wilkins.—20.

NAYS.—Messrs. Bell, Brown, Clayton, Ewing, Foxsyth, Frelinghuysen, Hayne, Hill, Holmes, Miller, Moore Prentiss, Ruggles, Seymour, Tazewell, Tomlinson, Troup Tyler, Webster.—19.

The amendment increasing the appropriation for foreign and diplomatic intercourse was explained by Mr. SMITH.

Pending the consideration of the amendment, a debate, involving a comparison between the expenditures on this head, by the present and past administrations, was carried on between Mr. SMITH, Mr. FOOT, Mr. CLAYTON, Mr. HOLMES, Mr. WEBSTER, Mr. MARCY, and Mr. CLAY. It was not, however, an inquiry into the amount expended by the respective administrations, which gave rise to the subsequent discussions of the subject. It was a remark thrown out by Mr. MARCY towards the close of the debate of to-day, namely, that it was not the amount of money expended by the last administration in foreign intercourse, which was the charge against it; but that it did nothing for the money—effected no good for the country with the expenditure. Mr. CLAY, in a few remarks, pointedly controverted the correctness of this allegation, and asserted, that so far from having done nothing, the last administration had concluded more treaties here, at the seat of Government, with foreign Powers, than any preceding administrations of the Government, perhaps all of them together, and adjusted more long standing difficulties and disputed questions with foreign Governments. Other gentlemen also joined issue with Mr. MARCY, and contributed to the debate which followed on subsequent days.

TUESDAY, APRIL 3.

The resolution yesterday submitted by Mr. HOLMES was considered and agreed to.

The resolution yesterday submitted by Mr. POINDEXTER, discharging the Committee on Manufactures from the further consideration of the subjects referred to it on the 22d instant, was taken up, but laid on the table on account of the absence of the mover from his seat.

On motion of Mr. MOORE, the Senate resumed the consideration of the bill supplementary to the several acts for the sale of the public lands—the question being on the motion to concur in the second amendment made by the other House. After some discussion, in which Messrs. MOORE, EWING, HOLMES, and KING, took part, the motion to concur was adopted.

JULY 3, 1832.]

Foreign Intercourse—Colonial Trade.

[SENATE.]

FOREIGN INTERCOURSE—COLONIAL TRADE.

The Senate resumed the consideration of the general appropriation bill—the question being on the amendment reported from the Committee on Finance, allowing 4,500 dollars for the expenses of the return of ministers from France and England.

Mr. SPRAGUE, of Maine, rose, and said: The gentleman from New York, [Mr. MAMCZ], dissatisfied with the result of a comparison of the expenditures of the late and present administrations, has resorted to the substitution of a new one. What has been accomplished in our foreign intercourse, is the question upon which he challenges discussion. He has selected his ground, and thrown down his gauntlet. It was immediately taken up by the gentleman from Kentucky, [Mr. CLAY], who at once, briefly, but satisfactorily, exhibited the superiority of our former Executive. We are called upon to pursue the subject further, and I shall do so by advancing, at once, to what its friends have reckoned as the proudest of their diplomatic achievements, the triumph which has been trumpeted, echoed, and re-echoed, from the ocean to the mountains—the arrangement of the colonial trade with Great Britain. This exploit has enveloped this administration in such a blaze of glory, that it may be thought to require the hardihood of the fire-kings himself to approach its flames; but the breath by which it has been fanned, has too little of vitality to impart either intensity or duration. The note of exultation, which was raised, lost much of its effect upon reflecting minds, when it was perceived that these praises were rung in advance, before the work was seen, or its character known; and, of course, were to be deemed only as incense to its authors. Information that some agreement had been concluded, reached this country on the 3d of October, 1830. Immediately the loud acclaim of triumph was reverberated to the extremities of the Union. But the terms and conditions of the arrangement could not be ascertained for months afterwards. Indeed, the British order in council did not issue until November, and the communications containing the agreement were never submitted to the public till the month of January following. Nay, so little solicitous were many as to the character of the agreement, that they not only never examined it, but knew not in what documents it was to be found. Even during the present winter, leading, important public journals, and among them the Richmond Enquirer, have demanded, why did the Senate ratify the treaty under Mr. Van Buren's objectionable instructions? Again, the Trenton Emporium asserts that the treaty was unanimously ratified by the Senate, and this language is copied into the paper *i. e.*, at the seat of Government, and diffused throughout the country; while we all know that no treaty ever existed, the arrangement having been formed by diplomatic letters, which were not submitted for the approbation of the Senate.

I regret to say that the delusion, thus propagated, is likely to be strengthened by a letter, recently published, under the signature of the President of the United States, in relation to the vote of the Senate upon the nomination of Mr. Van Buren, in which he says that the negotiation which had been successfully terminated had previously received the sanction of both Houses of Congress. What must be the surprise of the people, when they learn the fact, that, since the termination of that negotiation, there has been no vote, no action upon, no sanction of it, by either House of Congress.

If reference was had to the act of May, 1830, it should be recollected that its passage was anterior to the conclusion of that negotiation, and its provisions were so entirely independent of prior instructions, that every member might have voted for the former, while he condemned the latter; that there was indeed no reference to them, either in the act itself, or the report of any committee. The same letter attributes the action of the Senate to motives

“for interrupting an important foreign negotiation.” I shall make no comment upon the indignity thus offered to a branch of the National Legislature, unprecedented and unparalleled as it is in the history of this Government. I leave it to the Senate and to the people.

The President's communication indulges not a little in self-glorification, at having closed a contest which had been carried on ever since our national existence. But how has it been terminated?—By a glorious triumph or an inglorious surrender?—By a victory or a defeat? That is the question. Mr. Herries, in the British Parliament, after describing it as one of the longest and most interesting of national controversies, announced that it had been brought to a close, and that “America had entirely and unconditionally withdrawn all her pretensions.”

This language aroused within me indignant American feelings. What! this commercial warfare, waged in our infancy, in weakness and depression—persevered in with firmness, to years of strength and manhood—now, in our high and palmy state, terminated by an unconditional surrender! I could not believe it. It must be the arrogant assumption of a vaunting minister of Britain. In other contests, those of arms, her commanders had represented disaster as success; defeat as triumph. She had, in mimic war, upon the Serpentine river, exhibited, as a holiday show, the surrender of American to British ships; while we, in fierce encounter, upon the lakes and upon the ocean, had presented to the world the spectacle of the proud cross of St. George bowing in submission to the glorious star spangled banner.

As I then turned with joy to American authority, to correct the misrepresentations of our enemies, so I now reverted with hope to our own envoy, to examine the representations which he had made at the court of St. James. I found, sir, that he presented to Lord Aberdeen our statute of 1830 as the basis of an arrangement. I was anxious to learn what was his construction of its provisions, his conception of its scope, and the spirit in which was to be exercised the discretion, vested by the American Congress, to vindicate our interests and our honor. I was astonished—I was humiliated, to find that, upon its presentation to the British Government, he characterized it in the following language: “It concedes in its terms all the power in the regulation of the colonial trade, and authorizes the President to confer on British vessels all those privileges, as well in the circuitous as the direct voyage, which Great Britain has at any time demanded or desired;” and that Mr. Herries had, in effect, but repeated the declarations of our own minister. Still I would not despair, but turned with hope to the arrangement itself, trusting that its terms and conditions had not been fairly delineated in that sweeping concession of our agent.

This examination, to be thorough, must necessarily be laborious; and I have no inducement to pursue it, except the importance of the subject to the country at large, and especially to my own State. Maine, with less than a thirtieth of the population, has about one-eighth of the tonnage of the United States. Indeed, there are but two States that exceed her in amount, and those the powerful and ancient commonwealths of Massachusetts and New York; and, while they have other paramount manufactures, her navigation is the great interest most likely to be seriously affected by the national councils, and to which, therefore, her representatives should at all times be studiously attentive.

Mr. President, for what was this contest originally waged, and so long maintained? What was its object? The prize contended for? I answer distinctly and emphatically, the carrying trade—and that alone. The British have always been not only willing, but anxious, for our produce, if it could be transported in their ships. Indeed, the decrees of nature, their climate and geographical position, and their artificial institutions, particularly that of

involuntary servitude, carried to such an enormous extent that more than seven eighths of the whole population are slaves, render them essentially dependent upon the productions of the United States for their prosperity, if not for their existence. All experience has shown that they must have our supplies. Not less than fifteen thousand persons died of famine in the island of Jamaica alone, during the five years that followed the peace of 1783, owing to British regulations embarrassing the transmission of our produce. And it is most curious and instructive to observe, that whenever we have restrained or interrupted this intercourse, they have been compelled, in order to open new channels, in which it might flow to their relief, to relax the rigor of their colonial system, which utterly excluded American vessels. In December, 1812, we laid a universal embargo; and in June following, Great Britain opened the ports of their Northern provinces to our vessels. In 1812, we declared war, and forthwith she opened to us the island of Bermuda, thus allowing to our navigation, *flagrante bello*, in raging war, that trade which she refused in time of peace. After the treaty of 1815, she again resorted to her system of rigorous colonial occlusion, and we, by the act of April, 1818, retaliated by the exclusion of her vessels from the trade so prohibited to us; and immediately on the 8th and 27th of May following, she, by act of Parliament and order in council, opened the ports of Halifax, in Nova Scotia, and St. John's, in New Brunswick, to American vessels.

In addition to these illustrations of their necessities, it should be remembered that, during the whole period of these restrictions and prohibitions, from the adoption of the constitution to the present day, the Governors of the different islands have, from time to time, been compelled to open their ports by special proclamation to the vessels of the United States with American produce. These dispensations have not been rare, but frequent, repeated, and reiterated, owing to periodical convulsions of nature, and other causes.

Indeed, we have had a recent instance. During the last season, the island of Barbadoes, in particular, was visited by a hurricane, leaving such destruction and desolation in its path, that it was necessary to invite timely relief by all practicable means; and, in accordance with former usage, the British laws imposing duties and charges upon American lumber and certain other articles, in American vessels, were suspended until the 1st of March last.

This temporary dispensation of onerous imposition deserves the more particular notice, because the success of certain voyages, consequent upon it, has been most erroneously attributed to the recent diplomatic arrangement, thereby extending a delusive idea of its benefits, when the hurricane itself might as well be ascribed to its influence. Indeed, our vessels would have derived greater advantage from that dispensation of Providence, and consequent relaxation of British law, if the arrangement had never been made; because, under it, British vessels participated in the transportation, while, without it, ours alone would have enjoyed it, to the exclusion of others. This will be readily understood, when it is recollected that, before this agreement was concluded, the legislation of the two countries reciprocally excluded the vessels of each from the waters of the other. These gubernatorial proclamations and dispensations of British laws opened their ports temporarily to us, but could not suspend our inhibition of British vessels.

With the West India colonies of other nations, Swedish, Danish, French, Dutch, and Spanish, we have long enjoyed, without controversy, a free and uninterrupted commerce; they being content that the transportation should be almost exclusively in American vessels, as the legitimate fruits of our nautical enterprise and geographical position, of which Great Britain alone seeks to deprive us. And this she does in accordance with the two great lead-

ing features and objects of her navigation system, commenced by the Rump Parliament, confirmed in the reign of Charles II, and extended and perpetuated by numerous subsequent enactments, viz. first, to strengthen herself by monopolizing as much of the carrying trade of the world as possible; secondly, to weaken her rivals by diffusing the residue among the minor maritime Powers, so as to prevent any one from engrossing any considerable portion of it. And of all nations, the United States is the rival in navigation and maritime power, whom she most dreads, and is most anxious to depress.*

The great commercial statesman of Great Britain (Mr. Huskisson) has declared that the first blow to her policy was given by the United States. And it is true. We struck the first blow to her colonial system, by our declaration of independence; the first blow to her navigating policy, by countervailing laws; and the blow which dissolved the charm of her boasted invincibility upon the ocean, by the splendid and transcendent triumphs of the late war. In this our long, protracted contest for the carrying trade, she has been stimulated by the double motive of extending her own shipping interest, and repressing ours. It was commenced immediately after the acknowledgment of our independence; and was animadverted upon in the continental Congress of 1784, as a cause for conferring additional powers upon the confederation, in order to maintain it on our part with success. In the first Congress, in 1789, Mr. Madison declared that he would meet interdict with interdict, "until we should be allowed to carry to the West India islands, in our own vessels, the produce of America, which necessity compels them to take." And President Washington, in his instructions to Mr. Morris, in the same year, says, emphatically, "Let it be strongly impressed on your mind, that the privilege of carrying our own productions in our own vessels to their own islands, and bringing in return the productions of these islands to our own ports and market, is regarded here as of the highest importance; and you will be careful not to countenance any idea of our dispensing with it in a treaty."

The twelfth article of Jay's treaty, which related to the colonial trade, was expunged by the Senate as utterly inadmissible. To this succeeded the wars of the French revolution, followed by hostile orders in council, injurious decrees, and illegal practices, harassing to our commerce, and destructive of our rights, and producing on our part non-intercourse, embargo, and war. The peace with Great Britain was followed by the celebrated commercial convention of 1815. And the colonial trade was in express terms excluded from its operation.

Immediately thereupon, Great Britain closed against us those ports in the West Indies, which had been opened to our vessels during the war; thereby endeavoring not only to monopolize to herself the carriage to the colonies, but also to secure a decisive advantage, in the direct trade, with the British European possessions, by means of the triangular voyage, by which she attained a triple freight; one from Great Britain to the United States, another from hence to the West Indies, and a third thence to England; whereas, before, she could enjoy but one, that of the ponderous and bulky produce from the sugar colonies to the parent country; her ships being compelled to sail in the outward voyage in ballast only. Measures of counteraction were immediately resorted to in pursuance of the suggestions of Mr. Madison's message of December, 1816. Negotiations were attempted in 1817, 1818, 1819, 1824, and 1826, without success. Both countries had recourse to separate and counteractive legislation—the United States by the statutes of 1817, 1818, 1820, 1822, and 1823; and Great Britain by acts of Parliament of 1822 and 1823, interspersed occasionally by royal orders in council, and

* See Huskisson's speeches.

APRIL 3, 1832.]

Foreign Intercourse—Colonial Trade.

[SENATE.]

Presidential proclamations: until the trade was interdicted by each, in the vessels of the other, through their order in council of 1826, and the President's proclamation of 1827, issued in obedience to the express requirement of the acts of Congress. These prohibitions continued until the arrangement of Mr. McLane, in 1830. Whoever will read this part of our legislative and diplomatic history with attention, will perceive that the great paramount object for which the parties were contending, and which they kept constantly in view, was the carrying trade—the British struggling to secure undue advantages to their shipping, and we demanding a participation upon equal terms.

All their devices, expedients, and propositions, when rightly understood in their practical operation, will be found to have been adapted to this end. Knowing that we never would consent to their monopolizing the direct transportation, their purpose was to give the trade a circuitous direction through their Northern provinces for the island of Bermuda, near our coast, in British vessels, to the exclusion of American. To accomplish this, they at first, in 1817, proposed to reserve to themselves the right to vary their imposts upon our productions at pleasure, in different colonies, so that the same articles might be made to pay a higher rate of duty when transported directly in an American bottom, than when circuitously in a British. This we firmly and decisively resisted, and the British, in the negotiations of 1818, expressly and unqualifiedly abandoned it. It was relinquished, too, by acts of Parliament of 1822 and 1825, and never renewed until the negotiations of Mr. McLane, in 1830. We at one time insisted that our produce should not be taxed higher in the West India islands, than similar articles the productions of the Northern provinces or other British dominions. This has been denominated the "elsewhere" principle which was incorporated into the act of 1823, but which was subsequently waived by our Government in 1826.

The next expedient was to make an enumeration of certain articles to be carried to the West Indies; another and longer list to be transported to Bermuda; and yet another, more important, to be admitted to their Northern provinces only. In this we could not acquiesce, and occlusion of the ports was the consequence. They were opened by the agreement of 1830.

What are the terms and conditions of that arrangement? What power does it concede to Great Britain? And, first, as to the

TRANSPORTATION OF AMERICAN PRODUCE TO THE WEST INDIES.

The British have the power to impose duties, without limitation, upon American productions: to vary the same at pleasure in every colony, assessing different amounts in different ports; and when once received, to naturalize and treat them as their own, in subsequent transitions: and their vessels have the whole transportation from colony to colony, the American being utterly excluded.

Thus, upon a barrel of flour, passing from the United States to the West Indies, may be imposed a duty of one dollar or a thousand dollars: while the same may be carried to the Northern provinces of Nova Scotia or New Brunswick, and be there received without imposts, and thence imported to the West Indies duty free. And so of every other article. The consequence is, that an American vessel, laden at any port in the United States with flour or any other produce, destined for the West Indies, whatever be her route, and whatever places she may have touched, must, at her port of discharge, pay the whole amount of duties which the British please to require, whether it be one or one hundred thousand dollars; whilst a British vessel, with the same cargo, by merely touching, and taking a clearance, at Campo Bello or Halifax, may be wholly exempted from her duties on her arrival in the West Indies.

By the unrestrained use of this instrument, the graduation of duties, the British may, as with a magic wand, direct, change, or stop the current of trade at pleasure; they have as complete control over it, as of water from a reservoir conducted through artificial tubes, to which they alone hold the keys. Do they wish to stop the direct trade as to all articles in American vessels? Erect an impassable barrier of duties upon every thing. Do they wish to cause the current to flow, in British bottoms, by the way of New Brunswick or Nova Scotia? Remove the obstruction of imposts in that direction only, and its course will run freely. Or they may allow a part to pass in one direction, and force the residue in another. They may select a list of articles for the West Indies, another for Bermuda, and another for the Northern provinces. This power is full, complete, and unlimited. We may be assured that they will exercise it, from time to time, as experience of their interests may dictate, and as our endurance shall tolerate.

Sir, they have began to exercise it already, by the act of Parliament of 22d of April, 1831, the design of which cannot be misunderstood. Under its enactments, wheat, flour, beef, pork, hams, bacon, wood, and lumber, when imported into the West Indies through their Northern provinces, and, of course, in British vessels, pay no duty; while the same articles, by other acts, when passing directly from the United States, in which alone our vessels can participate, are oppressed with imposts, as follows: flour, five shillings sterling the barrel; beef and pork, twelve shillings sterling the hundred weight, wood and lumber, one pound eight shillings the thousand feet. The same act of 1831 has imposed additional duties, in the direct trade, upon staves and headings, from seven shillings and three pence to eleven shillings and three pence; and upon white or yellow pine lumber, from five shillings to seven shillings sterling.

We see the effects, even in the short time which has already elapsed, and they will become more and more alarming by future developments.

The trade, instead of being direct in American bottoms, as it ought to be, is circuitous in British, as it ought not to be. Look at the official document just laid upon our table, which presents statements for the year next following the arrangement, during which our exports to the British American colonies on our borders were, in value, four million sixty thousand eight hundred and ninety six dollars, and our imports from the same only eight hundred and sixty-four thousand one hundred and eighty-nine dollars; while to the British West Indies our exports were only one million four hundred and forty-one thousand seven hundred dollars, and our imports one million two hundred and eighty-four thousand six hundred and seventy-eight dollars. The great mass of these exports to the Northern provinces were carried thence in British vessels to the West Indies, or other distant possessions of Great Britain, for which they were originally destined. And, even in the short voyage, from the United States to the adjacent provinces, separated from us only by an imaginary line, the British tonnage has exceeded the American, the former being eighty-three thousand and fifty-five, and the latter but sixty-six thousand eight hundred and five.

But if the present enactments should not accomplish all their purposes against our navigation, they may increase the disparity, and enhance their advantages at pleasure. The whole magazine of legislation is open for the selection of their weapons of attack, while we have laid down our arms, and divested ourselves of the panoply of defence.

And what aggravates still more these bitter fruits of our recent diplomacy, is the fact that we have, heretofore, not only sternly refused to permit our opponents to hold this controlling power of taxing our produce higher in the direct than in the circuitous voyage, but the British

themselves, in the negotiations of 1818, unqualifiedly surrendered it, and never presumed to claim it afterwards, until it was conceded to them in this arrangement.

How can this sudden submission to a long abandoned British pretension be accounted for? Only by the eagerness of our negotiators to swallow any thing and every thing that was baited with the name of arrangement. This recklessness was so great, that our minister at London did not even read the negotiations of 1818, which followed our act of that year, accompanied the renewal of the convention of 1815, and were so important, that two negotiators on our part, Mr. Gallatin and Mr. Rush, were associated; and in which the British made this unqualified abandonment; nay, he did not even possess the documents which contained them, although they had been printed for more than seven years. We learn this from his own letter of the 14th March, 1831.

Sir, we not only refused to permit our produce to be taxed higher in the direct than in the circuitous voyage, but we at one time insisted that it should be subject to no higher duties than similar articles the productions of their own dominions. This latter has been denominated the "elsewhere" principle, and has been attempted to be confounded with the former, from which it is widely different. It was incorporated into the act of 1823, by the use of the word "elsewhere," was insisted upon in Mr. Rush's negotiations of 1824, upon which point alone they broke off, and was subsequently waived through Mr. Gallatin, in 1826. But the principle, that our produce should be taxed no more directly than circuitously, that is, when transported in our own vessels, than when in British bottoms, has never before been, for a moment, yielded by us, but was expressly conceded by Great Britain, not only in the protocols and basis of 1818, but her acts of Parliament of 1822, and the still more celebrated one of 1825.

But Mr. McLane, to console us for this unlimited concession of power, says that we have "a safe guaranty against an excessive" exercise of it.

In what does it consist? Where is it to be found? In the interests of Great Britain alone! The increase of duties, says he, will fall upon the planter. And is this an argument to be addressed to freemen? Might not the slave say, it is for the interest of my master to treat me kindly? But who would therefore submit to uncontrolled dominion? The interests of Great Britain! What are they? Her darling primary interest is to depress our marine, and elevate her own. In commerce, in navigation, in naval power, and maritime pretensions, says Mr. Huskisson, the United States are our most formidable rival." The present Secretary of State would have told him, as he did in 1827, that, "provided the islands could get supplies, England cared not for what price, so it was a means of increasing her navigation." * * * "This being the avowed policy of Great Britain, the question is, says Mr. Livingston, whether we shall play into her hands." Yes, says Mr. McLane, because of this "safe guaranty," the interests of the planters! But where is even this miserable security, when we see that however enormous the duties in the direct, they may be nothing in the circuitous trade, and when we know, too, that the imposts are paid into the colonial treasury, for the benefit of the planters themselves?

I turn now, sir, to another description of merchandise—

FOREIGN PRODUCTIONS.

How stands the arrangement as to them?

Do the vessels of the two countries enjoy equal rights and equal privileges?

Sir, will it be credited by the people of this country, that, as to the whole class of foreign articles, British vessels may take all of them at pleasure from the United States to the colonies, while an American vessel is absolutely prohibited from transporting any! A British and

an American ship shall be lying side by side in the port of New York, for example: the former may make up an assorted cargo of American produce, and debenture goods of all kinds; while, if the latter take a single article beside our own productions, she is liable to seizure and condemnation the moment she enters British waters.

Need I dwell upon the advantages which this concession gives to our rivals? The importance of the privilege of assorted cargoes, in the West India trade, is understood by every merchant's clerk who has ever entered a counting room. Mr. McLane himself acknowledged it in 1850, when he declared that the trade through the Northern colonies was diverted into that channel, instead of the neutral islands, by the greater facilities of making up "assorted cargoes."

It moreover yields to our rival new advantages in the triple voyage. English vessels may now take a cargo from Great Britain to the United States; sell the whole or a part only here, as the state of the market may invite; fill up either with American or foreign productions; proceed to the West Indies; sell the whole or a part only there, as interest may dictate; take on board colonial produce or other merchandise; and sail for Great Britain or her dominions. While an American ship, starting from the same point, is at liberty indeed to take a cargo from England to the United States, but not to carry one article of that cargo, or of any other foreign merchandise, to the West Indies, nor to transport any thing from the colonies to Great Britain.

How far this advantage may enable our rival to overpower our navigation, in a competition for the direct trade, remains to be developed by experience. If the result should be decisive in their favor, and their navigation can monopolize the whole directly, they may not exercise the power they possess to force it through other channels; for their object will have been attained. They can try this experiment with safety: for, if they do not succeed, resort may be had to their full power of substituting the circuitous transportation.

The quantity of foreign goods which would be shipped to the British West Indies in an open commerce, is not inconsiderable. The actual amount cannot be accurately ascertained, by reason of past restrictions and embarrasments. To the Danish islands we sent alien merchandise, in the year 1829, to the value of \$282,401, and in 1830, of \$220,723; and to Cuba, in the same years, \$1,859,626, and \$1,477,675; to which island, the amount, in other years, has considerably exceeded two millions.

What apology does our negotiator offer for yielding this discrimination in favor of British ships? He says, "I am not aware that the restriction of the right of importation into the colonies, to articles of American produce, was at any period seriously objected to by our Government." True, sir, provided British vessels were also restricted. We have uniformly insisted upon equality in navigation—the vessels of both to be confined to the same commodities; and the British have not, in our former negotiations, had the effrontery to ask for this gross and palpable partiality in favor of their navigation. In the negotiations of 1818, at the fifth conference, they offered a project, stipulating that British American vessels should have equal rights of importation from the United States into the West India islands, and confining both to the same articles—the produce and manufacture of the United States. Our envoy ought to have understood that it was not the restriction of our ships to our goods merely, but the greater liberty allowed to the British, the injurious difference, that we should earnestly resist. As matter of fixed principle, we should never, for an instant, tolerate an injurious distinction in favor of a foreign against our own flag.

But our negotiator thought otherwise. He says that "the difference, in this respect, between the American

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and British vessels," if we allow it to continue, "cannot be an object of much importance in any point of view." "It will generally be our interest, as it is that of every other nation, to allow the exportation of its surplus foreign produce in the vessels of any other country." Ay! and to confine such exports to foreign bottoms, in exclusion of our own? Is this for our interest? And is it not still more for our interest to send our own produce to a market, than that of foreigners, and, of course, to consent that alien ships alone should transport it? What a conception does this exhibit of the great navigating interest of the country, and of the spirit and object of our whole debenture system! Why do we encourage the importation and exportation of foreign goods for the benefit of drawback? Is it not to give employment to our navigators, ship owners, and merchants?

But, sir, the gravest, the most solemn ground of complaint against this discrimination in favor of British vessels still remains. It is the

VIOLATION OF THE ACT OF CONGRESS OF 1830.

By the first section, the President is authorized to issue his proclamation, repealing our acts of 1818, 1820, and 1823, and opening our ports upon certain conditions, and upon those conditions only. One of them is in these words: "That vessels of the United States may import into the said colonial possessions, from the United States, any article or articles, which could be imported in British vessels into the said possessions, from the United States."

Now, sir, so far from there being any evidence that an American could import every article which a British vessel might, the proof was plenary, as we all well know, that the whole class of foreign goods are prohibited in the former, and allowed to the latter.

Here is the law, and here stands the fact. Ingenuity cannot evade, and I doubt whether effrontery can deny, the incompatibility.

This modification of the act, this Executive repeal of one of its clear and positive provisions, has been called construction! And let us see the reasons which have been assigned for such a stretch of power. I will examine them all. They are embodied in the President's message of January, 1831, in which he says he does not suppose "that the omission to restrict, in terms, the importations to the productions of the country to which the vessels respectively belong, was intentional," for three reasons.

Here, it seems, the President was advised that there was an omission in the act, and he undertook to supply it by imposing restrictions which confessedly Congress had not, and assigns his reasons for this assumption of legislative power. First. That this enactment is inconsistent with "the propositions previously made by this Government to that of Great Britain, and which were before Congress at the time of the passage of the act." The fact of such inconsistency does not exist; but suppose it did. Is it to be tolerated, that, if we make a law at variance with Presidential recommendations, and send it to him to be executed, he shall alter, change, and modify, till it conforms to his own pre-existing views? Why might he not as well have made the law without our intervention? Why send his propositions here, if Congress are not to be supposed capable of dissenting from them?

The second reason is, that it is at variance with "the principles which govern the maritime legislation of the two countries." What! requiring that our vessels should not be subject to an injurious distinction in aid of the foreign, incompatible with former laws, when we all know that the object and aim of all those enactments was to give advantages to our own over their rivals! And there is not, in our whole history, a single enactment that countenances this partiality to alien ships. But if there were,

could we never change it? And if the National Legislature should pass an act to destroy previous inequality, is the President to refuse to execute it, because it is a new law? But it is not in accordance with British legislation! Indeed! and is an American Chief Magistrate to make a statute of the American Congress bend and break before an act of the Imperial Parliament? These two reasons, if reasons they can be called, are the same as were assigned by Mr. McLane to the late Secretary of State.

But the writer of the message has discovered another, entirely new, that had never even occurred to our negotiator. It is, that this enactment, as to the transportation to the West Indies, is inconsistent with "the provisions of the existing commercial treaty" with England!

That convention not only does not embrace any part of the colonial trade, but, in express terms, wholly excludes it.* But suppose the fact were otherwise. The President is authorized to issue his proclamation when a certain condition shall have been previously performed; he thinks such performance incompatible with a treaty. What is he to do? Issue his proclamation in despite of the condition, as if it never existed? assume an absolute authority which has never been conferred? No! but assign that as a reason for not issuing the proclamation.

Mr. Van Buren, also, has assigned a reason or apology for disregarding this enactment. That I may be sure to do him no injustice, I will quote his very words, from the letter of 5th October, 1830, in which he transmits the proclamation, assures Mr. McLane that the "construction" of Lord Aberdeen and himself had been "adopted without reserve," and adds—

"The President has derived great satisfaction from the candor and liberality which has characterized the conduct of his Majesty's ministers throughout the negotiation, and particularly in not suffering the inadvertencies of our legislation, attributable to the haste and confusion of the closing scenes of the session, to defeat or delay the adjustment," &c. &c.; and he is subsequently directed "to make his Majesty's Government acquainted with these sentiments."

"Inadvertencies!" What should we say if the judiciary dared to set aside a law, on the assumption that Congress knew not what they were about when it passed? Inadvertencies! Yet this provision was in the bill of 1827, which passed the House of Representatives, is the same as Mr. Madison's proposition in 1790, and Mr. Clay's construction in 1826, and was contained in this act of 1830, when originally reported by Mr. Cambreleng, and which Mr. Van Buren himself, when communicating it to Mr. McLane, in June, 1830, characterized as a "solemn public movement on our part;" yet, afterwards, lays the same at the foot of the British throne, thanking his Majesty for concurring in a disregard of its enactment, and offering, in excuse for its "inadvertencies," "the haste and confusion" of the National Legislature. What language is this for an American statesman; and what a picture is here to be exhibited to the eye of British royalty, of the dignity and deliberation of a republican—an American Congress! Thank heaven, it has no precedent or parallel in our history. I will do Mr. McLane the justice to say that he did not exhibit to the English Government its most offensive parts; his own feelings must have recoiled at being the medium of such a communication.

Having considered the power which our rival possesses to control the exports in the colonial trade, I will now examine it as to the imports; and, first, of

WEST INDIA PRODUCE.

The British have the power, by laying export duties in the islands, and varying them at pleasure, to give such

* See article second of the convention, which is direct and unequivocal.

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a direction to the transmission of their productions as experience of their interest may dictate. They may erect an insuperable barrier of such duties in the direct trade to the United States, in which alone our vessels can participate, and leave it free and unobstructed in British vessels, by the circuitous route of the Northern provinces; for it is to be kept in remembrance that an American bottom is not permitted to carry their produce from colony to colony. Such export duties have heretofore existed in some of the colonies. This right was formerly refused to Great Britain, by the administration of Mr. Monroe; and the acts of 1820 and 1823 guarded against it, by requiring importations of colonial produce to be direct from the island of which it was the growth.

PLASTER OF PARIS.

The trade in this article has been of much importance to Maine. It is dug from the earth in the provinces, and from 100,000 to 150,000 tons are annually imported into the United States, giving employment to a large amount of tonnage, which we have heretofore enjoyed almost exclusively, but which, under this arrangement, the British can, at their option, entirely monopolize. The contrivance by which this is to be accomplished, is simple, but effectual. To give a show of reciprocity, our vessels are admitted into the provinces; but then they are restricted to what are called free ports, such as Halifax, St. John's, and St. Andrew's; while British vessels are subject to no such limitation, but are at liberty to go to all others. The places at which the plaster is dug are not at the free ports, and their vessels may take it from the quarries, and transport it to any part of the United States; while, to reach our vessels, it must first be carried to the free ports, at an expense of seventy-five to one hundred dollars the ton, and there unladen and reshipped. Let me illustrate this. We have, at Hallowell, in Maine, near the village where I have the happiness to reside, quarries of the finest building material in the world—beautiful, ever-enduring granite. Suppose, sir—what, fortunately, is not true—but imagine that the provinces were our only market, as the United States is for their plaster; and that, to give the British a color of equality in the transportation, we should say, your vessels may take this granite, but you shall not go to Hallowell; you shall not enter the Kennebec river; you must seek for it at Portsmouth, Portland, or Wiscasset, while we take it direct to any and all your ports: would a British vessel ever transport a single cargo? Yet such is the advantage which we have conceded to them, as to gypsum, an article of which the freight exceeds the original value at the quarries, which indeed would be utterly worthless if we did not become the purchasers, and which they have, therefore, at former periods, permitted to be transported wholly in American vessels.

The same remarks are applicable, in substance, to the trade in grindstones.

Such is the power which this arrangement concedes to Britain, in the exportation to her colonies of American and foreign goods, and the importation of West Indian and provincial produce. It is full and complete, to the entire control of the navigation. How far she may carry the exercise of it, will depend upon our endurance. She will stretch the cord until there is danger of disruption. So long as we acquiesce, she will continue to advance; and, therefore, I now raise my voice against it. This very discussion may arrest her progress, or, at least, cause her to pause. She has already begun to use the lever which we put into her hands, and we see its effects.

In all competition with foreign navigation, upon equal terms, it is known that our republican industry, economy, skill, and enterprise, have given us decisive superiority. In the direct trade with Great Britain, we have had more than four-fifths of the transportation, and a still greater proportion in our commerce with other nations. I hold in

my hand a most instructive document, which I have prepared, to exhibit the proportion of American, British, and foreign tonnage, in our internal trade, from the years 1789 to 1830, inclusive; by which may be seen, at a glance, as at a thermometer, the elevation and depression of our navigation, and the effects of the comparative advantages which it enjoyed. In the most disastrous periods, at the commencement of the Government, during the late war, and, subsequently, while the English were enjoying the fruits of the triangular voyage, the proportion of foreign to domestic tonnage never exceeded forty-five and a half of the former to one hundred of the latter—that is, less than forty-six per cent., while, in our prosperity, it was frequently less than ten per cent. In our West India trade, the disproportion has been still greater, for the obvious reasons of our vicinity, the remoteness of parent countries, and the inaptitude of such a population as that of the islands to traversing the ocean.

STATEMENT I, showing the American and foreign tonnage engaged in the trade with certain West India islands and the British American colonies, from 1821 to 1830, both inclusive, with the proportion that the foreign bears to the American.

COUNTRIES.	Average Am. tonnage per ann. for ten years.	Average foreign tonn. per annum for ten years.	Proportion the foreign bears to the American.
Swedish West Indies,	12,421 5	452 6	3.72 per cent.
Danish West Indies,	42,128 5	887 4	2.10 "
British West Indies,	50,078 8	4,043 5	8.07 "
British Amer. colonies,	77,492 0	7,467 3	9.64 "
West Indies generally,	8,526 2	1,043 8	2.27 "

STATEMENT II, showing the quantity of American and foreign tonnage engaged in the trade with certain West India islands and the British American colonies, from the 5th of October, 1830, to the 30th September, 1831, with the proportion that the foreign bears to the American.

COUNTRIES.	American tonnage.	Foreign tonnage.	Proportion foreign bears to American.
Swedish West Indies,	6,284	493	7.34
Danish West Indies,	33,499	2,981	8.90
British West Indies,	36,440	16,937	46.47
British Am. colonies,	77,737	85,916	110.52
West Indies generally,	14,987	394	2.62

It thus appears that, from 1821 to 1830, inclusive, a term of ten years next preceding this arrangement, and from the 5th of October, 1830, to the 30th of September, 1831, the year succeeding it, the average proportion of alien to American tonnage, in the colonial trade, was as follows:

COUNTRIES.	From 1821 to 1830, foreign was to the American as	In 1831, foreign was to the American as
Swedish W. I.	3.72 to 100 less than 4 per cent.	7.34 to 100 more than 7 p. c.
Danish W. I.	2.10 "	8.90 "
British W. I.	8.07 "	46.47 "
Brit. Am. col.	9.64 "	110.52 "
W. I. generally	2.27 "	2.62 "

What answer has been given to these appalling facts? I will tell you: for the Secretary of the Treasury, in communicating this statement for 1831, seeing their force, has, in order to weaken it, sent us an extract from a letter of one of the collectors of the customs, in which it is stated that, from his port, a large portion of such American vessels as clear for the "West Indies generally," proceed, in fact, to the English islands. Be it so. Nay, suppose that to have been the destination of all such American vessels, and not of any of the alien; add all general clearances for the West Indies, on our part, to those for the British islands: how much does it vary the result?

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The amount of tonnage employed in that year, 1831, was—

With British West Indies,	36,440 Am.	16,937 foreign.
British American colonies,	77,737	85,916
West Indies generally,	14,987 say,	0
	129,164	102,853

It will then be one hundred and two thousand eight hundred and fifty three British, to one hundred and twenty-nine thousand one hundred and sixty-four American—more than seventy-nine per cent.; when, before the arrangement, the British had less than ten per cent.

But it is said that, although there may have been this enormous growth of British tonnage, yet there has been an increase of ours, also, in this trade. It would seem strange, indeed, if, after opening the ports, no more of our vessels should go to them than previously, and during the state of general occlusion; especially when such a measure takes away from us the transportation to the neutral islands, through which the supplies were before carried. And yet, for the same period of years, from 1821 to 1830, inclusive, during which there was no arrangement, and embarrassed, from time to time, by restrictions, counter legislation, and prohibition, the average amount of American shipping, in the trade with the English colonies, was greater than in the year 1821, and the British much less—as follows:

Average American tonnage per annum, for ten years—1821 to 1830.			1831.	
	Amer.	Foreign.	Amer.	Foreign.
British West Indies, - -	50,078	4,043	36,440	16,937
Do. American colonies, -	77,492	7,467	77,737	85,916
	127,570	11,510	114,177	102,853
West Indies generally, -	8,526		14,987	
	136,096	11,510	129,164	102,853

So that, for the loss of transportation to the neutral islands, we have not even the compensation of any positive increase of tonnage to the British ports. And of that which we have, more than two-thirds, as appears by the above statement, is merely to the Northern provinces on our borders. We lose the long freight which we before enjoyed, and get a part only of the short, which has been substituted; and even that portion will, hereafter, be diminishing. That such was the former course of the trade, is universally known. Indeed, I have such authority as will convince even the political advocates of the arrangement.

In March, 1820, Mr. McLane said, the routes through which these supplies now pass, comprehend not merely the Northern possessions, which have the solitary advantage of occasionally affording a better assortment of goods, but the islands of St. Thomas and St. Bartholomew, Martinique, Guadaloupe, and the port of St. Jago de Cuba.

And Mr. Van Buren, in 1829, declared of this trade, "It is carried on in American vessels, by St. Barts and St. Thomas, and open ports in North American colonies." And now, since the arrangement, it is prosecuted, to great extent, in British vessels, to whom we have yielded the means of monopolizing it entirely.

Who will be benefited? The producer? Will it increase his market? If it might, it would still be a miserable apology for this injury to the ship owner. Never, in the whole history of our country, was the idea tolerated that our navigation should be sacrificed, in any event, or for any consideration. In 1818, the committee of the House who

reported the law of that year, sternly repelled such a suggestion. There can be no divorce of the great interests of the country; they are linked by indissoluble bands, and injury to one is depression to all.

But, as this is the only apology or excuse that can be offered, let us examine it for a moment. Will the markets for our produce be increased? How? By what process? Every thing which Great Britain can supply to her islands, either from the Northern provinces, or any port of her dominions, she is resolved to furnish herself. This we know; this she has avowed. It is her fixed policy. From us will be admitted only those indispensable necessities which cannot be elsewhere obtained, consisting, almost exclusively, of provisions and lumber. And these she received before the arrangement, partly through the neutral islands, and partly by her Northern ports, to both which our vessels had the exclusive carriage; it being utterly prohibited to the British. In what manner will they be transmitted under the arrangement? Through her Northern ports, still burdened by double freights and insurance. Is the route, thus substituted, less expensive than that which it has supplanted? Even Mr. McLane knew, and asserted, that it was not; and also declared that the portion of the trade which sought the Northern channels, instead of the neutral, was diverted there only by the greater facilities for assorted cargoes; and he added that the burdens of the indirect trade fell upon the planter. How, then, is his consumption, or our markets, to be increased by this substitution of the present circuitous route in British vessels, for the former in American? Indeed, so essential are our supplies, that a change from this indirect trade, when the ports were closed to the direct, by opening them, does not seem, from past experience, to have materially affected the result. I hold in my hand two tabular statements, which exhibit this very clearly.

Tabular statement of the export of domestic produce from the United States to the West Indies and British American colonies, during the years 1823 to 1826, inclusive, when the British ports were open to a direct trade; and, also, during the years 1827 to 1830, inclusive, when the ports were closed.

	1823.	1824.	1825.	1826.
British W. Indies,	1,617,845	1,750,703	1,635,574	2,078,871
Swedish do.	241,701	204,983	193,761	120,573
Danish do.	1,231,152	1,149,641	1,231,243	1,301,004
French do.	804,818	780,518	937,366	904,118
Cuba,	3,271,370	3,611,693	3,276,566	3,749,638
British Amer. col.	1,818,113	1,773,107	2,538,065	3,564,165
	8,984,299	9,270,642	9,863,172	10,808,376

In these four years, the British West India ports were open.

1823,	\$8,984,299
1824,	9,270,642
1825,	9,863,172
1826,	10,808,316

4) 38,925,429

☞ \$9,731,824 Average when ports were open.

	1827.	1828.	1829.	1830.
British W. Indies,	683,105	26,149	1,463	140
Swedish do.	416,823	611,584	684,523	552,700
Danish do.	1,463,691	2,202,403	1,942,010	1,689,022
French do.	979,597	1,009,437	1,056,639	792,241
Cuba,	4,160,757	3,912,997	3,719,293	3,439,060
British Amer. col.	2,797,014	1,618,288	2,734,104	5,660,631
	10,501,009	9,386,920	10,128,008	10,122,194

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In these four years the British West India ports were closed.

1827, \$10,501,076
1828, 9,380,920
1829, 10,128,002
1830, 10,122,194

4)40,132,192

☞ \$10,033,048 Average when ports were closed.

Returns of the number of barrels of meal and flour, imported into the British West Indies; in the years 1825 and 1828, when the ports were open and also closed.

	1825.	1828.
United States, directly,	161,568	940—decrease, 160,628
British N. Amer. colonies,	4,332	34,766—increase, 32,534
Foreign West Indies, - -	31,090	140,092—do. 131,002
Foreign Europe, - - -	400	1,135—do. 735
United Kingdom, - - -	18,447	25,331—do. 9,884
	202,737	306,683—increase, 3,816.

The first is compiled from official documents, and the latter from the authority of our late minister to London.

In this connexion, I would notice an error, or deception, which has been industriously propagated. It has been represented that our inland trade from New York, Vermont, and Maine, to Canada and New Brunswick, had its origin, too, in this arrangement; when we all know that it existed before, and was prosecuted without restraint. That the restrictive and prohibitory laws were confined to the commerce "by sea," and reached not to that by land, lakes, or rivers. We further know that it was the anxious desire of Great Britain to continue and extend it. Even Mr. Canning, in his bitterest mood, declared that it was not her purpose to interrupt it, and she did not. Indeed, so palpably for her interest, and in accordance with her policy is it, that it has been sometimes insisted that the United States ought to suppress it, as a means of coercing Great Britain. The opening of this market by internal communication with Quebec and New Brunswick, has been ascribed to Mr. McLane's negotiation, with about the same propriety as were the effects of the hurricane in Barbadoes.

There is yet another most grave and serious aspect of this subject, that of our exports to and imports from Great Britain.

Since the British have been permitted to take clearances from our ports for their Northern provinces, under the recent agreement, that Government has manifested a disposition to put in operation the same machinery of varying imposts, in order to monopolize the whole navigation between the United States and her European dominions. Since the arrangement, the duty upon cotton imported from the United States into England, has been changed from an ad valorem of 6 per cent., to a specific of 5-8ths of a penny per lb.; while from the provinces the duty is but 1-25th of a penny. The consequence is, that a British ship may load in the United States with our cotton, and, by touching at Bermuda, Halifax, or any other colonial port, save in duties the difference between 5-8ths and 1-25th of a penny per lb., which is equal to a fair freight from Charleston to Liverpool. British ship owners have actually begun to take advantage of this discrimination. A letter from a respectable gentleman of Lubec, in Maine, under date of the 13th of March last, informs me that a merchant from New Brunswick had recently gone to Savannah, for the avowed purpose of so employing his ship, and declaring that he would thereby have an advantage over the Americans of 5s. 6d. sterling per cwt. in the imposts; and that it would amount to 1,200 pounds upon a single cargo. This business must be arrested. If Great Britain has the right to make this discrimination, she may vary and increase it without limitation,

until the direct importation in American vessels is effectually suppressed, and the whole transferred to British bottoms, by a circuitous route. And if she has this power over the transmission of our cotton to England, she has the same as to tobacco, rice, and all our exports to all her dominions; the transportation of which may, and, if unresisted, will, be engrossed by foreign ships; and the imports also. For she may with the same propriety, by discriminating export duties, impose burdens upon the direct transmission to the United States in our vessels, leaving them free to British bottoms through her colonies.

Here the important question arises, can this be rightfully done by Great Britain, or is it incompatible with the commercial convention, which regulates the trade between this country and her European dominions? I confess that to me it appears to be inconsistent with a fair and just exposition of that instrument. But it seems that she does not so regard it. She claims the power, and it does not appear that this administration has ever denied that she possesses it.*

* NOTE BY MR. SPRAGUE.—Since the above was pronounced, the President has by message communicated to the Senate a letter from Lord Aberdeen to Mr. Barbour, dated on the 26th January, 1829, by which it appears that the latter had protested against such discriminations as incompatible with the commercial convention, but the former had insisted that there was no such incompatibility, and that the British Government had the right to institute and persevere in such measures. As to the advantage to be gained by a British ship, he says their laws did not then confer it, and adds, it "could not be effected without the concurrence of the United States. It rests entirely with the United States to allow or prohibit the carriage of their cotton to a British colony in the British ship, which in the case supposed is to carry it to England," and that, by Mr. Adams's proclamation of March, 1827, it was prohibited. All this must have been known to the American minister and Secretary of State, when, by the arrangement of 1830, the prohibition was removed. The same message also transmitted extracts of two letters from Mr. McLane to Mr. Van Buren, under dates of 14th March and 14th April, 1831; by which it appears that the Chancellor of the Exchequer had expressed an intention to prevent the circuitous transmission, by requiring a certificate of origin, that it might not defeat his own purposes of revenue. But no promise, no stipulation, was obtained. On the contrary, our right under the convention seems to be abandoned in the conclusion of the letter. The language is: "I have no great confidence in our pretensions under the convention, so long as the vessels of both countries shall be placed on the same footing in the direct trade with British European ports, and, therefore, I thought the surest means of attaining our object would be to address myself immediately to the interests of Great Britain herself. It is apparent that the financial object of this Government would be effectually frustrated by keeping up the discrimination between the direct and indirect importation, and there is little danger that the English finances will ever be in a situation to enable her to disregard so important a branch of her revenue."

The power is in effect conceded, and our security against its exercise is merely and solely the interest of Great Britain. She cannot dispense, it is said, with the revenue, which would be lost under the low duty of one-twenty-fifth of a penny by way of the colonies. What security is this? How easy for the next Parliament to add five-eighths of a penny to both imposts, the direct and circuitous, preserving the difference, and securing the revenue. Nay, if our right is abandoned, she may increase the discrimination; and when for revenue she adds to the duty from the colonies five-eighths of a penny, she may increase it in the direct voyage to ten or a hundred times that amount.

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Mr. McLane must have known that such were her pretensions, that she asserted the right to make these discriminations: and yet, in this important arrangement, allowing her vessels to clear from the United States for the colonies, he provides no security, enters no protest, suggests no caveat, against its exercise; but, on the contrary, acquiesces in a general reservation, by Lord Aberdeen, of a right in his Government thereafter to change the condition of the commercial intercourse between the United States and Great Britain, so as to render it less favorable to this country.

This part of the arrangement merits deliberate attention. The law of 1830 peremptorily required of the Executive that no agreement respecting the colonies should be assented to, except one "leaving the commercial intercourse of the United States with all other parts of the British dominions or provinces on a footing not less favorable to the United States than it now is." But, says the English minister, we will make no stipulation to continue that intercourse as favorable as it now is; on the contrary, I expressly reserve to my Government the liberty of introducing changes at pleasure, however unpropitious to the United States. And to this Mr. McLane assented.

Now, sir, suppose the British Government have already, or shall hereafter avail themselves of this restriction, and place the other intercourse upon a footing less favorable to the United States. The question arises—is the arrangement still in force? Does it continue obligatory? If so, then it subsists in violation of another positive enactment of the statute. If not, if the exercise of the right thus reserved by Great Britain dissolves the contract, then this boasted agreement is rendered a nullity, by placing its existence at the mere will of our opponent.

The statute of 1830 vested in the Executive large discretionary powers, with the design that they should be prudently husbanded, and employed only for the advancement of the interest of our country. Instead of which, he seems to have exhausted the whole at once, and, not contented with that, transcended their limits, in accordance with the views of our rival. Lord Aberdeen is indulged in all his constructions, as he is pleased to denominate them; permitted to mould at pleasure, not only the English statute, but our own act of Congress. His every requisition is submitted to without reserve—not even a limitation, a caution, counter suggestion, of any sort, is interposed in our behalf.

There is one defence set up by this administration of the terms of this contract, which deserves a passing notice; it is, that they are the same which were proposed by their immediate predecessors. Yes, after having loaded them with abuse, prostrated them by calumnies, driven them by clamor from their stations, their opinions are now quoted; their example is relied upon; refuge and defence are now sought under the broad and ample shield of their integrity and ability. This, then, is the high-blown merit of this boasted achievement, that it is the adoption of a work prepared by others, who have been made the victims of political denunciation. But even this defence is without foundation. It is true that Mr. McLane's original propositions were substantially the same as those authorized by Mr. Adams; but it is also true that they were never accepted, and that the final agreement is essentially variant. To put this matter at rest, I will point out in what particulars.

The offer of Mr. Adams, renewed by his successor, was, that upon certain conditions we should have the full benefit of the act of Parliament of the 5th July, 1825, which established, among other things, these two most important points:

- 1st. A limitation and specification of the duties upon our produce.
- 2d. An equalization of them in the direct and circuitous

voyage. Both of which essential points are unconditionally surrendered in the final adjustment; Lord Aberdeen having, in the most express and reiterated language, assented to by our minister, reserved to his Government the right to increase, diminish, alter, and vary, the schedule of duties *ad libitum*.

That Mr. McLane understood that his original propositions would secure the benefit of those restricted and equal imposts, is certain. In his letter of March 16, he says that they embrace "the scale of duties prescribed by the act of 1825." And in a subsequent communication, that the negotiation will result in one of three modes—the two last of which are the revocation of the British order, either "upon the terms of my proposition, or," "with some increase of the duties imposed by the act of Parliament of 1825, to favor their Northern provinces." And the recent correspondence laid before the Senate yesterday, contains plenary and conclusive evidence that such were his original views.

There is yet a third difference. Mr. Clay's offer embraced the benefits of the acts of Parliament according to his understanding of its provisions—as communicated to our minister—which was, that our vessels might import from the United States into the colonies every thing which the British could; and if Mr. Gallatin had assented to any compact, it must have embraced this construction. Indeed, it was never suggested during the last administration, that any disparity, in this respect, could be tolerated for a moment. Yet, now, the whole class of foreign productions are free to British, and prohibited to American vessels.

There is yet another distinction worthy of remark. In authorizing Mr. Gallatin to waive the restriction to the direct trade, Mr. Clay says that it is to be only as an experiment, and revocable at the pleasure of our Government. But Mr. McLane made no such reservation; and if his compact has any permanency or duration, we are precluded from renewing this restriction of our act of 1823, however injurious may be its omission.

HUMILIATION.

Having examined this negotiation with much attention, I feel myself constrained, as an American citizen, alive to the honor of my country, as a Senator, bound to vindicate its dignity and assert its equality among the nations of the earth, to animadvert upon the tone and manner in which it has been conducted.

Anterior to the year 1829, there has not been in our national history a more brilliant or unsullied page than that of our foreign diplomacy, and especially with England. In the presence of that nation and its monarch, all our former national representatives, from the first unbending son of Massachusetts, to the last high-minded Virginian, have stood firmly erect in conscious republican self-respect. They demanded rights, but never solicited favors; proffering equal friendships, but never bending the knee as suppliants. They met not arrogance by humility; encroachment by submission; and war upon our interests by solicitations and entreaties. Our fathers grappled with the British lion, but never fawned or crouched before him. How it has been recently, the negotiations of this arrangement will exhibit.

They commenced in the autumn of 1829, by verbal conferences, in which Mr. McLane made his proposition, accompanied by his solicitation that it might be taken into early and candid consideration, and "expressing the anxious desire of the President of the United States." Receiving no response, he, on the 12th of December, addressed a long letter to the British minister, reciting "the anxious desire of the President, repeating the proposition, renewing his solicitation," making an "appeal to the candor and liberality of his Majesty's Government." On the 14th, Lord Aberdeen replies by a barren note of

a few lines, saying that he will lay the proposition before the King. The month of December passes by—no answer is received: January—no answer: February—no answer: March comes, but no answer with it; and in this state of cold and haughty neglect, what does our minister? He writes a long, supplicatory epistle of nearly twenty closely printed pages, in which he is seen "praying for a decision." "Again solicits—begs to suggest," recites his former offer in the following humble tone:

"The proposition which the undersigned has already had the honor to submit, namely, that the United States should do now that which they might have done in 1825—rescind the measures which may be alleged to have contributed to the present evil, and repeal the laws which have been matter of complaint; and that England should assent now to a measure which, but a few years since, she herself proposed."

Not content with this, he introduces to the English Government the distinction of parties in this country, admits "the failure of the past administration to comply" with the act of 1825, and that, "whether it be a subject more of regret or censure, it ought to be enough that the claims, advanced in justification of it, have since been abandoned by those who made them."—Regret or censure? from whom—the British?—Enough, for what?—atonement to Great Britain? He asks to be "excused" "in making this his last application for an early decision." He admits "the injurious effects of the existing regulations upon the commercial and navigating enterprise of the people of the United States"—that his hopes rest, "not so much upon the expectation of peculiar favor to the United States, as of a liberal compliance of his Majesty's Government with its own regulations." Peculiar favor!—"liberal compliance!"—to relieve our commerce and navigation, in which her statesmen proclaim us their "most formidable rival." He "begs to observe," and "begs leave further to observe," and, in conclusion, exhibits himself in the attitude of "repeating for the last time"—(again!)—"this deep solicitude for the result;" and "most earnestly recalling the attention of his Majesty's ministers." That "should this point be unfavorably decided, the United States, while disappointed in its cherished hopes, would find nothing conciliating in the retrospect of a long course of fruitless negotiation, and nothing cheering in the future prospect, darkened, as it would be, by a possibility of a recurrence by the two nations to that system of countervailing measures which has already proved so detrimental to their harmony and welfare!" Had England's monarch his foot upon our neck? Were we begging for life? At the darkest periods of our revolutionary contest—in the gloomiest moments of the last war—was there ever such supplications for relief—such sombre pictures of the future? No. If there had been, we should not speedily have been cheered by the beams of glory and of peace.

And what was the response to all this "deep solicitude," this prostration, this "renewed solicitation," begging, and entreating of his Britannic Majesty? Not one word! Utter silence, supercilious coldness, and haughty neglect. How does our minister meet such contumelious treatment of this his last earnest and pathetic appeal? He goes to the "Foreign Office," to renew again his solicitations. On the 6th of April following, he says, "I have had a conference with Lord Aberdeen to-day, which I sought for the purpose of urging the definitive answer to my proposition." He then speaks of "previous conferences," and expectations; and adds—

"I have not failed to represent to him the very serious injury and embarrassment which must result from delaying the answer until the Congress shall rise, and of what I fear may be the insuperable difficulties of any prospective legislation with a view to a future arrangement. None of these efforts have yet proved sufficient to bring the answer."

The residue of April passes by—no answer: May—no answer: June—no answer: July comes, but with it no reply. And then Mr. McLane, having received the act of May preceding, seeks a verbal conference, in which its provisions are discussed, and Lord Aberdeen's objections obviated by explanations and construction. He requires, however, a communication in writing, and our minister makes it under date of the 12th of July; in which he characterizes the act as conceding all the power, &c., as before stated, and says that it has been framed without any pledge, prospective or otherwise, from Great Britain. Thus confessing that he had obtained not one word of promise by all his solicitations. He "repeats his deep interest," and "renewed hope;" speaks of the "grace" of a prompt and frank reply, and of "the duty of his Majesty's Government to quiet the public expectations, and to mitigate, as far as may be in its power, the injurious effects upon the United States, of an unfavorable reply."

On the 17th of August, Lord Aberdeen designs to respond. Passing over the previous communications of Mr. McLane, he comes to that of July, as containing more satisfactory propositions; and most provokingly repeats certain parts of the language of our minister, thus—

"Of the character and effect of the recent measure of the American Congress, Mr. McLane observes, that it 'concedes in its terms all the power in the regulation of the colonial trade, and authorizes the President to confer on British subjects all those privileges, as well in the circuitous as the direct voyage, which Great Britain has at any time demanded or desired.'"

"In this declaration the undersigned is happy to observe the same spirit and disposition which dictated Mr. McLane's former communications, wherein he announced the readiness and desire of the American Government 'to comply with the conditions of the act of Parliament of 1826,' and, also, that the claims advanced 'in justification of the omission of the United States to embrace the offers of this country have been abandoned by those who urged them, and have received no sanction from the people of the United States.'"

Can any American read such language from a foreigner, but with indignant feelings? Would it be tolerated were it not the mere echo or the words of our own agent? Was the language of that British envoy, Copenhagen-Jackson, for which our Government repelled all further intercourse with him, so insulting as this?

Lord Aberdeen proceeds, there are passages in the bill "in which it seems at least doubtful whether the practical construction" would be such as Mr. McLane is ready to affix. He then distinctly recapitulates all the explanations, or, as I deem some of them, modifications, of the act, which had been previously agreed upon, and in conclusion declares—what? That the ports are open, the order in council rescinded, or that it will be done forthwith? Oh no. We must open our ports first. We will not trust our envoy—the President must give a previous practical construction, by issuing his proclamation. And he did so. Lord Aberdeen seems to have practised the jealousy and caution of the Yorkshire servant, in the tarce, who, being flattered, solicited, and urged, by a hungry man, for a meal, replies, "Either I must trust you for t' money, or you must trust me for t' breakfast. Now, as you seem to be vastly taken wi' me, an' I a'n't at all taken wi' you, you'd better gi' me t' money, you see, an' trust me for t' breakfast."

The concluding congratulatory epistle of Mr. Van Buren to Mr. McLane, communicating the President's proclamation, closes the scene as an appropriate epilogue, a suitable finale.

After all this neglect, hauteur, superciliousness, and grasping, overreaching selfishness on their part, in return for solicitation, humiliation, and prodigal concession on ours; after placing an act of the American Congress

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at the foot of a British minister, to be trampled upon and violated, our own envoy is instructed to express to that Government the "great satisfaction" the "President" has derived from the candor and liberality which have characterized the conduct of his Majesty's ministers throughout the negotiation, and particularly in not suffering the inadvertencies of our legislation, attributable to the haste and confusion of the closing scenes of the session, to defeat and delay the adjustment," &c. &c.

And subsequently, after the "pleasing duty" of communicating to Mr. McLane the President's "entire satisfaction," Mr. Van Buren concludes by saying, "I beg leave to add the expression of my own unqualified approbation of all your acts since the commencement of your mission."

Mr. President, to what primary cause can be ascribed these disastrous results? To what fountains shall we trace these waters of bitterness? Whence this infatuation, this suicidal delusion, which seems to have controlled the councils of the nation? It is the demon of party, which now for the first time has crossed the Atlantic, to present our domestic divisions to a foreign court.

A clamor in relation to the colonial trade had been raised against the late administration as one of the means of driving them from power; and their successors, to give some color of a redemption of previous promises for political ends, deemed it necessary that at any rate something should be done, to be trumpeted by partisans. Even the President has said that one of the reasons which stimulated his negotiation, in answer to a resolution which I had some time since the honor to introduce upon this subject, was the "influence it was believed to have had in the elections which terminated in the change of administration."

It is fabled that the wild horse in his native freedom sought the aid of man against his opponent, the stag: he submitted to the bit and the saddle, the stag was hunted down, but the man was forever seated upon his back.

This administration has already felt the spur and the reins of the rider, and endeavored, but in vain, to dismount him. This their condition is fully exhibited in their correspondence, just now received, in answer to a resolution of the Senate. It has seen the light for the first time, since I began to address you. We there learn, that when the grateful and congratulatory epistle of our Secretary of State had but just reached the British shores, while yet the trumpet of triumph and the pæans of praise were resounding through the land, our envoy was raising his voice in alarm and protestation against the injurious exercise of the very power which he had just conceded.

The British order in council was issued on the 6th of November, 1830; and before the expiration of the same month, our minister is seen endeavoring, by a long and elaborate communication, to arrest the progress of a bill in Parliament for regulating colonial duties. He especially and earnestly protested against that principle of the bill which discriminated between imposts in the direct and circuitous routes in order to favor British navigation. His complaints were unheeded. The measure was not then consummated, by reason of a change of ministry; but he was informed that one of similar character would be perfected at the next Parliament. It was so. It passed on the 22d of April, 1831. It involves the same objectionable principle, against which our negotiator protested in the November preceding, and in which he was subsequently instructed to persevere, by the Secretary of State. Indeed, it carried that principle still further in practical extent, by making the discriminations in favor of the indirect voyage greater than the former bill. Against this, too, Mr. McLane protested in vain, as contrary to his expectation under the arrangement. He declared that "no equality in any part of the trade could be predicated of its provisions." He even began at last

to use the language of demand—he says: "I distinctly required that the bill should be conformed to the terms and spirit of the agreement concluded with Lord Aberdeen. But the British answered, "that there was a reservation in respect to the schedule of duties annexed to the act of 1825." This was conclusive. It admitted of no replication. The bill was not changed. It became a law. It has been submitted to in silence by our Executive, and the trade is now subjected to all its injurious enactments. Not only submitted to; but in December last, upon the assembling of this Congress, the President of the United States transmitted his annual message, purporting to give information of the condition of our country and its important interests. He had then before him all these communications of his favorite Secretary, and approved negotiator—the protestation against this objectionable principle—the distinct requisition of a modification of the bill—the unequivocal confession that it was destructive of all equality in trade, and the obnoxious and denounced bill itself. Did he send them to us? Did he let us know of their existence? No, sir; but, on the contrary, referring to "arrangements with Great Britain, which had been productive of mutual good feeling and amicable relations between the two countries," he told us, "one of these arrangements is that relating to the colonial trade, which was communicated to Congress at the last session; and although the short period during which it has been in force will not enable me to form an accurate judgment of its operation, there is every reason to believe that it will prove highly beneficial."

I make no commentary upon the attitude in which the Chief Magistrate of this republican country has thus been placed by those who influence his counsels. I leave it, as I do the whole subject, to the calm consideration and deliberate judgment of the Senate. I have discharged my duty to my constituents and the country. I have done no more—I meant to do no less. I have studiously endeavored to be correct. If, in any respect, I have fallen into error, I have the satisfaction to know that the means of correction are accessible to every member, and that they will be zealously and ably improved.

WEDNESDAY, APRIL 4.

The Senate spent this day's sitting principally in the consideration of executive business.

THURSDAY, APRIL 5.

REVOLUTIONARY PENSIONS.

Mr. FOOT rose, and suggested to the Senate that there was a bill which had been lying on the table of the Senate for a great length of time, and to which he had made repeated efforts to draw the attention of that body. It is a bill which stands No. 1 on the docket of the Senate, but which he had hitherto failed in all his efforts to bring under consideration. There are many citizens who feel a greater interest in the fate of this bill, than in that of many of the public questions which are now before the Senate. The bill to which he referred, was the bill supplementary to the act for the relief of the surviving officers and soldiers of the revolutionary army.

Mr. HAYNE expressed a hope that the bill would not be taken up at this late period of the session, and when so many other important subjects are inviting the attention of the Senate. Among the reasons which should weigh with gentlemen to refuse this motion, he stated that, as a bill on this subject is now before the other House, the discussion of the bill now referred to would be a mere waste of the time of the Senate. Another reason was, that a gentleman from Virginia, not now in his seat, but unavoidably called home for a few days, was very desirous to be heard whenever this bill should be called up,

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and had requested him to procure a postponement of the discussion until his return.

Mr. FOOT said that if he could extend courtesy, on any subject, to any member of the Senate, he would be disposed to do it in this case; but he felt that he was now called on by an imperative sense of duty to call up this bill, and he could only refer to this as his apology for refusing courtesy in this instance. The pressure on him from this class of persons, whose claims ought to be taken up, was exceedingly great. This bill had been already postponed several times, in consequence of the absence of Senators, and he could not consent to any further postponement. As to the object of his motion, he felt assured that the gentleman from South Carolina would, himself, on reflection, come to the decision that it would be better to act on the bill at once, than further to put it off. The bill in the other House, if it should pass, would place the Senate in an awkward situation, as it provides for a very large appropriation of money. He doubted not that the minds of Senators are made up, and that there is no probability of any protracted discussion. He would pledge himself to make no observations, unless he should be compelled to do so, in reply to others; and if the bill should not be disposed of before the expiration of the hour appropriated to morning business, he would agree to its postponement until to-morrow. It was with a view to take up this bill, and some other subjects in which some interest was felt throughout the country, that he had attempted to induce the Senate to meet at eleven o'clock. He regretted the absence of the Senator from Virginia; but that gentleman would have an opportunity to be heard, and he believed that the gentleman had delivered his sentiments already on a similar measure. As he was extremely desirous to test the sense of the Senate on this question, he would ask for the yeas and nays on his motion.

The yeas and nays were then ordered.

Mr. SMITH said it was time that the appropriation bill should pass; and he expressed a hope that the Senate would take it up in preference to any other object. The members of Congress had secured their own pay, but the clerks, who can only draw their pay under the provisions of the general appropriation bill, can receive nothing to support their families. He hoped, therefore, that the appropriation bill would now be taken up.

The question was then taken on the motion of Mr. FOOT, and decided as follows:

YEAS.—Messrs. Bell, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Hill, Knight, Marcy, Robbins, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Webster, Wilkins.—21.

NAYS.—Messrs. Brown, Ellis, Forsyth, Grundy, Hayne, Kane, King, Miller, Robinson, Smith, Troup, White.—12.

APPORTIONMENT BILL.

Mr. WEBSTER made a report from the select committee on the apportionment bill, accompanied by a bill, which was ordered to be printed for the use of the Senate. [For the report, see Appendix.]

PENSIONS.

The Senate, in Committee of the Whole, then proceeded to the consideration of the revolutionary pension bill.

An amendment, offered by Mr. FOOT, to include the officers of the navy and marines within the provisions of the bill, was agreed to, without a division, after a few words from Mr. FOOT.

Mr. WILKINS then moved to amend the bill by striking out the word "and" where it occurs before "soldiers," and inserting after "soldiers" the words "and Indian spies."

Mr. FOOT expressed the acquiescence of the committee in this amendment. It had been intended to embrace

all classes who had been subjected to risk, whether they were designated as State troops, regular troops, volunteers, militia, or any others who had been draughted, and had served for nine months during the war. The same subject had been discussed in committee, and it was intended to embrace the class of men designated by the Senator from Pennsylvania.

Mr. WILKINS rejoined, that if such was the intention of the committee, there could be no objection in making the intention more definite.

Mr. MARCY moved to amend the amendment by inserting between the word "soldiers" and the words of the amendment, "express riders, boatmen, wagoners."

Mr. SMITH said he should object to including persons who, if they did any service, ran no risk in its performance. He was of opinion that the classes mentioned by the gentleman from New York should not be put on the same footing with Indian spies. Wagoners and boatmen, who were hired out by their employers or masters, ran no risk. This was too bad.

Mr. HAYNE said he thought differently from the gentleman from Maryland. If volunteers were entitled to the provisions of the bill, he saw no reason why wagoners and boatmen should be excluded. He would carry the principle out still further, and include farmers. The farmers who furnished the means of subsistence, had as good a claim as the wagoners who transported it. Nay, he hoped the Senate would go through with it, and pension the people—give a pension to all who lived in the time of the revolution. The evident object of the bill is to take money out of the public treasury. This he could prove to be the object. Ay, he could prove it. We are about to pension every man who, in a war of seven years, served for a period of fourteen months. Is there a man who lived in those times, who did not, at some period or other, serve six months? Even after the war of the revolution had terminated, and the preliminaries of peace had been signed, and Cornwallis had surrendered, there were hangers on in the camp, who served, and were entitled. He hoped, therefore, that not only wagoners and boatmen, but farmers, traders, drovers, all would be included. He would embrace all who lived before the signing of the treaty. If all who ran risk, rich and poor, were to be placed on an equal footing, he would include all.

Mr. FOOT congratulated the Senate on this development of the views of the Senator from South Carolina, as it illustrated the ground in which the bill was intended to be opposed. He referred to the support which the Senator had given to the bill in 1818, to which this was a supplement.

Mr. SMITH stated that he had been applied to by a constituent, who had been a sailmaker during the revolution, and who thought it hard that he was excluded from the benefit of the pension law. Mr. S. said he asked him, "Have you served in the militia? Did you ever march?" "No; but I made sails for a privateer."

Mr. MARCY made some observations in support of his motion. When the war was carried on in the State of New York, wagoners, express riders, and boatmen were essential agents, and encountered great risk in the performance of the services which were committed to them. They carried provisions and munitions of war, not only along the seaboard, but along the line of inland lakes. A large portion of the citizens were wagoners, and suffered as much as soldiers.

The question was then put, and the amendment to the amendment was negatived.

The question recurring on the amendment moved by Mr. WILKINS,

Mr. GRUNDY stated, that whatever might be his final vote on this bill, he would never vote to include any who have not meritorious claims. He had understood that this bill would not be pressed after the expiration of the hour.

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Appropriation Bill—Colonial Trade.

[SENATE.]

He would suggest to the gentleman from Pennsylvania, that he had an amendment which he desired to offer, but which he would not be able to offer until to-morrow. The amendment, as it now stands, includes only those who served during the period of the revolutionary war. In the Western States there were Indian wars which continued after the revolutionary contest was determined; and he was not willing to overlook those who had been engaged in services equally hazardous, and growing out of the war of the revolution, because they were not rendered until after the close of the main struggle. With a view to allow time to prepare his amendment, he moved to lay the bill on the table, and proceed to the orders of the day.

These motions being decided in the affirmative, the Senate proceeded to the orders of the day.

APPROPRIATION BILL—COLONIAL TRADE.

The Senate then resumed the consideration of the general appropriation bill—the question being on the amendment to allow 4,500 dollars for the return of the ministers from France and England.

Mr. SPRAGUE concluded the speech which he commenced on Tuesday, (the whole of which is given above.) After Mr. S. had concluded,

Mr. WEBSTER moved the printing of the British act of Parliament of the 22d April, 1831; and also of a portion of a document which accompanied the President's message, being a tabular statement of the duties as they existed before the present arrangement was carried into effect.

Mr. FORSYTH inquired the reason for this motion.

Mr. WEBSTER stated that the object of his motion was to enable the Senate the better to understand the modification which had been made in her tariff laws by Great Britain. The gentleman from Maine had read a part of the correspondence of the American minister, complaining of the destruction of the equality in the trade by the act to which he had referred. At an early stage of the session, there were gentlemen of the Senate who were uninformed as to the existence of this law.

Mr. FORSYTH objected to the motion to print a document which could only be useful to illustrate the arguments of gentlemen on the other side of the question. Every one, he said, knew that there had been a modification of the British law on this subject.

Mr. WEBSTER replied that every body, then, had got this knowledge very recently. Six weeks ago the chairman of the Finance Committee did not know it. He then briefly referred to the course pursued by the British Government when the tories brought a bill before the British Parliament at the close of the Wellington administration. Whether, since this arrangement has been made, Great Britain has found it convenient, under the reservation in Lord Aberdeen's letter, to change her whole system of tariff duties, as far as regards the West India islands, we are now inquiring, as a question of great moment. If the gentleman from Georgia meant to say that the question was not relevant to the bill, as one making appropriation for the services of the year, be it so. But its general bearing on the question immediately under discussion could not be doubted. It was a subject which ought to be, and which Mr. W. presumed would be, fully discussed here.

Mr. SMITH rose to state that he did not know of the existence of the law of the British Parliament.

Mr. HOLMES reminded the Senator from Maryland that he had expressed a doubt of its existence; and when he [Mr. H.] told him where it was to be found, the Senator from Maryland said it was not there.

Mr. FORSYTH repeated that the evident object of the motion was to illustrate the arguments of gentlemen on the other side, and suggested that the important facts were all to be found in the correspondence already laid before the Senate.

The CHAIR decided that the motion to print was informal, and could not be received.

Mr. SPRAGUE referred to the act of Parliament, and stated his intention to print it in the report of his speech.

Mr. SMITH said that the act had not passed into a law.

Mr. SPRAGUE stated that it had passed, and had been communicated to the Senate, and ordered to be printed. The law passed on the 22d of April, 1831. The Senator from Maryland says the act has not passed. Mr. Livingston says it has passed.

Mr. SMITH interrupted. "I know that perfectly well."

Mr. SPRAGUE. The Senator from Maryland knows that perfectly well; yet, two minutes ago, he said the law had not passed. Now he knows this perfectly well, and yet, in the presence of all these gentlemen, he had but just declared that he did not know that the law had passed. Mr. S. then read one or two passages from the law, and asked the Senator from Maryland if he did not also know that perfectly well.

The Senate then adjourned.

FRIDAY, APRIL 6.

Mr. SMITH offered the following resolution:

Resolved, That the President of the United States be requested to cause to be transmitted to the Senate Lord Aberdeen's letter in answer to Mr. Barbour's of the 27th of November, 1828; and, also, so much of a letter of the 22d April, 1831, from Mr. McLane to Mr. Van Buren, as relates to the proposed duty on cotton.

On motion of Mr. SMITH, the Senate proceeded to the consideration of the resolution. He stated that a portion of Lord Aberdeen's letter related to the subject of cotton; and it was important that the information should be before the Senate. He said that he found a letter of Mr. Barbour to Lord Aberdeen on this very subject, but could find no answer.

The resolution was agreed to.

Mr. CLAY offered the following resolution; which was agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate such additional correspondence which may have taken place between the Treasury Department and the collectors of the revenue, or appraisers, showing the construction at the treasury of the laws levying duties on foreign imports, as is not embraced in the report made in compliance with the resolution of the 23d of January last.

APPROPRIATION BILL—COLONIAL TRADE.

The Senate resumed the consideration of the bill making appropriations for the support of Government during the year 1832.

Mr. SMITH made some explanations in reply to what fell yesterday from the Senators from Maine and Massachusetts, which, he said, he was too much fatigued at the time to notice. The act introduced into the British Parliament by Mr. Herries, imposed a duty of six shillings a barrel on wheat flour, and increased the duties on other bread stuffs, imported directly from the United States into the British colonies. Mr. McLane remonstrated to Lord Grey against the bill, and those duties were not in the bill which passed. The bill which did pass, did not affect any of the material articles, and this was the statement which he made when the discussion of the subject took place some weeks ago.

Mr. WEBSTER said that when this subject, six weeks ago, was before the Senate, it did not seem to be known, with any certainty, if any act had passed. The Senator from Maryland did not then inform the Senate of the fact. He [Mr. W.] could not find the act; and he had accordingly written to a friend in New York, who forwarded to him a copy of it. That copy he had shown to a friend,

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and by this friend it was communicated to the Senator from Maryland.

Mr. SMITH. I know that: you all heard it.

Mr. WEBSTER resumed. The Senator from Maryland said that the Herries bill had failed when the Wellington administration went out of power; and had further said that no law had passed. Now he tells us that he knew all about it. He [Mr. W.] thought he had reason greatly to doubt the accuracy of the Senator's recollection; and he thought it would be a becoming act, if that Senator could himself be brought to question it. The gentleman now says that he well knew that Lord Grey's administration imposed new duties, yet, at the same time, he tells us that he knows of nothing done by that administration unfavorable to American interests. If the Senator knew all this before, why had he not communicated his knowledge to the Senate? The Senator was not given to be so little communicative of what he knows. But the fact is, that the recollection of the gentleman is so much overloaded, that it cannot bear every thing which is imposed on it. The gentleman had evidently confounded the laws with each other. Had he informed the Senate of the existence of the act, be [Mr. W.] would not have taken the trouble to write all over the country to obtain it.

Mr. SMITH said he had seen it in the Albion.

Mr. HOLMES referred the Senator from Maryland to the printed reports of their several speeches, to show how the case stood. He [Mr. H.] had stated that the duties imposed by the bill of Mr. Herries were unfavorable to the United States, but that this act did not pass. Mr. H. had said that this act did not pass, but that a more obnoxious one had passed. The Senator from Maryland denied that this was the fact. Mr. H. had also stated that the trade was open to the British two months earlier than it was to American vessels. This also was contradicted by the Senator from Maryland. On going home, and examining his books, he [Mr. H.] had found that he was accurate in both his statements. He [Mr. H.] was astonished to hear the Senator from Maryland say that he had given him the information, when, in fact, he [Mr. H.] gave the information to the Senator from Maryland, and told him he would find it in the Albion.

Mr. KANE, of Illinois, then rose, in reply to the speech concluded yesterday by Mr. SPRAGUE.

Had there been, said Mr. K., no State of New York, my venerable friend at the head of the Committee on Finance [Mr. SMITH] would not now be deploring the delay to which the appropriation bill is subjected in consequence of this discussion. During the whole session, New York had appeared to be the spectre which disturbed all our day dreams.

Just as gentlemen had succeeded in proving with mathematical accuracy that more money had been expended on account of foreign intercourse during the two first years of this administration, than had been expended during the two last years of the late administration; just as the Senator from Massachusetts had, with his usual eloquence, and emphasis of language, exhibited a striking picture of the false clamor of bad men and bad printers, raised on the alleged ground of the extravagance of the late administration; just as that gentleman had said that which, when published and spread throughout the land, was well suited to excite the sympathy of the public for injured innocence, in came the Senator from New York, and told us that it was all a mistake; that the people of the United States had not so much complained of the amount of money which the late administration had expended, as they had complained that the money had been expended, and that nothing had been done. Whereupon, a distinguished Senator [Mr. CLAY] rose in his place, and declared that the late administration had negotiated more treaties than all preceding administrations, from the organization of the

Government down to the commencement of that administration. [Here Mr. CLAY explained, and said that he spoke of treaties concluded at Washington.]

Now, sir, said Mr. K., with the issue thus joined, I have nothing to do. The Senator from New York is quite competent to act for himself, and to him do I leave it.

But, sir, the Senator from Maine, [Mr. SPRAGUE], anticipating that this issue might be varied—that it might be said that the number of treaties was not so important as their quality—that a treaty with Denmark, securing to our citizens six or seven hundred thousand dollars, although made by the present administration, could not be compared with the treaty made with France, securing as many millions—that although the late administration might have made treaties without number, embracing one with the court at Port au Prince, and another with the authorities at Liberia, yet, when considered with regard to the beneficial effects upon this community, they would all sink into insignificance when compared with the single arrangement made by this administration opening a trade between the United States and British possessions in America, has come forward to show us that this "arrangement" was made in violation of law; that our trade and navigation were upon a better footing before it was made than they now are; and the more effectually to accomplish his purpose, he has thought fit to arraign the President, the late Secretary of State, and the present Secretary of the Treasury, for the part taken by them in relation to this subject. As to the alleged inaccuracy contained in the President's reply to the letter of the republican members of the Legislature of New York, I shall content myself for the present by expressing the belief that I shall prove, before I have done, that the reply contains the truth stated not only substantially, but to the letter. As to the motives imputed to him for answering a letter from so respectable a body of gentlemen in the mode and manner in which that answer was made, I will now say this: That whenever I can be convinced that Andrew Jackson has followed the bad example of any of his enemies, by using the influence of his official station for the purpose of accomplishing the ends of an unhallowed ambition, or for the still more unworthy purpose of destroying a meritorious rival, I shall look upon him with unmingled abhorrence.

The late Secretary of State, whose elevated virtues and untarnished fame I hold in undiminished regard, has not yet sufficiently atoned for the crime of possessing so large a share of the public confidence.

The present Secretary of the Treasury, it appears, has, in the character of an American negotiator, approached the British ministry with "whining supplications." Sir, I had thought that if any distinguished statesman of the age, of amiable temper and manners, pure morals, fixed integrity, profound knowledge, and lofty independence of character, had passed without reproach, that Louis McLane was that man. Sir, he has given a recent evidence of his independence; which has called forth and will continue to call forth the applause of all his political enemies who possess one particle of magnanimity. I have read over and over again these objectionable communications, and can find nothing in language or argument, inconsistent with that courtesy, dignity, and unaffected independence which should always characterize the diplomatic intercourse of sovereign Powers. I can only account for the error into which the honorable gentleman has fallen, by supposing that he has set his own amiable feelings to the music of his own voice, and has mistaken the harmony thus produced for the "whinnings" of the minister.

Sir, the Senator from Maine has transferred to the subject before us, the resolutions which he some time since submitted for consideration, and these form the foundations of his argument.

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His resolutions declare in substance:

1st. That "the arrangement" gives to "British vessels, in the trade between this country and the colonial possessions of Great Britain, advantages in transporting articles to the West Indies, greater than is secured to American vessels, and violates that reciprocity in navigation which our Government has heretofore sedulously and firmly endeavored to maintain.

2d. "The President's proclamation of October, 1830, was not authorized by the act of Congress of 29th of May, 1830."

The truth of these propositions is to be determined by a reference to the terms of the arrangement, which are found in the act of Congress of 29th May, 1830, and to the construction fixed upon that law by the President of the United States and the British authorities.

The act of Congress provides, in substance, 1st. That, when the President shall be satisfied that the ports of the West Indies, Bahama islands, &c. will be opened to the vessels of the United States, for an indefinite or a limited term, that such vessels and their cargoes, entering the West India ports, shall be subject to no other or higher charges than would be imposed on British vessels or their cargoes arriving from the United States.

2d. That the vessels of the United States might import into said ports, from the United States, any articles which could be imported in British vessels from the United States into the same ports.

3d. That vessels of the United States might export from the British colonies to any country whatever, (other than the dominions or possessions of Great Britain,) any articles which can be exported therefrom in a British vessel, to any country other than the British dominions or possessions as aforesaid.

4th. That the commercial intercourse of the United States with all other ports of the British dominions or possessions, shall not be left on a footing less favorable to the United States than it then was.

5th. That then, and in that case, the President is authorized to issue his proclamation, declaring that he has received such evidence: and, thereupon, the ports of the United States shall be opened, indefinitely, or for a term fixed, to British vessels coming from the said British colonial possessions, and their cargoes subject to no other or higher duty of tonnage, or impost, or charge of any description whatever, than would be levied on the vessels of the United States, or their cargoes, arriving from the said British possessions; and British vessels might import into, and export from, the United States, any article which might be imported or exported in American vessels; and the President was, moreover, authorized to suspend, or declare to be repealed, the restrictive acts of Congress of 1818 and 1820.

That there might be no after difficulties in the construction of this act, and the British minister no doubt remembering that the arrangement supposed to have been made by mutual acts of legislation in 1822, had been broken down by the construction of the then Executive of the United States, Lord Aberdeen asks for explanations upon the following points:

1. Are American vessels, coming with cargoes from any other place than the United States, to be admitted under the arrangement into the colonial ports of Great Britain? The answer was, no.

2. Are the articles to be imported on equal terms in British or American vessels, to be the produce of the United States? The answer was, yes.

3. Was the trade between the American continental colonies of Great Britain to be placed upon the same footing with the trade between the British West Indies and the United States? The answer was, yes.

4. Do these words of the act of Congress, "the commercial intercourse of the United States with all other

parts of the British dominions or possessions shall be left on a footing not less favorable to the United States than it now is," imply a positive condition to maintain unchanged, or upon any particular footing of favor, every part of the British system of trade with the United States? The answer was, no.

5. The British minister notified the American minister that the British Government had it in view to modify the schedule of duties attached to their act of Parliament of 1825, so as to support the interests of her colonies, which had been incidentally fostered during the suspension of the intercourse.

The act of Congress thus construed constitutes the basis of the arrangement. Permit me, sir, before going into an examination of the correctness of this construction, to notice an objection to this arrangement, on the ground that British vessels may take from the ports of the United States foreign produce to the British colonies, and American vessels cannot. This privilege, now enjoyed by Great Britain, is no part of "the arrangement." It is enjoyed under our navigation laws. It is, at this moment, competent for Congress to alter that law, without the slightest impeachment of our faith under the arrangement of the West India trade. An equivalent for this surrender, if there is, in fact, any surrender about it, is found in the privilege given to the American vessel to export from the colonies foreign produce to any part of the world, (the dominions of Great Britain excepted.) But, sir, what commercial nation ever thought of prohibiting exports as a mean of advancing her commercial prosperity, unless, indeed, it might be for the purpose of forcing, by some measure of retaliation, upon foreign States a more liberal commerce? Instead of prohibiting exports, the course of most commercial nations has been to encourage them (says Adam Smith) by drawbacks, bounties, by advantageous treaties of commerce with foreign States, and sometimes by the establishment of colonies in distant countries. If the principle of the federal constitution, prohibiting duties upon exports, could be considered consistent with the policy of prohibition upon exports in foreign vessels, are there any considerations which should induce us to follow such a course? Foreign articles will never be exported unless they are worth more abroad than at home, and will only be exported when there is a surplus. The Government get the benefit of the duty upon the importation; and if a drawback is allowed, our navigation will have had the benefit of the freight.

Upon the first point of inquiry made by Lord Aberdeen, that minister says: It "can scarcely, indeed, have been intended that this stipulation should extend to American vessels coming with cargoes from any other places than the United States, because it is well known that, under the navigation laws of Great Britain, no foreign vessel could bring a cargo to any British colonial port from any other country than its own."

I shall have occasion before I have done, Mr. President, to show that the object both of the late and of the present administration was to obtain the benefit of that celebrated act of the British Parliament regulating the trade of the British possessions abroad, which became a law on the 5th of July, 1825, and that ultimately the arrangement in question was made upon that basis; "and, by that act, (says Mr. McLane in his letter to Mr. Van Buren, of 20th August, 1830,) the importation both into her European and colonial ports is restricted to the vessels of the country of which the articles imported shall be the produce. Nor has this restriction been considered inconsistent with our commercial convention with Great Britain, which we have anxiously sought to extend to the colonial intercourse."

The same letter proceeds to say: "She (Great Britain) moreover places the United States in the intercourse with the colonies on the same footing with all other nations; and,

by assenting to regulations, though by legislative enactment in the colonial trade, similar to those provided by our commercial convention for the intercourse between the United States and the British possessions in Europe, she now concedes to us, in this respect, substantially that which we have been ineffectually seeking since the year 1815."

Upon the second inquiry of the British minister, in reference to the kind of articles to be imported into the colonies from the United States, there is still less difficulty in pronouncing upon the correctness of the agreed construction. Upon this point Lord Aberdeen, in his letter to Mr. McLane, of the 17th August, 1830, observes: "In this passage, (referring to a passage in the act of Congress of 29th May, 1830,) it is not made sufficiently clear that the articles to be imported on equal terms by British or American vessels from the United States must be the produce of the United States." He goes on to say that "he cannot but suppose that such a limitation must have been contemplated, because the clause of the navigation act already adverted to, whereby an American would be precluded from bringing any article, not the produce of America, to a British colonial port, is not only a subject of universal notoriety, but the same provision is distinctly made in the act of Parliament of 1825, which has been so often referred to in the discussions on this subject."

This restriction is also contained in the commercial convention of 1815, regulating the intercourse between this country and the British European possessions. The act of Congress of March 3d, 1815, which has formed the basis of all our commercial conventions since the period of its passage, and which repeals all acts imposing discriminating duties with regard to the vessels and cargoes of all other nations who would adopt similar regulations with regard to the United States, repeals them in reference to such cargoes only as may consist of "the produce or manufacture of the nation to which such foreign ships or vessels may belong." Of this act of Congress I shall have occasion hereafter to speak more at large.

So far as any subsequent law of the United States has had in view the establishment of our commercial intercourse with foreign States upon terms of reciprocity, the same limitation is imposed. The famous "elsewhere" act of 1823, as it is called, the provisions of which I shall presently recur to more particularly, is limited by the same restriction.

With regard to the points I have been discussing, Mr. McLane, in his letter to the Secretary of State, before alluded to, holds the following language: "I am not aware that the restriction of the right of importation into the colonies to articles of American produce was, at any period, seriously objected to by our Government: nor can the difference, in this respect, between American and British vessels, if we allow it to continue, be an object of much importance in any point of view. It will, generally, be our interest, as it is that of every other nation, to allow the exportation of its surplus foreign produce in the vessels of any other country. It must be observed, also, that this is a privilege resulting from the general spirit of our laws, and, therefore, resting in our discretion. There is nothing in the arrangement now proposed, to prevent the United States from hereafter denying to British vessels this advantage; if it prove injurious to our commerce, and in placing, by that means, the vessels of both countries, in this respect, upon an equal footing."

But, sir, in the next paragraph, we are furnished with conclusive proof that, if the American negotiator did not demand terms of a different complexion in these respects, the fault is not of this administration: for he says, "It is certain that both the restrictions now reserved by the construction adopted by this Government, were absolutely conceded by ours before the present negotiation commenced, and could not have been renewed at present with

any hope of success. More than has been secured by the present labors, the concessions of the last administration precluded us from demanding; but if this had not been so, more could not have been obtained."

As to the third inquiry, whether ships coming from the British North American continental colonies are to be placed upon the same footing with vessels coming from the colonies of the West Indies, it may be observed that there is nothing in the act of Congress of 29th May, 1830, inconsistent with the construction given upon this point. That act provides for "admitting to entry, in the ports of the United States, British vessels, or their cargoes, from the islands, provinces, or colonies of Great Britain, on or near the North American continent, and north or east of the United States;" and the only question about it is, whether vessels coming either from "islands, or provinces, or colonies," are to be admitted into our ports upon the same footing in all respects.

Here, sir, I must again recur to the fact that the law as well as the present administration have claimed the benefit of this trade, upon the principles of the act of Parliament, of July, 1825.

Every demand beyond the privileges of that act, previously set up by the late administration, was, by that administration, waived or abandoned. The present administration asked nothing more than that act intended to give; and, for the purpose of showing what were the views of both Governments upon the particular point under consideration, I read from the letter of Mr. Gallatin to Mr. Clay, of the 27th of October, 1826, the following language: "It will not escape you that the intercourse by sea between the United States and the British West Indies and North American colonies has already been considered as necessarily connected together by the British Government, and that this connexion has been kept up in the acts of Parliament, in the articles proposed to Mr. Rush, and, indeed, in all former proposals on their part." And, on the 11th April, 1827, Mr. Gallatin was instructed, in the manner I shall hereafter show, upon the subject of this trade, without regard to any distinction between the West Indies and the continental colonies of Great Britain. These considerations, and others which will be submitted upon another branch of this argument, leave upon my mind no doubt that it was not the design of the act of Congress to make any such discrimination.

The fourth inquiry involves the question, whether certain words introduced into the act of Congress were intended to imply that the then existing British system of trade with the United States was to remain unchanged. These words are introduced in the nature of a condition, and read thus: "The commercial intercourse of the United States with all other parts of the British dominions or possessions shall be left on a footing not less favorable to the United States than it now is." The opinion of the British minister was, that the intercourse referred to, whether renewed or not, should remain as free as it then was to both Governments, to adopt, from time to time, such commercial regulations as either State may deem to be expedient for its own interests, consistently with the obligations of existing treaties. Mr. McLane considered, as every other man would, that these words, if not altogether nugatory and out of place, seemed rather to apprehend some evil, not understood or explained, from advantages to be conferred upon our trade by Great Britain. That our commercial intercourse "with all other parts of the British dominions," was either regulated by convention with Great Britain, or was absolutely prohibited by act of Parliament, saving the right of the British King, by order in council, to open the colonial ports, as occasion should require.

I have now, Mr. President, gone through all the points of construction settled between the two Governments, so far as the act of Congress of 29th May, 1830, called for construction in the opinion of the negotiators. As to the

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exception taken by the Senator from Maine, [Mr. SPRAGUE,] to the notification given by the British Government of its intention to modify the then existing scale of duties, with a view to foster interests which had grown up incidentally in some of the colonies, it being no part of "the arrangement," I shall postpone the consideration of it until I arrive at another part of my argument, and proceed to examine the broad and bold declaration of an honorable Senator, [Mr. HOLMES,] that by this arrangement every demand ever made by this Government upon Great Britain, with respect to this intercourse, had been surrendered.

For the purpose of ascertaining the accuracy of this declaration, I propose to go into an examination of the history of this trade, in order to show what has been demanded by this Government, and what demands have been surrendered, and by whom. *In limine*, sir, I must make my acknowledgments to a distinguished American statesman, to whom certain letters originally published in this country have been attributed, and which I find republished in a London pamphlet, for many of the important facts connected with the history of the proceedings of both Governments on this subject.

One main object of European nations in planting colonies in this hemisphere, and in sustaining them at great sacrifices of life and money, undoubtedly was to open new channels of trade, to augment their exports, and to secure to the mother country the exclusive advantages of their commerce. The Spaniards colonized South America, and secured to themselves, for ages, the exclusive benefit of their colonies in trade and commerce. The Dutch acted upon the same principle, and their views as to their exclusive right to monopolize the trade of their colonies in the West were carried so far as to put them under the government of an exclusive company. "The French colony of Canada (says Adam Smith) was, during the greater part of the last century, and some part of the present, under the government of an exclusive company. Other nations, (says the same author,) without establishing an exclusive company, have confined the whole commerce of their colonies to a particular part of the mother country."

The English, since the dissolution of the Plymouth company, have left the trade of their colonies free to be carried on with all the ports of the mother country. Each European nation, so far as I have been enabled to ascertain the fact, have, without distinction, and without complaint from any other European nation, held to the right of an exclusive monopoly to the trade of its colonies, and have refused an equal participation to any other country in the trade with them. Hence, whatever trade has been allowed, has been considered a privilege, never granted, however, except upon some considerations connected with the interests either of the mother country or the colonies.

From the peace of 1783 to the adoption of the federal constitution, no effort seems to have been made by the United States to place this trade upon any other footing different from that upon which the English Government chose to place it. Within this period of time however, the British navigation laws were so far modified as to authorize the King in council to open the colonial ports at his discretion. During this period, an attempt was made by Mr. Pitt to place the intercourse between the United States and Great Britain and her colonies upon terms of reciprocity, and for this purpose that statesman introduced a bill into Parliament. This measure failed, and its failure is attributed to the interference of a disaffected American citizen then in England. The first attempt made by this Government to place this intercourse upon a permanent basis, was during the administration of General Washington. He sent Mr. Jay, in 1793, charged with instructions upon this and other important subjects; and to the arrangement made by Mr. Jay, although the article of the treaty

regulating the intercourse with the West India colonies of Great Britain was rejected by the Senate, I invite the attention of the Senate, for the purpose of showing what were the views of some of the eminent men of that day upon some of the points of this discussion. The twelfth article of that treaty opened to our vessels not exceeding seventy tons burden, an intercourse direct between the British West India islands and the United States during the war, (then existing between England and France,) and for two years afterwards. The cargoes of such ships were to consist of "any goods or merchandises being of the growth, manufacture, or produce of the said States, which it is or may be lawful to carry to the said islands or ports, from the said States, in British vessels."

The American ships and their cargoes to be admitted into the said ports from the United States were subjected to no higher duties or charges than British vessels and their cargoes coming from the United States to the same ports.

A clause of the same article provides that American citizens might purchase, load, and carry away from such British ports and islands all such articles "being the growth, manufacture, or produce of the said islands, as may now, by law, be carried from thence to the said States in British vessels." Then followed a provision, requiring that such American vessel should carry and land their cargoes in the United States only; and requiring further, that the United States should prohibit the carrying away any molasses, sugar, cocoa, or cotton, in American vessels, either from his Majesty's islands, or from the United States, to any part of the world except the United States, reasonable sea stores excepted. So careful was the British Government as to the language of this article, in order to assert her right of monopoly, as to commence the same with the words his Majesty "consents," and so with regard to the next article on the subject of the trade with the British East India possessions; all other articles contained in the treaty are clothed in the language of promise or agreement; and amongst all the complaints against this twelfth article, existing at that period, I have not been able to find one, grounded upon the fact that the negotiators on both sides considered the opening of these ports a privilege. It is the opinion of the distinguished American statesman to whom I have referred, that narrow as the terms of this article were, they yet would have been accepted by the American Government, had not the "equivalent proposed as the price of the concession" been "deemed quite disproportionate to the right so derived." The complaints of the day against the article of the treaty in question were, that in time of war, which was then existing, and the termination of which could not be seen, greater privileges would be enjoyed under the temporary proclamations of the colonial Governors than the article of the treaty admitted. That the articles prohibited from exportation formed a valuable part of the trade of the United States. That cocoa was chiefly cultivated by the Spaniards. That our consumption was not equal to the importation and growth of the prohibited articles, &c. &c.

Sir, it has been said by the Senator from Maine, [Mr. SPRAGUE,] that President Washington disapproved of this article. I infer the reverse from the fact that he submitted the treaty to the Senate for their sanction, without saying so. Had he disapproved of the treaty, it was entirely competent for him to have rejected it without sending it to the Senate; and had he disapproved this article of the treaty only, he would have informed the Senate of the fact when he communicated the treaty for ratification. But, sir, we have positive testimony on this point. Judge Marshall, in his Life of Washington, says: "Although in the mind of the President several objections to the treaty had occurred, they were overbalanced by its advantages; and before transmitting it to the Senate, he had resolved to ratify it, if approved by that body. It was fortunate for the coun-

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try, however, that the article was rejected. The war which was declared by France against England in 1793, continued for nine years, and all Europe was involved in it. This country occupied the position of a neutral nation; and as neutral ships could navigate the ocean without being liable to dangers from capture or destruction, to which belligerents were subjected, and as the rates of insurance upon the vessels of a neutral were then lower than those of a nation at war, American navigation was as much in demand as such a state of the world could make it. The West India ports were, from necessity, thrown open to us. This war ended in 1802, but broke out again the following year; and down to the commencement of that system of unjust retaliation, so injurious to neutral commerce, adopted by British orders in council and French imperial decrees, this country enjoyed the advantages, and gathered the rich fruits of a neutral commerce, for a long period of years. For, excepting the short period of peace which followed the treaty of Amiens, (when England again resorted to the enforcement of her colonial system,) the most commercial nations of Europe were engaged in flagrant and dreadful war. This country, during that period of time, enjoyed a more prosperous and enriching commerce, than the history of the world has assigned to any other nation, for a similar period of time, in any age."

Sir, the Senator from Maine has exhibited a statement of the amount of American tonnage employed in each year, for a long period of years, for the purpose of showing in disparaging contrast its condition at those several periods, with its condition since the late arrangement. He also attributes to the laws of Congress imposing discriminating tonnage duties upon foreign vessels and their cargoes, passed in 1789 and 1790, the virtue of having given the impetus to this long course of prosperous trade. Those duties were laid, Mr. President, for the purpose of raising money to meet the debts of the revolution, and the current demands of the Government, and were in truth paid by American citizens, who consumed the articles imported. The British Government resorted to countervailing discriminating duties, and even went beyond the measure of exact retaliation. And the West India consumers paid that duty. If any benefit in trade was intended by our discriminations, that object was defeated by the countervailing discriminations of Great Britain. No, sir, it was the general war in which other portions of the trading world were involved, which, though a terrible scourge to them, heaped these great blessings upon us: and by referring to this fact as a standard, the Senator from Maine will readily and truly account for the state of our tonnage, as exhibited in his statement.

A further attempt to place this trade upon a permanent footing, by treaty with the British Government, was made in 1807, and proved unsuccessful; and here Mr. Jefferson took the course with regard to the treaty transmitted to him by Messrs. Monroe and Pinckney, which General Washington would have done with regard to Mr. Jay's treaty, had he disapproved it. Mr. Jefferson rejected the treaty without consulting the Senate, on the ground that it contained no regulation upon the subject of impressing American seamen. The treaty, however, contained no arrangement as to the colonial trade.

No further measures for the sole object of securing participation in this trade, were resorted to by this country until 1815; and the convention of London, made in that year, declares that the intercourse between the United States and the British possessions in the West Indies and on the continent of North America, shall not be affected by it.

But, sir, that convention does contain a provision placing our trade with the British East India possessions upon a much worse footing than it was placed by Mr. Jay's treaty.

The thirteenth article of the treaty of 1794 admits the vessels of the citizens of the United States into "all the seaports and harbors of the British territories in the East

Indies." The convention of 1815 only admits such vessels in four of the principal settlements of the East Indies, viz Calcutta, Madras, Bombay, and Prince of Wales's island.

Under the treaty of 1794, American citizens, with the consent of the local Government, might go into the interior country for the purposes of trade, and this permission was given, and our traders enjoyed the benefit of it. The convention of London contains no such privilege.

The treaties of 1794 and of 1815 both forbid American vessels from carrying on the coasting trade in the East Indies. But the former declared that "vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the coasting trade." The latter confers this privilege (limiting it to the four enumerated ports) to such vessels of the United States as shall, in the first instance, have proceeded to one of the enumerated settlements. To enjoy this privilege now, a vessel must sail from the United States direct to one of those named ports. Under Mr. Jay's treaty, an American vessel could go to Amsterdam, for specie, and from thence to any port in the British East Indies. Under the convention of 1815, if specie is wanted for that trade, and cannot be obtained here upon as good terms as it can in Amsterdam, the American vessel, going thither and taking in specie, must return to the United States, and go from hence to one of the named ports. I am thus particular, Mr. President, in pointing out these differences, because I shall hereafter be enabled to show that the course of restriction so much resorted to by this Government, under the idea of forcing open the West India ports, has been also prompted by a desire to effect a change in the convention of London, with regard to the East India intercourse. Mr. Adams, in his letter of 5th October, 1816, directed to the then Secretary of State (with regard to the convention of 1815): "The benefit of the convention to us, if any, is in the India trade; but as its duration is to be short, the only chance of having it renewed at the end of its four years with additional articles of more liberality, will be effective, counteracting regulations in respect to the commerce in the British colonies in the West Indies."

After the peace of Europe was restored, and an end was put to the late war in which we had been engaged with Great Britain, it was perceived that the nations of Europe would set themselves seriously to work to repair the ravages to which their belligerent condition had for many years subjected them; that Great Britain would again resort to all her accustomed means to extend her commerce and navigation; and that she would not overlook her colonial system, which not only secured to her a monopoly in trade, but which also secured to her a nursery of seamen, and an efficient mean of perpetuating her naval power. In this state of things, my venerable friend from Maryland, [Mr. SMITH,] whose experience had taught him rightly to appreciate the skill of our seamen and shipbuilders, and the enterprise of our merchants, whose long observation of and actual participation in trade had assured him that the United States, upon equal terms, had nothing to fear from the competition of the whole world upon the ocean, made an appeal to the commercial jealousy of all nations, by submitting to Congress a plan for rendering the trade of the world as free as air. This plan was adopted, and a law of Congress passed on the 3d of March, 1815, declaring "that so much of the several laws imposing duties on the tonnage of ships and vessels, on goods, wares, and merchandise imported into the United States, as imposes a discriminating duty of tonnage between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels and vessels of the United States, be, and the same is hereby, repealed, so far as the same respects the produce or manufacture of the nation to which such foreign ships or vessels may belong."

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This repeal, Mr. President, went into effect with regard to any foreign nation, whenever the President of the United States should be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operated to the disadvantage of the United States, had been abolished. This law, sir, was submitted by our ministers at London, as the proposed basis, on the part of the United States, of the commercial treaty about to be formed in 1815. It was accepted by Great Britain, so far as her European possessions were concerned, but rejected so far as it applied to her colonies.

Now, sir, although the principles of this act have been extended in treaties more recently formed with countries of minor importance in a commercial point of view, yet the act of Congress of 1815 was the first authoritative manifestation by legislative authority, on the part of the United States, of a desire to place the navigation of the world upon a footing of perfect equality. When I say that the principles of this act have been extended in treaties formed since that period, I mean that the act in question confines the foreign ship to the importation of the produce or manufacture of the nation to which the ship belongs. The treaties with Guatemala, and some other Powers, made by the late administration, do not contain this restriction. Undoubtedly could the principles of that law be thus extended, and the more important commercial nations of the world be induced to adopt reciprocal measures, the navigation of this country would be greatly extended.

But, Mr. President, my object, in this part of my argument, is to show what has heretofore been demanded by this country, and what has heretofore been offered by the British Government in reference to the colonial trade.

Soon after the convention of 1815, Mr. Madison directed Mr. Adams, then in London, to open a negotiation with the British Government, upon several subjects, the colonial trade included. Mr. Adams, with his accustomed diligence, followed up these instructions, declaring to the British Government, on the 17th September, 1816, the following sentiments: "In the amendments proposed, they (United States) do not contemplate any interference on their part with the colonial monopoly of Great Britain. It is not asked that she (Great Britain) should renounce the right of prohibiting the importation into her colonies from the United States of whatever articles she may think fit, but that the commerce which for their and her own advantage Great Britain allows between them and the United States, should be placed on the same footing of reciprocity as the direct trade between Great Britain and the United States was intended to be placed by the convention of 3d July, 1815."

The next month, however, Mr. Adams, in a letter to the Secretary of State, says: "There is no reason to expect that any departure from the policy already determined upon [by Great Britain] will take place." And further—"Any measures in the spirit and with the object of those proposed at the last session [viz. countervailing restraints] and then postponed, may be now adopted without hesitation. My own entire conviction is that the operation of such measures, if successful, will be the only possible means of convincing this Government of the expediency of relaxing from the rigor of their exclusive colonial system." Mr. Adams, in this letter, expresses the opinion that the result of the equalization of duties would be to the advantage of Great Britain, and to our disadvantage. But, says he, "the principle was sanctioned by an act of Congress before the convention of 3d July, 1815, was negotiated."

We learn from another letter of the same minister, of the 20th March, 1817, that he had had an interview with Lord Castlereagh, and was by him informed that the British Government was not yet prepared to abandon their ancient colonial system, but they were willing to extend to the United States the benefits of the free port acts to the same

extent that they were then enjoyed by the vessels of European nations, and to give a partial admission of our vessels to the island of Bermuda and to Turk's Island; and a draught of four articles was handed to Mr. Adams, expressing these views in detail, upon which, in the same letter, he says: "I do not think it possible to make any thing out of these articles, to which I can, under my present instructions, agree." A copy of these articles this minister enclosed to the Secretary of State, and asks for immediate further instructions.

I must request the attention of the Senate to the terms proposed in these articles, in order that we may see how far the British Government had relaxed their determinations with regard to this intercourse since 1794, in this their second offer of arrangement by treaty; for it is to be remarked that these articles contain the only terms proposed by Great Britain for regulating by convention this trade since the period of Mr. Jay's treaty. It will be useful also to inquire how far these terms were acceptable to the United States.

By the first article, his Britannic Majesty consents, "That any sloop, schooner, or other vessel whatever, not having more than one deck, and owned and navigated by subjects of the United States, may import into any of the free ports in his Majesty's possessions in the West Indies, from the United States, any of the articles enumerated in the above act, (45th Geo. 3d,) being of the growth or production of the United States; and any coin, bullion, diamonds, and precious stones, and the said articles being of the growth or production of the United States; and also all other articles imported into the said free ports by virtue of this convention, from the United States, shall be subject, in all respects, to the same rules, regulations, and restrictions, and shall enjoy the same advantages as to re-exportation as are now applied to similar articles when imported by authority of said act from any other foreign country, and re-exported from the said possessions of his Majesty."

By this article, his Britannic Majesty further consented, that any vessel of the United States, as before described, might export from any of the said ports to the United States, rum produced in any British colony or possession, and all manner of goods, wares, and merchandise, which had been legally imported into the said free ports, except masts, yards, or bowsprits, pitch, tar, and turpentine, and, also, except such iron as should have been brought from the British colonies or plantations in America.

It was proposed to add to the articles enumerated in the above cited act of Parliament, rice, grain, and flour; and these, too, might be imported in American vessels of one deck into the enumerated free ports. The facilities granted by the proposed convention to vessels of this country in these ports were to be reciprocally granted to British vessels of a similar description, in the ports of the United States; and if further facilities during the existence of the proposed convention should be afforded to American vessels by Great Britain, reciprocal advantages were to be given to British vessels in our ports.

It was also proposed that articles imported into the said free ports of the United States should pay the same duties as should be made payable upon similar articles imported thither from any other foreign country, and the same rule was to be applied by the United States in regard to all duties chargeable upon articles under the proposed convention, exported from the said ports of the United States. But the King of Great Britain reserved expressly to himself the right to impose higher duties upon all articles allowed to be imported into the said free ports from the United States, or from any other foreign country, than were or might be chargeable upon all similar articles when imported from any of his Majesty's possessions.

The second article of these proposals related to our intercourse with Bermuda.

The third to Turk's Island.

The fourth to the navigation of the lakes, rivers, and water communications, the middle of which formed the boundary between the United States and the British American continental possessions, and to trade and commerce by land or inland navigation. This proposition, Mr. President, thus restricted, in terms, to vessels of a single deck, confining our trade to short voyages, to certain specified ports, and to enumerated articles, to articles the growth or production of the United States, to a direct trade, and expressly reserving to Great Britain the right of imposing higher duties upon articles allowed to be imported into the British free ports from the United States, or from any other foreign country, than were, or might be, chargeable upon similar articles when imported from any of his Majesty's possessions, was taken under advisement by the then administration of this Government. The reasons which rendered the proposition unacceptable to a highly respectable committee of the House of Representatives, to whom these articles were submitted without explanation by that administration, are given to us in a report of that committee made on the 9th day of February, 1818. After giving in detail a most gloomy picture of the state of the navigation of the United States as contrasted with that of Great Britain, employed in the trade; after showing that in 1815 the amount of duties on merchandise imported in American vessels, from the British American colonies, bore a proportion to the amount of duties on importations from those colonies as one to four, and in 1816 as one to five and a half, or as two to eleven, that the amount of merchandise transported in American vessels was two millions of dollars, whilst that transported in British vessels was eleven millions, (omitting fractions in both instances,) the committee say: "This intercourse appears to the committee in the worst possible state as it regards the navigation of the United States, while it is in the best for that of Great Britain." After declaring that repeated and unavailing applications had been made to the British Government to regulate this trade by convention, the report proceeds: "It is not, however, surprising that they have been unsuccessful, since no adequate motive at present exists to induce Great Britain to arrange this intercourse by convention. The offer contained in the articles annexed to this report, (the four articles contained in Lord Castlereagh's proposition,) the most rational and reciprocally advantageous of any ever made, may be considered as dictated by a spirit of accommodation which, under the pressure of adequate motives, might be fostered into a determination to grant all we could reasonably ask, or they be expected to yield. The three first articles, with some practical modifications, would, by the adaptation of our commercial laws to the stipulation contained in them, confining the commerce strictly to those articles which Americans were permitted to carry, place the trade upon as favorable grounds as could be expected. It would, no doubt, in a short time, be followed by a complete abandonment of the residue of the present jealous system of exclusion." The committee, however, commend the prompt rejection of the proposition, because the fourth article authorized British subjects to carry on trade with the Indians within our jurisdiction, against the settled policy of the country.

This proposition, then, of Lord Castlereagh would have been acceptable to the committee of the House of Representatives, composed of gentlemen of great and acknowledged forecast in affairs of commerce, but for their belief that it was the intention of Great Britain to claim a participation in the Indian trade within our own limits. That the then administration had other objections to entering into the proposed arrangement, will be made evident from the fact that the British ministry had disclaimed any such construction or intention, and this was known to that administration. Mr. Adams, in a letter to Mr. Rush, dated 1st December, 1818, acknowledges the

receipt of a letter bearing date the 19th June preceding, enclosing his (Mr. Rush's) correspondence with Lord Castlereagh, relative to a passage in a printed report of a committee of the House of Representatives to that body, mentioning the rejection by the President of the four articles of which I have spoken, and approving that rejection upon an idea entertained by the committee that the fourth of these articles would have interfered with the settled policy of the United States, in relation to the Indians within their limits. This letter proceeds: "This remark of the committee appears to have affected the sensibility of the British cabinet upon two grounds: first, as they considered that the rejection of those articles had not been previously communicated to them; and, secondly, because they thought that the article in question did not bear the construction, and they explicitly disclaimed the intention that it should bear such a construction as the committee of Congress thought applicable to it."

The same letter further proceeds to say, "that the committee drew their own conclusions upon the probable operation of the articles, and particularly of the fourth. They were communicated to them without comment on the part of the Executive. They knew the articles had not been accepted, but the reasons of the non-acceptance had not been stated to them. It is true that the article was the same which, at the negotiation of the commercial convention of 1815, had been offered by the British plenipotentiaries; that the objection to it, now suggested by the committee, had, at that time, been avowed by those of the United States; that the British plenipotentiaries did then disclaim the intention of giving it a construction which would import the admission of British traders to any intercourse with Indians within the territories of the United States, and did offer to introduce into the article any words which might be necessary to guard it against that construction; and that the article was then declined upon another ground." Whether there was any objection on the part of the administration of this Government, at that time, to the three first articles, I have not been able to discover. Nor do I find the other ground of objection to the fourth article any where specified. One thing is evident, viz. That the Committee on Foreign Relations of the House of Representatives, in 1818, considered the terms offered, with some practical modifications, such as ought to have been accepted, and would so have reported, had they been informed of the true construction given to the fourth article by the British Government. I pass over, without comment, Mr. President, the manner in which this proposition of the British minister was treated by our own Government, and shall make no inquiry into the justness of the complaints of the English ministry on that account. It appears that, although this proposition was communicated in March, 1817, to our minister in London, the determination of the Executive of the United States was made known in England for the first time, through the report of the committee to which I have adverted. In consequence of the views taken in this report, founded upon a mistaken construction, a bill was reported by the committee, imposing burdensome charges upon the trade, if carried on in British vessels. And for the first time in the history of the Government of the United States, a law was passed during this session of Congress, for the purpose of meeting the British colonial system by direct and countervailing prohibition. That act was passed on the 18th April, 1818; and notwithstanding all the complaints made by the late administration, because the famous act of Parliament of 1825 was not communicated by the Government of Great Britain to that of the United States, Mr. Adams, in his letter of 21st of May, 1818, says in reference to the act of Congress of the 18th of April preceding, "Although no formal communication of this law to the British Government will be necessary, it may naturally be expected that it will be

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noticed in your occasional conversations with Lord Castlereagh." That act closed the ports of the United States after the 30th September, 1818, against vessels owned by British subjects, coming from any port or place in a colony or territory of his Britannic Majesty, which, by the ordinary laws of navigation and trade, were closed against vessels owned by citizens of the United States. In the hope that some change had taken place in the policy of the British cabinet in relation to this trade, and that the act of Congress would contribute to effect it, Mr. Rush was instructed in May, 1818, to renew his efforts. And one would suppose from reading the correspondence which ensued between the two Powers through their respective agents, that both were anxious to come to some arrangement, which should be mutually advantageous and satisfactory. To this end, after propositions had been submitted on both sides, Mr. Adams, by his letter of 7th May, 1819, directs Mr. Rush to submit the draught of two articles, by way of compromise. By the first of these articles, the vessels of the United States, and those of Great Britain, were to have liberty to import into a great number of British colonial ports (particularly named) certain enumerated articles, the growth, produce, or manufacture of the United States, and any other articles, of the like growth, produce, or manufacture, the importation of which should not be entirely prohibited from every other foreign country or place; and vessels of Great Britain and of the United States were to be at liberty to export from the said ports especially named to any of the ports of the United States, rum, molasses, and salt, being of the growth, produce, or manufacture of any of the above mentioned dominions, (British West India islands,) and any other articles of said growth, produce, or manufacture, the exportation of which to any other foreign country or place shall not be entirely prohibited. With regard to this portion of the first article, however, Mr. Rush was instructed so far to modify it, if desired by the British Government, as to restrict the trade to the articles of import and export particularly named. The vessels of either party employed in the trade by this article provided for, were to be admitted into the ports of the other as above mentioned, without paying any other or higher duties or charges than those payable in the same ports by the vessels of the other party, and they were at liberty respectively to touch during the same voyage at one or more of the above mentioned ports of the other party, to dispose of their inward and take in outward cargoes. This article further proposed that there should be no discriminating duties upon any of the articles importable by virtue of the proposed convention, whether imported directly between the United States and the said ports, or *vice versa*, and when imported in a circuitous manner. I beg leave to call the particular attention of the Senate to the following proposed stipulation contained in this article: "No other or higher duties shall be charged upon any of the above mentioned articles, when imported, by virtue of this convention, into the United States, or into any of the ports aforesaid, than may be charged on similar articles when imported from any foreign country into the United States, or from any other country or place whatsoever, into the said ports.

Now, sir, I find this pretension nowhere set up by this Government previous to the date of this letter, although it is inferred, from what has fallen from an honorable Senator from Kentucky, [Mr. CLAY,] on a former occasion, that this pretension had been set up under Mr. Madison's administration; yet I cannot find it. If it be true, then, that this claim was first made in 1819; and if it be true that a Secretary of State is responsible for instructions to our ministers abroad, then is the following language of Mr. Van Buren's instructions to Mr. McLane founded in truth: "It should be sufficient that the claims set up by them, and which caused the interruption of the

trade in question, have been explicitly abandoned by those who first asserted them."

The law of Congress of April, 1818, declaring "a non-intercourse in British vessels with ports closed by British laws against the vessels of the United States," and the instructions of the administration to Mr. Rush, heretofore adverted to, failing to produce the desired result, Congress, by a supplemental act, passed on the 15th May, 1820, closed the ports of the United States from and after the 30th of September of that year, against British vessels coming or arriving by sea from any port or place in any island, colony, or territory, or possession of Great Britain in the West Indies, or on the continent of America south of the southern boundary of the United States, and not included in the act of April, 1818. And British West Indian or North American produce was allowed to be imported into the United States only direct from the colony, province, plantation, island, possession, or place of which it was wholly the growth, produce, or manufacture. In other words, the act of 1820 was, in the language of a statesman of that day, "a non-intercourse in British vessels with all the British American colonies, and a prohibition of all articles the produce of those colonies, except the produce of each colony imported directly from itself."

By this act bonds were required from British vessels sailing from the ports of this country not to land their cargoes in any British American colony.

The intercourse continued upon this footing until 1822, when Congress, by an act of the 6th of May of that year, in anticipation, as it is said, of a law about to be passed by the British Parliament, provided "that, on satisfactory evidence being given to the President that the ports in the islands or colonies in the West Indies, under the dominion of Great Britain, had been opened to the vessels of the United States, he should be authorized to issue his proclamation declaring that the ports of the United States should be thereafter opened to vessels of Great Britain employed in the trade and intercourse between the United States and such islands and colonies, subject to such reciprocal rules and restrictions as the President of the United States might, by such proclamation, make and publish." The anticipated act of the British Parliament passed, authorizing, so far as the United States were concerned, vessels of the United States to bring directly, and not otherwise, from ports of the United States to certain colonial ports particularly named, and none others, certain specified articles of merchandise. Such articles as consisted of the productions of the United States were charged with heavy duties on their arrival; whilst the same articles might be carried to the same ports, directly or indirectly, in British vessels, from a colony in North America to a colony in the West Indies. Besides, Mr. President, a vessel of the United States engaged in the trade was required to return with its cargo procured in a British colonial port, directly, and not otherwise, to the United States; and the vessels of the United States were required to give an export bond to land their cargoes at the ports for which they were entered. The terms of this act of Parliament, incomparably more unfavorable than those of the late "arrangement," were so satisfactory to the then administration, that the President, on the 24th of August, 1822, issued his proclamation in virtue of the act of Congress, opening all the ports of the United States to British vessels engaged in the trade between the United States and the several British colonial ports named in the act of Parliament, imposing restrictions requiring the vessel to be British built, to be owned by a British subject, to be navigated by a master and three-fourths of the crew who should also be British subjects; or the vessel was required to have been built in the United States, and the property of a British subject, to be navigated in the same manner. This proclamation also required that the cargo to be imported into the United States should be

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the growth, produce, or manufacture of the British islands and colonies in the West Indies, when imported from thence, and of the growth, produce, or manufacture of the British colonies in North America, when imported from that quarter. Although it was alleged by Great Britain that there existed no discriminating tonnage duties in the British colonies disadvantageous to the United States, the statement was denied by our Government, and British ships were made liable, by treasury instructions to the collectors, to a discriminating tonnage duty of one dollar per ton, and the cargo to ten per cent. This was a subject of complaint on the part of Great Britain, and she resorted to countervailing discriminations. The famous elsewhere act of Congress of 1st March, 1823, was passed, which I do not propose to notice further than to say that this word, elsewhere, was not understood by Congress as it was afterwards interpreted by the administration. For, sir, I have heard you [Mr. SMITH] declare, upon this floor, more than once, that not a single member of the Senate dreamed of setting up the pretension by this word implied. The Executive, however, gave to this word a construction which recognised by law the pretension set up in Mr. Adams's letter of 1819, requiring that American cargoes should be subject to no higher duties or charges on entering a British colonial port, than similar cargoes in British vessels should be subject to when coming from any other place whatsoever. These words, any other place, were intended to include British colonies themselves. What would gentlemen say if Great Britain should demand that her vessels and cargoes should enter at Pensacola upon the same footing with American vessels and their cargoes sailing from New York to the same place? It would be denounced as the most imprudent of all pretensions. And yet shall we require that our vessels shall carry on a trade upon the same terms with a British vessel sailing from Halifax or Bermuda to that place? The negotiations which followed the passage of this law, were unsuccessful, though continued down to the year 1825, when a new era, with regard to this long agitated subject, was opened, by the passage of three acts of Parliament, in the months of June and July of that year. As all subsequent negotiations have had an express reference to these acts, their substance will be collected from the view I am now about to take, for the purpose of showing that so far from abandoning every claim set up by this Government, in the late arrangement, this administration has succeeded, and secured by the arrangement every demand which had not been explicitly abandoned by their predecessors. In connexion with this view of the subject, I must be permitted to notice the remarks which fell from an honorable Senator [Mr. WEBSTER] at an early period of the session. I will read his words so far as I intend to notice them. "Some time since, measures had been taken, and negotiations entered into, the object of which was to place our commercial intercourse with the British American colonies on terms of reciprocal advantage. This negotiation had failed, and the endeavors to make such arrangements, and fix the duties, on either part, on some equal terms, so that the duties imposed on American vessels entering the British colonial ports should be no higher than those imposed on their own vessels, were then ineffectual. The object of that proposed arrangement was for the benefit of commerce as well as navigation. The British Government, not consenting to comply with terms which that administration considered just and necessary, the navigation was, by direction of the Executive, abandoned: since which period, no arrangement had been completed, in conformity with instructions given by the Government here to the minister at the court of St. James; given, sir, in terms and in a temper which may very properly become the subject of public examination and comment here."

If these remarks were intended to convey insinuations

beyond their literal expression, or if any of them are liable to more than one interpretation, I shall not make a single comment on that account. My sole object is to develop facts and detect misapprehension. That public fame, which those engaged in this negotiation have acquired by patriotic efforts for a long period of years, is not to be destroyed in the eyes of the American people by insinuation. I will proceed to show—

1. That the late administration alone did not endeavor to make arrangements and fix the duties, on either part, on some equal basis, so that vessels entering the British colonial ports should pay no higher duties than those imposed on their own vessels; but that the present administration endeavored to do, and, in fact, accomplished the same upon those terms which the late Executive conceived to be just and necessary.

2. The navigation was not abandoned by the direction of the late Executive, but was held in negotiation, and constantly solicited from the Government of Great Britain.

3. The arrangement subsequently made by the present administration was upon precisely the same terms as that conceived to be just and necessary, and offered by their predecessors after, by having abandoned all others, they had left nothing else to be demanded.

I will begin, sir, with the mission of Mr. Gallatin. The question is not whether he was properly instructed, but how he was instructed, and what he did, and in what state the late administration left, and the present found, the negotiation for the colonial trade. The first instructions to Mr. Gallatin—I refer, of course, to published documents—are dated the 19th June, 1826. In these, he was informed—"Mr. Rush, in the progress of his negotiation, at the third conference, offered two articles for the regulation of this trade, which were not accepted by the British plenipotentiaries. These articles embraced three leading principles: First, That there should be a mutual abolition of all discriminating or alien duties, so as to place British and American vessels employed in the trade, and their cargoes, on a footing of perfect equality; second, That the productions of the United States, admitted into a British colony, should be subjected to no higher duties than similar productions of another British colony; and third, That the trade should remain restricted, as it then was, by the acts of Congress and Parliament, according to which it was limited to a direct intercourse."

This opportunity thus presented for a favorable adjustment of the trade, was lost, the administration rejecting the terms, we are warranted in deeming favorable, because subsequently adopted, as appears by the following paragraph of these instructions: "You will observe that the instructions now given respecting the colonial trade amount to an authority, on the part of this Government, to you, to agree in substance to the modification of Mr. Rush's proposal which was required by the British plenipotentiaries. You will endeavor to make a lively impression on the British Government of the conciliatory spirit of that of the United States, which has dictated the present liberal offer; and of their expectation to meet, in the progress of your negotiations, with a corresponding friendly disposition. The object of this part of your instructions may be accomplished, either by inserting the articles respecting the colonial trade in the general convention for regulating the commerce between the two countries, which would be their most fit position, or in a separate convention. Whether the two articles proposed by Mr. Rush, or the two first proposed by the British plenipotentiaries, or others differently constructed, should be inserted in the convention which you are empowered to conclude, will depend upon the footing on which you may ultimately agree, under your instructions, to place the colonial trade. If you should not be likely to bring your negotiations, on the entire subject of the commerce between the two countries and their respective territories

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o a conclusion, in time to present the convention, in which it is expected they will issue, to Congress during next session, it will be desirable, and you are accordingly directed to endeavor to make a separate arrangement of the colonial question, so as to enable the President at least to present that before the adjournment. As to the duration of any general or particular commercial convention, to which you may agree, it may be limited to a period of about ten years; to which it is advisable to add an article similar to the eleventh article of our Danish treaty, stipulating that the convention shall continue in force beyond the particular period agreed upon, until one party notify the other, in writing, of his desire to put an end to it."

This retraction came too late; and though every argument of the greatest persuasion, and which, if I was disposed to imitate the example of the Senator from Maine, might denominate by a harsher term, the British Government, in a tone not merely of defiance, but in the last degree offensive, at least as much so as the biting sarcasm of Mr. Canning could make it, shut the door of negotiation, and peremptorily refused to open it.

Neither the tone nor the indignity of this outrage passed unheeded by the administration; and by the second set of instructions furnished Mr. Gallatin, November 11th, 1826, the feelings of the administration were fully manifested.

They had no alternative but to stop; and accordingly Mr. Gallatin was informed—"As the only alternative which the course adopted by that Government has left, the President has determined to give a signal proof of his anxious wish to preserve a good understanding between the two Governments, by laying the whole of the correspondence which has passed between them on this subject, including the instructions of our several ministers at the court of St. James, before Congress, at its next session. The wisdom of that body, in the actual state of things, is alone competent to decide whether the colonial intercourse shall remain closed, according to the pleasure of the British Government, as manifested in the late order in council, and whether that portion of it left open by the order shall remain open; or on what conditions, compatible with the interests of the people of the United States, Congress is willing the trade should be placed.

"You will accompany the communication of the substance of this despatch, or the substance of such part of it as you may not have anticipated in any answers to Mr. Canning's note, presented from yourself to the British Government, with the assurance that, notwithstanding their present decision, the Government of the United States, at all times hereafter, will be ready, at Washington or at London, to treat of the colonial intercourse whenever it may be their desire or inclination to negotiate on that subject."

If the matter had ended here, then there might have been some pretence for saying that the navigation had been "abandoned" by the direction of the Executive.

After this, however, the late administration laid the whole case before Congress, as Mr. Gallatin was instructed to inform the British Government they would do, and that body rose without passing any law on the subject.

In the last attempt made under the instructions of November, 1826, the difficulty was, that our Government insisted upon an arrangement by treaty, and Great Britain upon regulating the trade by mutual legislation: on every other point we had waived our previous pretensions; this alone remained—and we stood pledged by our instructions to Mr. Gallatin, communicated to Mr. Canning, not to move again until the British Government should renew the negotiation at Washington. In this event [if Great Britain would negotiate at Washington,] the navigation was not "abandoned" by the direction of the Executive, but reserved merely for the action of the British Government. The insolence of Mr. Canning's tone was sufficient

to remove it from about the palace of St. James, after the door had been shut injuriously in our face; but we retreated, saying to Mr. Canning—notwithstanding your discourtesy, if you will come to our house, we will, rather than abandon the navigation, treat with you again.

Congress having risen without legislating, Mr. Adams issued his proclamation, reviving the laws interdicting the trade with the British free ports; and so the trade was closed: and, if he had stopped here, there would have been a pretence for abandoning, being forced to do so, the navigation.

But the late administration did not continue even in this mood long, and, on the 11th April, 1827, furnished Mr. Gallatin further instructions, authorizing him to announce to the British Government the acquiescence of this in the proposition that the colonial trade should be regulated by law, and to ascertain the disposition of the British Government to open the trade by separate acts of regulation! This, too, after their previous stand, and before Great Britain had made any overture for negotiation!

Here was no abandonment, surely; on the contrary, a renewal of the negotiation for the trade on the British Government's own terms, and after she had peremptorily refused to negotiate, and before she had signified the slightest disposition to renew the affair at Washington.

Why this gracious advance was unnoticed, does not appear from the published correspondence. It is enough for our present purpose that it was made. But we should not forget to inquire how it was made, when the "voluntary abandonment" of the past is, with disingenuous disregard of fact, set in strong contrast with the "supplicatory tone" of the present administration.

Instead of remaining on our ground until Great Britain renewed the negotiation at Washington, or atoned for Mr. Canning's letter, we crossed the water, and once more knocked at the door of the palace of St. James!—knocked at that door to reiterate our former demands, on which we had already solemnly declared we would abide? No such thing. To announce our determination to abandon the navigation which we could not now accept without the sacrifice of our national honor and dignity? No such thing. We knocked at the door of the palace of St. James, to make known our willingness to accept, and invite Great Britain to allow us to accept, those very terms which we had refused to take, before that door of the palace of St. James had been unceremoniously shut in our face!!

For, in the last letter of instructions to Mr. Gallatin, dated 11th April, 1827, immediately on the heels of the proclamation of 17th March preceding, he was instructed to inform the British Government that we would waive our former objection, that we ourselves preferred an arrangement by law to one by treaty; and he was expressly directed to communicate to the British Government that "the President is willing to recommend to Congress, at its next session, 1st, to suspend, as to the British Government, the alien duty on vessels and cargo, and to allow the entry into our ports of British vessels laden with the same kinds of British or British colonial produce as American vessels can lawfully import, the British vessel paying no higher charges, of any kind, than American vessels are, under the same circumstances, bound to pay; and, 2dly, to abolish the restrictions contained in the act of the 1st March, 1823, confining the trade to a direct intercourse between the colonies and the United States; the effect of which will be to leave Great Britain in the exclusive possession of the circuitous trade between the United Kingdom and the United States, through the British colonies. You will inquire whether, if Congress should pass a law to the above effect, the order in council of July last will be revoked; the discriminating duties, operating to the disadvantage of our vessels in the British colonial ports, will be abolished; and our vessels suffered to enjoy the privileges of trade and intercourse, according to the

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enactments of the act of Parliament of the 5th of July, 1825:" and the instructions then proceed—"Should the intercourse be opened on the above conditions, the American Government will have waived the demand heretofore made, that our produce should be received into the British colonial ports, paying no higher duties than similar produce pays in those ports when imported from other ports of the British possessions. We should have regarded the above inquiry altogether unnecessary, and that, as a matter of course, the privileges of the act of Parliament would be extended to our navigation, upon the passage of such an act of Congress as the President now offers to recommend, but for the declaration contained in Mr. Canning's note of 11th September last. According to that declaration, the British Government announced, that 'after having been compelled to apply to any country the interdict prescribed by the act of 1825, it cannot hold itself bound to remove the interdict, as a matter of course, whenever it may happen to suit the convenience of the foreign Government to reconsider the measure by which the application of that interdict was occasioned.'"

The directions in these instructions were communicated to the British Government by Mr. Gallatin, in his two letters to Lord Dudley, of 4th of June and 17th of August, 1827.

How these were received, the Senate may know by referring to Mr. Gallatin's letter to Mr. Clay of 14th September, 1827, and Lord Dudley's letter to Mr. Gallatin, of 1st October, 1827.

The substance was, that Great Britain declined acting until a law should be passed, which she might judge.

To Mr. Gallatin succeeded Mr. Barbour, at the court of St. James; (I pass over Mr. King;) and, although his instructions have not been made public, I suppose there can be little doubt that he was directed to sound Great Britain upon the subject, and, if he found her disposed to negotiate, to renew Mr. Gallatin's proposition.

In 1829, Mr. McLane succeeded Mr. Barbour.

On his arrival in London, as appears from his correspondence, he renewed the proposition substantially, and almost in words the same as Mr. Gallatin had made it. Mr. Gallatin, in his letter of 17th August, 1827, to Lord Dudley, says: "The President of the United States is willing to recommend to Congress, at its next session, 1st, to open again the ports of the United States to British vessels coming from the British colonies, allowing the entry, into the said ports, of British vessels laden with such British produce or produce of the British colonies as American vessels can lawfully import, without paying any alien or discriminating duties, and on payment only of the same, and no higher duties or charges of any kind, on either vessels or cargoes, than are, under the same circumstances, payable by the American vessels or cargoes; 2dly, to abolish the restriction contained in the act of Congress of March, 1823, which confines the trade to a direct intercourse between the British colonies and the United States. The effect of this measure will be to leave Great Britain in the exclusive possession of the circuitous trade between the United Kingdom and the United States, through the British colonies. All the provisions in former acts of the American Government which had been deemed objectionable by that of his Majesty, will thereby be repealed. The condition contemplated by the act of Parliament, (of 1825,) as it is now understood, will be fulfilled."

I might now stop, and ask the Senator from Maine, [Mr. HOLMES,] who has surrendered every demand ever made by this Government?

Now, sir, I will show you the proposition submitted by Mr. McLane. That gentleman proposed "that the Government of the United States should now comply with the conditions of the act of Parliament of July 5th, 1825, by an express law opening their ports for the admission of British vessels, and by allowing their entry with the same

kind of British colonial produce as may be imported in American vessels, the vessels of both countries paying the same charges, suspending the alien duties on British vessels and cargoes, and abolishing the restrictions in the act of Congress of 1823, to the direct intercourse between the United States and the British colonies; and that such a law should be immediately followed by a revocation of the British orders in council, of 27th of July, 1826, the abolition or suspension of all discriminating duties on American vessels in the British colonial ports, and the enjoyment by the United States of the advantages of the act of Parliament of the 5th July, 1825.

Now, Mr. President, let me inquire in what these propositions of Mr. Gallatin and Mr. McLane differ.

Both propositions claim to enjoy the privileges of trade and intercourse according to the enactments of the act of Parliament of the 5th July, 1825.

Both propose to comply with the conditions of that act of Parliament by a law of the United States.

Both propose to open the ports of the United States to British vessels allowing the entry into such ports of British vessels laden with such British produce as American vessels might import, paying the same charges.

Both propose suspending all alien or discriminating duties.

Both propose to abolish the restrictions contained in the act of Congress of March, 1823, which confined the trade to a direct intercourse between the British colonies and the United States.

Now, to this proposition made by Mr. McLane, he adhered to the letter, never claiming an iota beyond it. And be it especially noted, he convinced Great Britain that it was the interest of both nations to accomplish the arrangement it contemplated, and he did accomplish it. It was all that was left—even it had been refused, and yet he obtained it.

The proposition was just and necessary in the opinion of the late Executive, for he and his administration had made it—and, certainly, if it were not inglorious in the late administration to fail with such a proposition, it cannot be so for the present to have succeeded in it.

The President issued his proclamation to carry the arrangement into effect; both parties understanding that the principles of the British act of 1825 were adopted by it.

The British order in council shows, conclusively, that such was the understanding of the British Government.

But it has been followed by new regulations affecting our navigation. Now, when the British Government assented to the proposed arrangement, they reserved this right; and Mr. McLane's letter, communicated to the Senate, but confidentially, and afterwards published, states this fact. Here was the opportunity for gentlemen to have found fault. Why did they authorize the proclamation of the President, if they believed the arrangement had been made at any sacrifice of the national honor, and suffer the arrangement to be carried into effect? Why not then stop and vindicate our national character?

Mr. McLane, in his letter of the 20th August, 1830, to Mr. Van Buren, accompanying the arrangement, says: "Though it may be probable that the schedule of duties adopted contemporaneously with the act of Parliament of the 5th July, 1825, will be hereafter modified, the effect must be the more severely felt by the West Indian planter, already overburdened, than by our merchant; and in this there is a safe guaranty against any excessive alteration. There is good reason to believe, moreover, that such modification, whenever it shall be made, will consist in reducing the duty on some important articles, while it may increase it in others, and that our trade, in the aggregate, will not be materially affected. This modification, however, is not a part of the present arrangement, and will therefore depend upon future contingencies, of which each nation will be free to take advantage, and

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more particularly to resort to countervailing duties, if that course be deemed expedient. On this question we will always have the West Indian interest on our side; and that, after the concessions heretofore made, is all we can expect. The arrangement now proposed will restore to our vessels the direct trade with the British colonial ports, and place the navigation of both countries, in that trade, upon an equal footing. We may safely rely upon the skill and enterprise of the American merchants to accomplish the rest."

For the present, let it be observed that the object of Mr. Gallatin's proposition was to place the vessels of both nations on an equal footing in the direct trade. Mr. McLane's proposition substantially, and almost in words the same, had the same object. And the duties on American and British vessels, in the direct trade, are the same precisely as they would have been had Mr. Gallatin succeeded, excepting so far as they have been altogether abolished on the vessels of both nations, unless we can suppose that the British Government would have been unmindful of interests which had grown up during the time of a suspension of the intercourse.

But, sir, admit, for the sake of argument, that I am wrong in this belief. Would not the British Government have had the right to modify the schedule of duties, had Mr. Gallatin succeeded?

Why was it that this Government so long and so pertinaciously contended for a treaty arrangement? Doubtless, that when effected it would be more permanent. But suppose the arrangement to have been made by treaty, is it probable that it would have contained an article fixing the duties? We surely could not ask it, unless we tendered an equivalent, by fixing duties to be by us imposed upon British colonial productions. And what administration would dare so far to depart from the settled habit of this country, as to fix upon a rate of duties in any other mode than by law? With a view of prejudicing this administration, as I very well remember, it was asserted, and published in all the opposition newspapers of the day, that Mr. Van Buren had instructed Mr. McLane to stipulate for a modification of our tariff laws. The statement turned out to be altogether unfounded. The avowed reason, on the part of the British Government, for preferring mutual legislation to treaty stipulations, has uniformly been, that in the one case changes could be made, and not in the other. Mr. Gallatin, in his letter to Lord Dudley, upon this subject, expressly says: "There is, indeed, this advantage in legislative regulation over conventional arrangement, in respect to subjects not fully tested by experience, that what may be deemed concession by either party, may, at any time, be modified if found injurious."

It is a little singular, that, after contending so long for conventional arrangement, and then abandoning that ground in favor of mutual legislation, because acts of legislation could at any time be modified, the friends of the late administration should now cry out against mutual legislation, because the British Government have done that which they always urged they intended to reserve the right to do. Lord Aberdeen informed Mr. McLane, "that the act of 1825 itself was but a legislative measure, liable to be repealed whenever the interest of Great Britain, or her colonies, made it desirable. The schedule of duties attached to this act had undergone a modification before Mr. Gallatin submitted his last proposition."

But, sir, it was urged that Mr. McLane was notified before the arrangement was made, that the schedule of duties would be modified. This is true, and the character of the proposed modification was described also. Lord Aberdeen declared that there was no intention on the part of the British Government to make any alteration in her commercial policy; but, at the same time, he advised Mr. McLane that it was in contemplation to introduce some modifications, with a view more effectually to support the interests of the British North American colonies. That

his Majesty would look to interests which had been incidentally fostered by a suspension of the intercourse between the United States and the colonies. Now, sir, the only difference in the two cases, under the two administrations, consists in a *rauk avowal*, on the part of the British Government, of the sort of modifications they had in view with regard to the late arrangement, and no avowal at all upon the subject of the late administration, but a positive refusal to arrange at all.

This modification would have taken place undoubtedly, had the avowal not been made; and my word for it, sir, when thus made, it would not have been complained of.

Whose fault was it that there was any necessity for a modification? The terms of the act of Parliament of 1825 were open to us as well as to the rest of the world. A whole year was given to us to make up our minds about it. We declined passing a corresponding act, and Great Britain considered herself bound to interdict the direct trade. From that period to the conclusion of the late arrangement, the course of trade had raised up interests in some of the colonies which required a temporary protection. Could we, in decency, ask to be restored, *nunc pro tunc*, to the state of things as they were in 1825, without consenting that Great Britain should perform this act of duty, with regard to interests which had been fostered by the acts of Government?

Sir, this protection has been afforded to these interests of accidental growth, but in the mildest form. The act of Parliament of the 22d April, 1831, is a repealing act throughout; and on all articles except white and yellow pine staves and heading, the duties are the same as under the schedule of 1825, unless where the duties are entirely repealed. On bread, biscuit, flour or meal, not of wheat. Peas, beans, rye, oats, barley, Indian corn, rice, and live stock, are allowed to be imported in the direct trade to the West Indies duty free; and no duty whatever is payable on the importation of American produce into the Northern colonies. Upon the pine staves and heading, however, the duties are increased, and are to remain increased until 1st July, 1834, after which time they are to fall to the standard of 1825. Whatever interruption may be occasioned to the interests of any set of men in any section of the country, can it be doubted that this modification is upon the whole, considering the agriculture, commerce, and navigation of the whole country, advantageous to the people of the United States? Farmers are undoubtedly benefited; and may I not ask the Senator from Maine, whether even the price of lumber has not increased twenty-five per cent., and the demand for ships twenty-five per cent. in his own State, since the arrangement? I am informed, upon good authority, that such is the fact. The documents before us show conclusively that already has our navigation employed in this trade doubled. I hold a statement in my hand, upon which reliance may be placed, showing that in 1831 the arrivals from the West Indies, in the port of New York, had swelled to within seven of the whole number of arrivals from Europe in that port during the same year: of the number of these arrivals from the West Indies, only seventy were British, and five hundred and twenty American. There is one fact, however, that deserves notice. The American vessels employed in this trade are generally of the smaller class; and will gentlemen say that this, too, is the fault of the arrangement? Is any thing said in this arrangement to limit the intercourse to ships of seventy tons, or to vessels of one deck? No, sir; and why then cannot our traders employ as large vessels as the English in this trade? I will tell you why. Our tariff laws exclude the heavy articles of West India production. Upon rum the duty is prohibitory, and upon sugar very high. We can only bring from the West Indies light articles, whilst an English ship may come to our ports and take in a cargo for the West Indies, and there exchange it for a

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cargo of sugar, and carry it to England upon a duty which is very light, if there be a duty at all, and thus profitably employ a large ship for a long and triangular voyage. The American ship is confined to light commodities by our own legislation. Permit American merchants to import heavy articles profitably, and they will soon employ large ships.

Mr. President, it is said that British navigation has increased as well as our own, and therefore the arrangement is a bad one. Indeed! After this Government has been struggling ever since the late war to induce Great Britain to believe that the mutual interests of both countries required this trade to be opened; after it is done, we are to turn round and complain of it because the English get some benefit as well as ourselves. Do gentlemen seriously believe that Great Britain can ever be brought to agree, out of mere kindness to the United States, to upset her old colonial system, and give to the United States the monopoly of this trade? And yet nothing else will satisfy gentlemen, at least as long as this administration continues. I fear, sir, that gentlemen, in looking back upon the prosperous condition of this intercourse at former periods, do not reflect upon the causes which gave rise to it: that a state of war forced upon the British Government the opening of these ports. They forget that the West Indies belong to a foreign sovereign, and that the British Government has the same rights over their colonies that it ever had. We have no right to monopolize the trade of those colonies; and we must calculate to allow the English nation some advantages, and not claim every thing for ourselves. It was upon this idea that this Government has constantly labored to show that the opening of these ports would be mutually advantageous to both countries.

Mr. President, the basis of this arrangement is the legislation of the two countries. The faith of neither country is pledged to maintain its own legislation upon its present footing; so far from it, it was understood by both Governments, that such changes could be made as either found it its interest to make. Why, then, instead of attacking this administration, do not gentlemen, who are members of this body, assert the interests of the country, by bringing forward some proposition to countervail the alleged injurious operation of the arrangement, as founded upon British laws? Surely the Senators from Massachusetts and Maine grossly violate their duty to their constituents, by not coming forward to rescue their navigation from the ruin which they say awaits it. It can be done by legislation alone. The President and his cabinet cannot originate a law, and they have done nothing to prevent the Senate or House of Representatives from exercising the common right of either to introduce and pass bills. And my word for it, sir, if Congress choose to pass any law to put an end to this arrangement, and the navigation, commerce, and agriculture of the country shall be by Congress deemed injuriously affected by it, the President will not veto the law. In all fairness and honesty let Senators who complain apply the remedy, which is in their own hands, and without whom no change can take place. The gratification afforded by this opposition to an arrangement, for no other reason than simply because it was made by this administration, may reach the hearts of individuals. But the course itself will neither satisfy the public wish, nor meet with the approbation of the people. They will say, as they should say, if it is wrong, it is in your power to correct it; and if you do not do it, you are unworthy the trust reposed in you.

It has been stated from various sources, and in various forms, that the honor of the country has, somehow or other, been compromised by the manner in which this negotiation has been conducted. That the late Secretary of State has committed a crime by authorizing Mr. McLane, if he thought it would be proper and useful to do so, to draw a distinction between the late and present administration. That the views of the former had been submit-

ted to the people, and by them condemned. That a distinction founded upon a fact so mortifying to the late administration should not be very agreeable to its friends, is easily perceived. That such distinctions have been frequently and effectually drawn by monarchical Governments in their diplomatic intercourse, is not to be denied, even by "effrontery" itself. The idea seems to be that, in our foreign intercourse, the Government, in whose hands soever vested, for the time being, should be considered as the same to foreign Powers. In monarchies, where a king holds by higher authority than human, this doctrine may be relished. But, in this country, the President and his Secretary of State are not the Government, even in the business of making treaties. The people, and the States through their Senate, compose the Government, so far as treaties are concerned; and it has been well contended that the House of Representatives, too, have some power upon the same subject. Why did the late administration abandon their pretensions, unless it was because they felt that the will of the people required it? Would they have dared to change their ground so essentially, had they known that the people were against the change? The real Government of the country had condemned the course of the late administration for setting up unreasonable pretensions; and pray, sir, where was the great sin in declaring this incontestable truth to a foreign Government? I believe I have shown you that the late Secretary of State is not liable to the charge of misrepresentation so emphatically urged against him. If he be so, I call for the document which shows that the pretension alluded to was set up under Mr. Madison's administration; and unless the President has violated the honor of the country, by sustaining the rights of the people and of the States, by declaring, in effect, that Messrs. Adams and Clay were not the Government of the United States, that the true constitutional Government had not warranted their course in this regard, this administration, sir, must be acquitted of blame, on the supposed ground that they have violated the honor of the country. It has told the truth, and I have yet to learn that true honor and dignity consist either in suppressing truth, or in the suggestion of falsehood. How ridiculous it is for us, whose proceedings are known every where and to the whole world, to wrap ourselves up in the cloak of diplomacy, which, in past time, has served to cover treachery, deceit, and a constant desire to overreach, by covert means, the rest of mankind, to blame an Executive who scorns such devices and prefers to act with frankness and sincerity. Sir, this matter, fairly stated to the people of each of the States in this Union, would result in the hearty approbation of a majority in the course pursued by this administration, in every thing which has been done with regard to this question. The best evidence of the fact which can be produced, is found in the statement of that which cannot be controverted, viz. No Senator, nor has any Representative of the people, proposed to alter our legislation, in order to correct what some are hardy enough to allege is an evil to the country; when every body knows that an act of legislation could at once remove every difficulty, and place us where we were before the "arrangement" took place.

Instead of pursuing this honest course, some gentlemen, like the Senator from Maine, choose to hunt for exceptions and pick flaws in the course and language of the President, the late Secretary of State, and the present Secretary of the Treasury, who was the minister who negotiated the arrangement. Sir, it would be a miserable triumph, if I could effect it, by throwing back upon these fault-finders the ridicule and disgrace which they have attempted in vain to cast upon those who have obtained the public confidence, by a long course of public services, pursued for the public good, and never in violation of the expressed views and instructions of their constituents.

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The Senator from Maine has gone beyond the usual modesty of his party; and, instead of insinuation, has charged the President with stating that which is not true, because, he says, "that the negotiation which had successfully terminated, had previously received the sanction of both Houses of Congress;" and the honorable Senator exclaims, "What must be the surprise of the people, when they learn the fact that, since the termination of that negotiation, there has been no vote, no action upon, no sanction of it, by either House of Congress?" The truth, Mr. President, we all know to be, that the terms upon which this arrangement could be settled, and the instructions of this Government to Mr. McLane, were all made known to us, even to the exceptionable language of the Secretary of State, before the act of Congress was passed; (and if, as I have heard, gentlemen did not choose to read the documents, it is their fault, and not the President's.) Yet, because the forms necessary to be observed, and which followed as matter of course if Congress passed the law, were not gone through, the President has not stated the truth. Miserable and unworthy subterfuge! Sir, if I possessed the magic lamp of the Arabian Nights, and could summon to your presence the genius of subtlety himself, he would be ashamed to advance such an accusation, upon such grounds. Sir, I cannot consent to go into a defence of the President's intelligence, honesty, or veracity. It would not avail him if I should. The people know and appreciate him and his accusers. The "old Roman" is known to his countrymen. At the time appointed by an Almighty God, the sun of his useful career on earth will sink into the west, unsullied by all these revilings. Our progeny will be told the story of wrongs which have been done him, for the same pure purpose that we, in our younger days, have been told the story of the wrongs done to him who was "first in war, first in peace, and first in the hearts of his countrymen."

The Senate adjourned to Monday.

MONDAY, APRIL 9.

PENSIONS.

Mr. FOOT, the morning business having been gone through, moved that the Senate now take up the bill supplementary to an act for the relief of certain surviving officers and soldiers of the revolution.

Mr. GRUNDY expressed a hope that the Senate would not take up this bill to-day. There was an important debate pending, which occupied the whole attention of the Senate; and it would be found impossible to carry on two important discussions at the same time, with any advantage to the public interests.

Mr. FOOT reminded the Senate that he had, with a view to act on this bill, endeavored to induce an earlier meeting of the Senate every day. He thought that no time would be consumed in the discussion of the bill; and he hoped the Senate would agree to take it up.

Mr. HAYNE said he hoped not. He regarded this bill as one of the most important bills which had been submitted to the Senate during the session. It was second only to the tariff. Gentlemen on his side, he could assure the Senator from Connecticut, looked on this bill as so important, that its passage would rivet on the country all those oppressive burdens of which it is so much complained. A gentleman from Virginia, now absent from his seat, [Mr. TYLER,] thought the bill so important, that he desired to be heard by the Senate in reference to its consequences. Was it expected by the Senator who had charge of the bill, that, with these impressions, they were to suffer it to pass *sub silentio*; that they were not to endeavor to make good the impressions on their own minds? It was idle to expect that they should not make a struggle on this question. He was not now prepared to go into this

important debate. He had supposed that the gentleman would not have urged the bill on the Senate until the appropriation bill should be disposed of. He would pledge himself to the gentleman, if he would now withdraw his motion, to give him his assistance to call up the bill as soon as the Senate should have disposed of the appropriation bill. Should the pension bill be now taken up, Mr. H. would hold himself recreant to the trust committed to him, were he not to expose to the Senate his views on the subject. To call up the bill now, was merely to pile one important subject on another. Experience had instructed him that the only way to carry on the public business with advantage, was to dispose of one subject before they took up another.

Mr. FOOT said that, as he presumed the gentleman from South Carolina intended to oppose the bill itself, and not any particular amendments, he hoped that he would suffer it to go through the Committee of the Whole for the purpose of amendment, and reserve the discussion of the principle of the bill until it should come before the Senate. The poor soldiers believed that their claims have been much neglected. The gentleman from South Carolina had, at the last session, objected that the bill had been brought forward at too late a period. Now, we shall be told that subject is brought forward too late to be acted on. He hoped that, for form's sake, the bill would be permitted to go through the committee, and then he would be willing to agree to such postponement as would give the gentleman from South Carolina an opportunity to be heard. If this bill is considered as only second to the tariff, it appeared to him to constitute a reason why it should be disposed of before the tariff was taken up.

Mr. SMITH presented to the view of the Senate the fact of the absence of a gentleman from Virginia, [Mr. TYLER,] who wished to be heard on the bill, as a reason why the Senate should consent to a postponement.

The question was then put on taking up the bill, and carried in the affirmative—yeas 20, nays 16.

Mr. ROBINSON moved to amend the bill in the 6th line, by inserting after the word "militia," the words "and officers and soldiers who served under Generals Wayne and Clarke in the Northwestern Territory, and in the Indian wars, after the revolution."

Mr. SMITH said that if this class were to be admitted, he knew of no reason why the soldiers under Harmar, St. Clair, and Hamtramck, should not be included. They came before Wayne. As the bill was now about to be amended, it would lead to an expenditure of a million a year. He had been so much deceived on a former occasion, that, hereafter, he should put no trust in calculations.

Mr. FOOT remarked that the Senate had already decided the principle that no pension should be granted except for military services performed in the war of the revolution.

Mr. BIBB said that he cared not on what ground the Senator from Connecticut put this bill. In any view, the present proposition was entitled to as much attention as any which could be presented to the Senate. When General Clarke entered into the contest, Kaskaskia and Vincennes were both in the possession of the British troops, and he had not a right to a single foot northwest of the Ohio. General Clarke, out of his own means, raised men, strained his own resources to the utmost, and, at the moment when General Hamilton, the British commander, deemed himself to be in perfect security, attacked him, rescued these strong positions from his grasp, and made him a prisoner. General Clarke was so pushed for cannon, that he had to make a substitute by using logs; and General Hamilton actually shed tears when he marched out of the fort, and was, for the first time, made sensible of the smallness of the force (about half his own) to which he had surrendered. But for this brilliant achievement, we should have no settlement in all the coun-

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try lying northwest of the Ohio; for we had taken no step to establish ourselves there; and there was no mutiny, or what was called "rebellion" in the language of the day, which could have led to an alienation from Great Britain. All that we have acquired in that region of country is the fruit of the capacious intellect of General Clarke.

Who, he asked, were the allies of Great Britain? They were the Indians; and it was through these allies that the West had to contend against the power of Great Britain during the war of the revolution; and if the Indian war continued in the West after that of the revolution, it was a continuation of that war, because the Indians were excited by Great Britain. On this principle, the classes embraced in the amendment have performed what comes within the meaning of revolutionary services.

We have a treaty formed with Great Britain in 1793, but this treaty did not end the Indian war in the West. But he would put the adoption of the amendment on another ground. We now possess the Northwest Territory, disencumbered of Indians. Great Britain held this country and protected it, and we could not have held it by any right which we could have set up. In 1794, when General Wayne put an end to the Indian war, we had but one settlement, and that lying under the protection of the guns of the fort. He could not move in that region without leaving a chain of forts behind him, and the troops which he commanded were all to be drawn from Kentucky, for there was not a military man around him. When he marched, he sent word to General Washington that the Indians were too powerful for him, and he had to fight them in garrison and in fortress. General Scott, who was then in Philadelphia, was sent to his relief by General Washington; and after his arrival the battle was fought. Are we to disregard services of this character? He trusted not; but he hoped that they would be deemed by the House as important as those of the revolutionary war.

But, looking at the matter on the score of justice, it must be admitted that no men were more entitled to the benefits of this bill than the hardy, brave, and adventurous men who contended against the scalping knife and the tomahawk—as dangerous service as any in which men were engaged. We have received from them services far, in value, exceeding any compensation we can give in return; for they conquered the whole of that extensive country, and have left it in our hands.

Mr. GRUNDY said that if any men were entitled to the benefit of this bill, these men were clearly the most entitled. Why do we give pensions at all? It is on account of the hazards encountered by individuals, and the benefits which have resulted from those hazards to the country. If there were any other ground on which these claims were placed, he did not know it. This class of men had suffered more than any other which had served in the war. They formed a part of the revolutionary army. After the treaty of 1783, when we were in the enjoyment of peace and safety, the Indian war continued to rage in the West during ten or twelve years. These men were engaged by the Government, and ran risks greater than those endured by four-fifths of the persons included in the provisions of the bill. And if they suffered as much in the same cause, why are the benefits of the bill to be given to one set of men, and not given to another? Why extend them to the time of the disbanding of the general army, and not include those who were retained in the service beyond that period? The few left of those men reside in the West; and it is not to be expected that Western Senators would sit still, and not secure to their constituents that to which they are so justly entitled.

Mr. ROBINSON expressed his readiness to accept the suggestion to embrace these persons in his amendment.

Mr. GRUNDY then moved to amend the amendment accordingly. The amendment, as modified, reads—

"And officers and soldiers who served under Generals Wayne, Clarke, Harmar, Hamtramck, and St. Clair, in the Northwest Territory, and in the Indian wars, after the revolution."

After a few words from Messrs. SMITH and FOOT, Mr. GRUNDY asked for the yeas and nays; which were ordered.

Mr. BENTON then made a few remarks, in which he repeated the history of the services of General Clarke, and, as the hour had expired for morning business, moved to lay the bill on the table; which was carried in the affirmative—yeas 25.

On motion of Mr. FORSYTH, it was

Resolved, That the President be requested to communicate to the Senate all the instructions given by this Government to our ministers to Great Britain; and all the correspondence of our ministers on the subject of the colonial and West India trade, since the 3d of March, 1825, not heretofore communicated, so far as the public interest will, in his judgment, permit.

APPROPRIATION BILL—COLONIAL TRADE.

The Senate resumed, as in Committee of the Whole, the consideration of the general appropriation bill; and Mr. KANE spoke for about an hour and a half in conclusion. [Given above, with the first day's remarks.]

Mr. SMITH, of Maryland, then rose, and said, that with a view to put an end to the discussion, and to accelerate the passage of the bill, he was instructed by the Committee on Finance to withdraw the amendment which had led to this debate.

The CHAIR decided that the motion, although it would have been in order as the motion of an individual, was not in order as the report of a committee.

Mr. HOLMES then rose, and addressed the Senate as follows:

Mr. President, I enter into this discussion, at this time, with deep despondency and humiliation. I never expected to have heard it declared in the Senate of the United States that we had justly incurred a penalty for not complying with a British act of Parliament. A penalty, sir! Are we, indeed, become so servile as to deserve chastisement at the hands of "the parent country?" A Senator, a friend of this administration, prescribing for us whole some chastisement at the hands of Great Britain, because we were tardy in complying with her laws! Sir, our fathers would have spurned such a degrading sentiment; they did spurn it; they denied the guilt, and successfully resisted the punishment.

The Senator from Maryland [Mr. SMITH] would stop debate on this bill, because money is wanted. Yes, sir, to "get the money" is the sum and substance, the Alpha and Omega, of the patriotism of most modern patriots. Office, with the emoluments, is all the cry; and we are not allowed to discuss the principles of our appropriation bill, because your officers are starving for their pay. Sir, I like to hold back a little. It will do me good to keep them out, even but for one hour; and it will do them good, too. It will teach them to respect the feelings of their predecessors, who were turned off, with their families, upon the cold charities of a cold, uncharitable world, to starve, because they did not huzza loud enough for Jackson.

Still I do not know but we are bound to be silent; in this matter we are all instructed, and the instructions probably came from the same source that my others did. I perceive by the *Globe*, the official organ of the President, the Senate are ordered and directed to make haste, and not to delay this bill: for the faithful are waiting for their reward. That *lusing nature*, the editor of the *Globe*—what's his name? [Some gentleman replied, Blair.] Blair—O, Blair—when he speaks, it is by authority, and he must be obeyed. These official editors are mighty great men. Last year, at this time, Duff Green was the greatest man

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Appropriation Bill—Colonial Trade.

[SENATE.]

among us. But Duff had got into a bad habit of—speaking the truth. O! sir, it would not do at all. After that, they could not start an inch, and were obliged to dismiss him. It is thought there is no danger of Blair—that he is safe enough on that score. Hitherto, I believe, he has not been suspected of any such crime or misdemeanor.

But, if we go on, it is an up-hill business; for, at any rate, the friends of the administration have always the advantage. We are fighting for the people—they for promotion. And such is the selfishness of the human heart, that men will do better, and act with more zeal and perseverance, in their own cause, than in that of others; but, nevertheless, I trust the Senate will be disposed to bear with Maine, even if she should seem to delay this business unreasonably. The complaints of the sick man are indulged by his physician as arising from the paroxysms of disease. The peevishness of the wounded man, who is about to suffer the amputation of a leg or an arm, is ascribed to actual or anticipated pain. Now, you will bear with us, sick as we are, and, as I fear, about to submit to an amputation. But, sir, you had better not cut that arm off until you have tried to cure it. We shall not only need it for our own, but for your defence. Should your enemy smite you in that quarter, you will have reason to regret the amputation.

The objections which would arise to this bill would authorize an inquiry into the whole economy of this administration—an inquiry so broad, that it would exhaust my powers and your patience. I intend, therefore, to limit myself to the diplomatic intercourse. The excess of expenditure seems to be admitted by the Senator from New York, [Mr. MARCY,] but he contends that the good effects of this diplomacy more than compensate for the extra expense. Here, sir, we join issue with the Senator, and are very ready to examine into the great good of which the Senator boasts. It is possible, however, that that Senator and I differ essentially as to the political meaning of this word "good." When I speak of it, I mean the good of my country—he may intend it the good of a party. If he understands it in this sense, I should surrender the point at once; for never did a party take better care of itself, at the people's expense.

But, sir, I am against this prodigality to buy or retain partisans. Let the victors riot on the "spoils" taken from the vanquished or strip from the slain; let them be content with the offices wrested from the hands of far better men than themselves; but let them not rob the non-combatants—that is, take the money from the treasury, to create sinecures for the purpose of rewarding partisans. This is what has been done by your administration, and your whole foreign diplomacy has thereby been deranged. It is not the sums expended, but the abuse of the expenditure, of which I complain. The Senator from Maryland [Mr. SMITH] has, but very unsuccessfully, attempted to show that this administration has, in a given period, expended less for diplomatic intercourse than the last. And pray, sir, what if it were so? Your necessary expenditure on your farm was last year a thousand dollars, and you will expend just as much this year whether you need it or not. What practical man ever reasoned in this way? The Senator from New York saw at once that the ground was untenable, both in principle and in fact; he abandoned it at once, and tendered the issue which I have very readily joined.

And here, sir, I am at an entire loss to perceive on what the Senator placed reliance for the glorification of his administration. The Senator from Illinois [Mr. KANE] has, it seems to me, totally failed to sustain the affirmative, and been obliged to struggle hard in the defensive, and with very little success, as I thought, to resist the able and eloquent charge of my colleague, [Mr. SPRAGUE.] It is inquired, why object to an outfit, when you, by your own rejection of a minister, render the outfit for another ne-

cessary? My answer to this is, that we have no other way in which we can correct the abuse of the appointing power, but by a rejection of the minister improperly appointed; and before I granted another appropriation for another outfit, I would be pretty sure that the abuse would not be repeated. "The good" which has been achieved by the diplomacy of this administration! Who, in this thing, can show us any good? We have ratified a treaty with Austria, but it was concluded by the last administration. Your treaty with Brazil was also made by other hands. Two treaties with Mexico, one of commerce and the other of limits, have, to be sure, just been ratified, but they were both made by Mr. Adams, and were delayed by the failure of that Government to exchange the ratifications. You are not indebted to this administration for the indemnity obtained from Denmark; and the foundation of your Turkish treaty was laid by Mr. Adams; and this has been admitted this session, in debate in the other House, by the chairman of the Committee on Foreign Relations. How near we were losing the whole, by the stupidity and folly of your negotiators of this Turkish treaty, I am not at liberty to state.

Indeed, sir, there was no "good" anticipated by these changes of our diplomatic agents. What could we expect from a recall of men of intelligence and experience, to supply their places with new men, regardless of all other qualifications but their party attachments? No other reasons could exist—indeed, no other have ever been pretended to exist. This administration has had the distinguished honor to set the first example of rewarding its friends and punishing its enemies; and the consequences, which we already feel, are distraction at home and disgrace abroad. We are humbled every where. The Tories in the revolution were scarcely more devoted to the mother country than we seem to be. It is British—British—British manufactures—British tonnage: and at last Maine given up to pay Britain for not impressing our seamen. Maine! that proud, republican State—Maine! who so nobly spilt her best blood by sea and land; has she basely surrendered? No, sir, she has not. If her agents have betrayed her, she will still be true to herself. Had it not been for that thirst of partisans for reward, Maine would not have been in her present predicament. Mr. Hughes, our chargé d'affaires at the Netherlands, was nominated minister by Mr. Adams, and Mr. Preble was appointed agent with Mr. Gallatin. Mr. Hughes was popular at that court, and it was expected that Mr. Preble would go out as agent to prosecute our claims, aided by the diplomatic talents and experience of the minister. But no; at this critical period you must have every thing new. A minister, an entire stranger to the court and the language. And "the highlands" were at last found to be in the bed of a river! This is one specimen of the "good" boasted of by the Senator from New York. Nearly a third part of the State bartered away for Rouse's Point and impressment. Thank heaven I am not made of such flexible materials. I was, on a former occasion, rebuked by the very amusing and edifying Senator from South Carolina [Mr. MILLER] for too rigid an adherence to the doctrines which I entertained and inculcated during the war; and he illustrated his rebuke by the very odd anecdote of the man who was so fond of swimming that he would keep paddling with his hands and feet to imitate swimming when he was on the land—meaning, I suppose, (if the figure means any thing,) that my principles ought to bend or yield to my condition. This might do very well for the Legislature of my State, who have, during a session of a very few weeks, given directly opposite opinions on the subject of a surrender of their territory; but my doctrines do not set quite so loose upon me.

Sir, I am against all these swimmers—these aquatic, amphibious politicians. Had it not been for these, you would not have witnessed the confusion, ignorance, and want of

confidence in the administration of your affairs. But the tide was at the flood, and they plunged in, and smoothly and sweetly swam on, and each, as he thought, to his desired haven—a good snug office: some, to be sure, fell into the eddy, and others “ventured, like little wanton boys, who swim on bladders, these many summers, in a sea of glory,” but far beyond their depth; their high-blown hopes at length burst under them, and left them, weary and old, to the mercy of a rude stream, that must forever hide them. And we may have witnessed a case or so, where some one or more might exclaim, “O! how wretched is that poor man who hangs on princes”—no, not “princes”—on presidential “favours.” There is, between that smile he would aspire to, that sweet presidential aspect, “and his ruin, more pangs and fears than wars or women have; and when he falls, he falls like Lucifer, never to rise again.”

If this charge of too much consistency had come from the Senator from New York, who challenged us to this debate, I should not have been surprised. In that State, I understand, they do not think much of consistency. It is said that there a man scarcely knows, for twenty-four hours, to what party he belongs; and what seems singular is, that, while he is turning, he is insensible of the operation. The magician touches him with his wand, and he is changed in the twinkling of an eye. A man, it is said, has been known to go to bed and to sleep a decided Clintonian, and to wake up in the morning a “Bucktail of the first water.” Like Corporal Trim’s falling in love, “it bursts upon you like a bomb, without giving you time to say, God bless me!”

Sir, there is one species of diplomacy, said to be set on foot, which, if the fact be so, cannot receive too much reprobation. Is it not enough that we are (I fear) to lose an important portion of our frontier? Is it not enough that we have not only surrendered the colonial trade to Great Britain, but we have humbly begged her to take it? But must we still drink the cup of humiliation to the dregs, by buying an exemption from impressment?

I know full well that the opinions and decisions of this Senate will be arraigned, if not consistent with the views and wishes of the administration. On this very subject of our relations with Great Britain, the Senate has been reproached by the President. A few days since he stated to a highly respectable gentleman, now in this chamber, that, when he commenced his administration, we were on the most friendly relations with Great Britain; and now, by the conduct of that Senate, we were on the verge of enmity; and he should not send another minister there, until he had learnt how the British Government received the insult offered them by the Senate in the rejection of Mr. Van Buren. Sir, I state this not lightly, but upon mature reflection. I know what I say, and I hold myself responsible for the truth of it. This “important negotiation,” with which our minister to London is charged, is, it seems, the subject of impressing American seamen. Sir, can this be possible? I did believe that this matter had been settled—very honorably settled—by such negotiators as Hull, Bainbridge, Rodgers, Stuart, Perry, McDonough, and many other good fellows, who so often caused the star-spangled banner to wave in triumph over St. George’s cross.

Mr. President, my colleague speaks of the President’s construction of the act of 29th May, 1830, and his execution of that law contrary to its plain intent and import, as matter of singularity. My worthy colleague must have been an inattentive observer of the times, if he has not perceived that this is an every day business; that the President has not only undertaken to modify laws, but, in effect, to repeal them, and even treaties, too, by refusing to “take care that they are faithfully executed.” Had the judges of your Supreme Court usurped the legislative as much as the President has, in my opinion, the judicial

powers, they would have, forthwith, been brought to the bar of this Senate. This very act, which admits British and American vessels, with their cargoes, into the respective ports of the parties, upon terms of perfect equality, is, by Executive “construction,” to permit a British vessel to take a cargo of foreign produce from the United States to any of their colonies, when an American vessel is strictly prohibited from doing any such thing; thus executing the law, not as it is, but as he and Great Britain would have it to be. This identical act, putting a construction on a law of Congress against its plain meaning and intent, and at the same time yielding to British navigation an advantage over our own, never before surrendered to any nation, is an era in the commercial history of this country, from which I fear the future historian will date its decline, and the cause of its final fall. Augustus Cæsar first subdued the Senate, and then used it as an instrument to enslave the people. If, as Mr. McLane says, it will be always our interest that foreigners should export from our country our foreign produce, then it is equally our interest that they should have the same preference in the exportation of our domestic products. Admit this, and your Chinese or “terrapin” policy is established as the permanent policy of the nation. If, instead of a discrimination in favor of ourselves, which has been our navigating system from 1790 down to this time, our policy is to be a discrimination against ourselves and in favor of others; if the whole system is not only to be abandoned but reversed, let gentlemen avow it distinctly; and let us understand what they mean, that we may know where to meet them. Maine, which, in point of tonnage, stands third in the Union, has a right to be heard on this subject. With us it is a great question. If we are to lose our territory and navigation, too, and get some offices for the leaders, but nothing for the people, all parts and parcels of the scheme ought to be fully disclosed.

The question of the colonial arrangement is one involving our whole navigating policy. The discrimination in favor of British tonnage, and the reason given for it, that it will be for our interest to give a preference to foreigners to export foreign products, demand the serious consideration of every statesman. I know that a very distinguished statesman, Mr. Jefferson, was an early advocate for surrendering the ocean. But this was before we had a federal constitution, giving a general power to regulate the commerce of the whole confederacy; and he afterwards abandoned these visionary ideas, and, in his various messages, has recommended commerce and navigation as interests inseparable from agriculture and manufactures. What should have put this thought, of the surrendering of our navigation, into the heads of the President and his minister, it is impossible to conjecture. And it is indeed still more singular and inexplicable that this surrender should be made to the nation which, above all others, is capable of using it most to her own advantage and to our injury. Great Britain had lately changed very materially her colonial policy. Mr. Huskisson, in discussing the celebrated colonial acts, had acknowledged that a successful competition with the United States, on the restrictive principle, was impossible. The British minister had admitted to Mr. Barbour, that the colonial restrictions were most injurious to the colonies themselves. We had nearly the whole carrying of the circuitous trade; and why this extraordinary preference to Great Britain at this time!

* “Perhaps to remove, as much as possible, the occasions of making war, it might be better for us to abandon the ocean altogether, that being the element whereon we shall be principally exposed to jostle with other nations: to leave to others to bring what we shall want, and to carry away what we can spare. This would make us invulnerable to Europe, by offering none of our property to their prize, and would turn all our citizens to the cultivation of the earth; and I repeat it again, cultivators of the earth are the most virtuous and independent citizens. It might be time enough to seek employment for them at sea, when the land no longer offers it.”—*Jefferson’s Notes on Virginia*, p. 279, edition 1787.

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Appropriation Bill—Colonial Trade.

[SENATE.]

Was our political existence in danger, and did we, as in our treaties with France, of 1778, surrender something, rather than lose all? Nothing of this—nor were we engaged in war, or threatened with one. Nor have we even the mean apology of bartering our honor for profit: for we have gained nothing. No, it is even worse; a national sacrifice of both honor and interest—to save a party; a mere political “humbug.”

Sir, I must tax the patience of the Senate, while I make an exertion to disabuse the public on this subject of “the colonial trade,” so much talked of and so little understood. I shall endeavor to present it as it has been and as it is; not only in regard to Great Britain, but other nations having colonies in our vicinity. The peace of 1783 had changed our relations with the British Northern and Southern American colonies, and it was readily perceived that the colonial regulations which Great Britain might adopt in this new state of things, must have an important bearing on our commercial relations with Great Britain herself. The colonies lying in the way of a trade between the United States and the British European dominions, any indirect communications with them, enjoyed by Great Britain and not by us, would give her a manifest advantage. This was perceived; and, immediately after the peace of 1783, when we had no general effectual power to countervail any commercial restrictions imposed by other nations, Great Britain began to cast about and see how she was to engross the trade of the United States, and preserve the supremacy of her own navigation. Mr. Pitt thought a free trade would give Great Britain a successful competition, and he made, in 1783, a proposition, remarkable for its liberality, to equalize the duties in our trade with Great Britain and the colonies, on native products from each, whether in British or American ships. This bill of Mr. Pitt, called “the American intercourse bill,” was opposed by Mr. Eden (afterwards Lord Auckland) as favoring the United States at the expense of the American colonies. The bill fell, of course, with Mr. Pitt’s administration, but probably would not have been passed had he retained his power.

The next year the Committee of Council, acting as a Board of Trade, drew the attention of Parliament to the advantage of the circuitous voyage. They state that “it had been observed to them that the owners concerned in the West India trade have long labored under great disadvantages, from the difficulty of procuring outward freights for their vessels; but now, by going first to North America, and from thence to the West Indies, and so home, they will be sure of two, and perhaps three, instead of little more than one.” In another report, in 1791, they speak of this circuitous trade as “a new acquisition.”

Our trade with Great Britain was regulated by temporary acts of Parliament and orders in council, until 1788, and that with her colonies was to be carried on in British ships alone; when Parliament made its permanent colonial regulations, thus described by Mr. McPherson, which I will give you entire:

From McPherson’s Annals, vol. 4, page 168.

“March 10, A. D. 1788.

“The Parliament, thinking that the experience of five years had now proved that British vessels were competent to the supply of the West India islands with the produce of America, enacted a permanent law, instead of the temporary regulations hitherto generally renewed every year, whereby the importation of tobacco, pitch, tar, turpentine, hemp, flax, masts, yards, bowsprits, lumber of every kind, horses, cattle, and other live stock, bread, flour, peas, beans, potatoes, wheat, rice, oats, barley, and other grain, the produce of the United States, into the West Indies, in British vessels, legally navigated, was authorized; and all other articles were prohibited, on penalty of forfeiture of the vessel and cargo. Goods or produce, which

may be lawfully exported from the West Indies to any foreign country in Europe, may be carried to the United States, as may also sugar,* molasses, coffee, pimento, cocoa, chocolate nuts, and ginger—the two latter articles paying the same duty as when carried to the British colonies in America. Both imports and exports must be only in British vessels, navigated according to law; but vessels belonging to the United States, arriving in ballast at the Turk’s Islands, are permitted to load with salt, and no other article, on paying a duty of two shillings and six pence per ton, (payable in dollars, at five shillings and six pence per ounce,) their measurement being determined by a proper officer. Neither can any other article than salt be exported from Turk’s Islands to any British colony in America or the West Indies; nor can any goods be exported from them to Great Britain and Ireland, but salt, and such articles as may be imported from all countries free of duty. Such articles as are allowed to be imported from the United States to the British West Indies, must not be imported from any foreign West India island, except in cases of distress, when the governor and council of any island may permit the importation of them in British vessels for a limited time. No goods whatever are allowed to be imported from the United States into Nova Scotia, New Brunswick, Cape Breton, St. John’s, Newfoundland, and their dependencies, except in cases of distress, when the governor and council of any of the provinces may allow timber and lumber, horses, cattle, and other live stock, bread, potatoes, and grain of all kinds, to be imported in British vessels, for a limited time. No goods are allowed to be carried by sea from the United States to the province of Quebec, upon any account whatever. But nothing in this act is intended to repeal the act of last year, respecting the free ports of Kingston, Savannah-la-Mer,” &c.—Cap. 6.

Our commerce being, as you see, the victim of foreign legislation, was a main inducement to the adoption of the federal constitution. This is an important era in our commercial history. At that time the exports of Great Britain to the United States were £2,525,300 sterling—greater than to any other nation; and her imports from thence \$1,050,197 only. The next year Congress passed the celebrated tonnage bill, discriminating in favor of our own vessels and their cargoes. At this, the British ship-owners took the alarm. They saw that the new Government had the power to put the American navigator on equal ground of competition; and with this, and our enterprise and skill, there was good cause of alarm. The first device resorted to, was a proposition to a mutual repeal of discriminating duties in the ports of the United States and the British European ports; craftily reserving the right so to regulate the trade with the colonies, that they could always discriminate, in the circuitous trade, in their own favor.

In Mr. Jay’s treaty of 1794, the twelfth article authorized our citizens to carry, &c. in our own vessels, to the British West Indies, not exceeding seventy tons burden, such of our products as British vessels might carry, &c. paying the same duties; this to continue during the present war, and two years after; and by the fifteenth article of the same treaty, the British reserve, as to the European trade, the right to countervail our discriminating duties. Here was unquestionably a stratagem to equalize the duties in the colonial trade, discriminate in the direct trade, adhere to the policy of interdicting our carrying between the colonies and the parent country; and the consequence would have been inevitable, that nearly the whole intercourse would have been circuitous, and the British would have engrossed the whole of it. For example, in the di-

* Query.—Is rum forgotten, or designedly omitted? It constitutes by far the most important article in the exports from the West Indies to the United States.

rect trade, a British vessel pays a heavy discriminating duty here; an American a heavy one there. Through the colonies they are equal; but our vessels cannot go to Great Britain through the colonies, while theirs can. Wherefore, it follows that they could have carried on the circuitous trade, through the colonies, without discrimination, and we must have been confined to the direct route, subject to just such burdens as Great Britain might choose to impose. This consideration, probably, together with the limitation of our commerce with the West Indies to vessels of seventy tons, induced the Senate to except that article from the ratification, and thus we escaped that snare.

But, in 1802, and immediately after the peace of Amiens, an act of Parliament was passed, and transmitted to the President, who communicated it immediately to Congress, proposing to abolish the discriminating duties in our commerce with their European ports—anticipating thereby the same advantage, in the voyage through the colonies, which has been obtained by Mr. McLane's arrangement. The message of the President, with the act of Parliament, was referred to the Committee on Foreign Relations, who made a report in favor of the measure, which was referred to the Committee of the Whole House; and, soon after, a resolution was offered, and referred to the same committee, against abolishing discriminating duties with nations having colonies, unless our vessels were admitted into those colonies on the same terms as their own. Nothing was done on these two propositions; and, before the next session, the war in Europe was rekindled, and nothing after occurred to revive the subject until the peace of 1814. After the treaty of Ghent had been ratified, our ministers proposed a commercial convention, and the question again arose, Shall we agree to a reciprocity in navigation, without including the colonies? Mr. Adams, I am told, was averse to this, apprehending that we should be circumvented in the circuitous voyage. But a convention was agreed on, merely as an experiment, limited to four years, by which the products of each country might be imported into the other upon the same terms, whether the vessels be American or British. It was soon perceived that the exclusion of the American colonies from the operation of this convention was producing the effects apprehended, in giving the British the advantage of three and even four freights, while we were limited to two, and often to one. At the time of the convention of 1815, our whole tonnage amounted to 1,368,127 tons; British, (European and American,) 2,681,276 tons.

It is, however, a striking fact, that, during the year 1816, the British tonnage engaged in the whole American colonial trade was to the American as 111,949 tons to 102,128 tons, while that to the British West Indies was as 75,704 British to 26,321 American. This was insufferable; and, in 1818, the Committee on Foreign Relations of the House, of which I had the honor to be a member, and of which the Senator from Georgia [Mr. Forsyth] was chairman, made their report, accompanied by a bill for the occlusion of certain British colonial ports, which was passed. This was followed up by the act of 1820, making the system more extensive and perfect; and thus were the British colonial ports closed by sea. Great Britain, learning our intention to pass the act of 1818, by an act of Parliament of the same year, opened the ports of Halifax and St. John's, for certain articles necessary for her West Indies, giving us the short voyage, and reserving to herself the long one, and encumbering the trade with other restrictions. This was inadmissible, and we offered, as a counter project, that the list of inadmissible articles should be the same to the Northern and Southern colonies, the duties to be equal in the carrying, and no other nor higher on our products than on those from any other country. Nothing was agreed on; and such was the consequent pressure on their West Indies, that an act of Parliament,

of 24th June, 1822, authorized certain articles to be imported into certain ports, the produce of the country from whence, &c. and the exportation of colonial produce and British manufactures, taking special care to give the British vessel the advantage in the circuitous voyage. Our act of 1823 suspended those of 1818 and 1820, confined the British shipping to the direct trade, and offered to abolish our discriminating duties. Thus it stood until the British colonial act of July, 1825, the British, in the mean time, countervailing our acts, and still nearly the whole trade carried on in American shipping.

This act of Parliament of 1825 (usually called Mr. Huskisson's) forms another commercial era. It was a radical change of the British colonial policy. But, in the discussions then, and in the succeeding year, principles were advanced, which the act was neither calculated nor intended to sustain. A late British writer, in discussing this subject, has remarked, that "there is not, perhaps, another instance in the history of Parliament, in which the measure brought in was in so little accordance with the speech by which it was prefaced. Prohibition, it is true, was, for the most part, (though not entirely,) abolished in name, but it was kept up in fact! and the real effect of the act was to continue, under different regulations, every abuse which Mr. Huskisson had denounced." To wit, to give Canada and the ship owners the monopoly of the supply of the West India colonies. The act of Parliament, of 1825, gave the direct trade in native products to nations having colonies, upon reciprocal terms, and to those that had not colonies, which put British trade "on the footing of the most favored nation." The United States, then, was to enjoy the colonial trade on a condition so obscure and equivocal, that there is strong reason to suspect it was intended as a subterfuge. We had given other nations commercial favors for equivalents; and was the colonial trade in British vessels to be put on an equality with these? The British minister here (Mr. Vaughan) was called on for an explanation, but he confessed he could give none. But subsequent events show clearly that this new colonial policy was aimed mainly at the navigation of the United States. It was seen that, from the close of the war, in 1815, to 1825, the tonnage of the United States had increased, while that of Great Britain had diminished. It was frankly acknowledged that, in a commercial warfare with us, they must fail, and that their American colonies must suffer exceedingly. Mr. Huskisson observed that, by our commercial system, "a heavy blow was aimed at the navigation of England." After a frank avowal that their own commercial policy was to check the growth of any maritime Power which might, by her single strength, endanger the commercial supremacy of England, and question her title to the sovereignty of the seas, Mr. Huskisson adds, "It is the broad principle upon which the navigation system of this country was founded, and it is obvious that the motives for adopting that system were, first, that such portion of the carrying trade of foreign countries as does not devolve to British shipping, should be divided as equally as possible amongst other maritime States, and not engrossed by any one of them in particular; and, secondly, that countries entertaining relations of commerce with this country, and not possessing shipping of their own, should export their produce to England in British ships only, instead of employing the vessels of any third Power."

It was pretended that those nations which did not accept of the terms prescribed by the colonial trade act, within a year, forfeited their claims to the provisions of that act; yet Great Britain acted upon this principle with none but the United States. Mr. Gallatin arrived in England in July, and it was known he was instructed to open a negotiation on the subject; but, on the 27th of this month, and before he had presented his credentials, the order in council was issued, excluding us from this trade. Mr. Can-ning, after cavilling and equivocating, abruptly and pe-

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remptorily broke off the negotiation, and then boasted in Parliament that he "had had the last word."

The opposition to the late administration now began to magnify this colonial trade as a great affair, and to arraign the administration for losing it. It was the party hobby; and the President was accused of demanding too much. In 1826, legislation was attempted, but it failed, for want of time. In 1827, a bill was reported by the Senator from Louisiana, [Mr. JOHNSON,] then chairman of the Committee on Commerce, providing for closing the colonial ports after the 30th September; but if, before that time, they should be opened to us, and the British discriminating duties repealed, the President might, by proclamation, open ours to them on the same terms. This bill was amended, on my motion to strike out the words "by sea," so as to make the exclusion extend to the inland navigation. After this, the whole bill, after the enacting clause, was stricken out; and, on motion of the Senator from Maryland, [Mr. SMITH,] a substitute inserted, of three sections. The first, repealing the discriminating duties after the 31st December; the second, suspending the acts of 1818, 1820, and 1823, until the 31st of December; and the third, authorizing the President, before that time, to repeal our acts of 1818, 1820, and 1823, and the discriminating duties, should the British order in council, of 27th July, 1826, and their discriminating duties, be repealed. Thus amended, the act passed the Senate, but the House thought it was too humiliating. As we passed it, if the British order in council, interdicting the trade to us, should not be rescinded, our discriminating duties would be repealed after the 31st of December, and our colonial acts would all have been revived. Now, as the act of 1823 suspended those of 1818 and 1820, the result would have been, that, after the 31st of December, the whole trade would have been open to Great Britain, without discriminating duties, and closed to us. This was the view taken of it by the chairman of the Committee on Commerce of the House, now a member of the Senate, [Mr. TOMLINSON,] in which he was unquestionably correct, and the bill was amended, providing that, if the British ports were not open to us by the 31st of December, ours should be shut to them. After a conference, each House adhered to its opinion, and the bill failed. This was on the 2d of March—Congress adjourned the next day; and the President, on the 17th, issued his proclamation, closing our ports against British vessels. The Senate's proposition was, opening the trade to Great Britain, and asking her to open it to us, without saying what we would do in case she failed to comply; that of the House added, that, unless she did comply, our ports should be shut to her, as hers then were to us. In this attempt at legislation, the administration did not interfere at all, though its opposers attempted to throw the blame of losing the trade on them. Had there been no party machinery in the affair, Great Britain, who was almost the exclusive sufferer, would have soon been brought to her senses, and consented to trade on fair and equitable terms. The friends of the late administration, charged with demanding too much, in fact, yielded too much, though it is totally untrue, as alleged by Mr. Van Buren, that it had abandoned the ground it had taken. The principles advanced by Great Britain on this subject have always been at war with each other. You propose a commercial convention or treaty with her—"the colonies are distinct, and reciprocity must be limited to her European dominions." You propose to participate in the carrying between the colonies and the parent country—"the colonies are a part of the empire, and this is 'coasting trade.'" The struggle has been, by the British, to get the exclusive carrying, and to supply her West Indies through her Northern colonies; and, by us, to secure a fair equality. Our alternate resort to discrimination and exclusion, since the convention of 1815, had, in a considerable degree, deprived Great Britain of the advantages

of the circuitous voyage; and through the ports of other nations in the West Indies, (called "the neutral ports,") we had supplied her Southern colonies almost exclusively by our own tonnage. Although our inland trade was still open, yet such are the obstructions to the navigation of the St. Lawrence, that we could much more easily supply the West Indies through "the neutral ports," than Great Britain could through the Canadas. Now, take the different periods of 1821, 1824, 1827, and 1830, under the operations of the different acts of 1818 and 1820, when the ports were closed, 1823, when they were open partially, enforcing the principle of discrimination, and 1827 and 1830, when they were closed under the proclamation of 17th March, 1827, and compare our tonnage, in each of those years, with that under Mr. McLane's arrangement, and you will then have a picture of this affair most appalling to the navigating interest. Hitherto, the British Southern colonies had been supplied through the inland navigation with the Northern provinces and "the neutral ports," the largest portion through the Danish and Swedish islands; considerable, however, through the Spanish, French, and Dutch islands, and Hayti. I will take the tonnage employed in the British colonies, and the Swedish and Danish only, although this is by no means stating the case so bad as it is.

BRITISH, SWEDISH, AND DANISH.

	American Tonnage.		Foreign.	
	Entry.	Departure.	Entry.	Departure.
1821,	168,305	182,624	2,757	4,690
1824,	178,602	192,309	11,604	17,363
1827,	158,302	148,099	17,623	19,792
1830,	—	192,061	—	15,080
1831,	—	151,147	—	107,078

Yet the Senator from Illinois expects to make us believe that our tonnage, in this trade, has increased since this arrangement. He would prove it in this way: He takes our tonnage engaged in the direct British trade, which was almost wholly interdicted, and compares it with that now carried on, and triumphantly gives you the result. Now, every one sees the entire fallacy of the argument, who knows that, during the interdiction, nearly every thing was done through the "neutral ports." I have, indeed, stated the case too favorably for the "arrangement." There was more commerce with the British colonies than the whole carried on through the British, Swedish, and Danish ports. Very much went through the Dutch, French, and Spanish islands, and Hayti, as I have said. And now, in the three first, there has been an immense falling off.

We have seen the condition of the British colonial trade when this administration commenced, and we will see, however humiliating it may be, what was done, and how it was done.

The President, in his first message, seems to be paving the way for an adjustment of this question. He begins by the most servile adulation of the British nation, vainly and foolishly expecting that his flattery would induce her to surrender what she deemed an important principle connected with her maritime power. "With Great Britain, (he says,) alike distinguished in peace and in war, we may look forward to years of peaceful, honorable, and elevated competition. Every thing in the condition and history of the two nations is calculated to inspire sentiments of mutual respect." Sir, is this the sentiment of the President of these United States? Every thing? Every thing in the condition and history of Great Britain to inspire us with sentiments of respect? Are the "conditions" of her public debt, her tithes and poor rates, and her religious establishments, entitled to our very profound respect? But it is not limited to her present "condition;" it extends to her whole "history;" not only to all that she is, but to all that she has been, or has done. Every thing! My life for it, sir, he never wrote it. He knew something

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of the war of the revolution; he may have read something of British history; he, in the last war, defended his country against her myrmidons, fighting for "booty and beauty;" and could he respect every thing in the history of these transactions? It is a misprint; or some British spy, lurking around the palace, slipped in and made the interpolation. [Here Mr. H. called for the declaration of independence, and read] "The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute tyranny over these States." Is this entitled to our very profound respect? "Taking away our chartered rights, abolishing our most valuable laws, and altering, fundamentally, the forms of our Government." These things do not seem to me to command very great respect. Many other things are contained in this document, equally atrocious, which we might remember, not with the most perfect cordiality. If "he plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people," and did many other acts of atrocity, justifying the declaration that "a prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people," the President will pardon me when I again inquire, is "every thing in the condition and history of that country calculated to inspire us with sentiments of respect?"

Imagine to yourself, sir, the President of the United States standing before the throne of the British King, and thus addressing him: "May it please your Majesty, it is my highest honor, as well as my greatest pleasure, to address the beloved and illustrious monarch of a great and gallant nation, distinguished alike in peace and in war; every thing in the condition and history of your country is calculated to inspire, in my bosom, sentiments of the profoundest respect." And how much more devotional and loyal would that have been, than the eulogy which I have read from this message? Sir, the signers of that declaration were good witnesses—Hancock, Samuel and John Adams, Sherman, Franklin, Jefferson, and all the rest. They are all dead but one. No! they are alive, and will live in the affections of freemen, until freedom herself shall expire. And their declaration is a libel upon the British nation, or this eulogy is a libel upon them. Every thing! O, heavens! Every thing! Mr. McLane was specially instructed to communicate this message to his Majesty's Government, and to let it be distinctly understood that these are the sentiments of the American people; that the claims advanced by the United States had been abandoned by those who made them; that those claims had received no sanction from the people, and are not revived. He was to urge upon the British Government the President's anxious desire to terminate a state of things prejudicial to the friendly relations of the two countries. "The President hopes that true policy would induce his Majesty," &c.; appeals to British liberality: and yet the humble, degrading, supplicating letter remained four months without an answer; and then, on the 16th March, 1830, the American minister writes another, or rather a book, going into the whole history of the affair, proving how much it would benefit Great Britain to adjust the controversy; disclaiming and disavowing "American pretensions," excusing, soliciting, and apologizing, and all that; declining to defend his country for not embracing the provisions of the act of Parliament of 1825; or, in the spirit of the Senator from Illinois, was willing his country should incur the penalty of its guilt in not obeying a British law!

Lord Aberdeen had seen, from the solicitude of Mr. McLane, that it was the party in power which wished for the adjustment, for party purposes; he had delayed an answer until he could learn the exact state of things here. He found that the late administration had been reviled for asking too much, and that the present one would be ready to take less. He knew, therefore, that he could have a

bargain of his own making. But it would be exceedingly gratifying to British pride, if, in the surrender of a principle by the United States, the manner, too, should be humble. Before, we had never supplicated. By our independent, high-minded, high-toned course, we had inflicted a wound on British pride, which now was the time to avenge. After Mr. McLane's surrendering, in terms, the "American pretensions," his lordship gives him to understand that he shall not take his word, nor rely on the promise of the American Government; but the act of Congress must first be passed, and he must see its provisions before he would move a step. Well, Mr. McLane sends for his law, and he gets it. The act of Congress of 29th May, 1830, proposed by Mr. Van Buren himself, and going as far as we had ever gone, was presented in the most humble manner—"Hopes the President's motives in recommending the act will be appreciated," and tells him how Congress has diminished the duties on molasses, cocoa, and salt, the products of the West India islands. Notwithstanding all this humiliation, he was treated with the utmost indifference—they even spelt his name wrong; instead of Louis, Lewis. He appeared so English in his feelings, that they took away his American name, and gave him an English one. Like Sir Philip Faulkenbridge, when he was knighted, boasting how he would treat his former companions—"Good Sir Philip!" "God a mercy, fellow! and if his name be George, I'll call him Peter."

The act of 27th May, 1830, was intended to be perfectly reciprocal. The vessels of each, with their cargoes, were to be admitted in the ports of the United States, and the enumerated colonial ports, on the same terms. The act was no concession, except in this—it was making our propositions definite and binding upon us, before Great Britain would act at all. But his lordship undertakes to cavil at this law of Congress. You must expound this law to mean directly, to be sure, what it purports not to mean; that, while you can carry nothing but your own products from your country to our colonies, we can carry from thence any foreign products whatever. Sir, a grosser perversion of the palpable meaning of a law never was attempted. Yet an American minister stipulates for his country, at the beck of a British minister, that it shall mean what it did not say; and what was, moreover, the surrender of an important principle of policy, never departed from since the organization of the Government. Sir, animadversion or reprobation is unnecessary. Your minister negotiates with a foreign Government to modify or repeal a law of Congress, and the President sanctions the act. Yes, and we tamely submit! It will be always for our interest that foreigners should be our carriers! But, says Mr. McLane, if we should, hereafter, find this inconvenient, we can rescind the agreement. Indeed! You put a construction on an act of Congress, against its manifest meaning and intent, favorable to Great Britain; the President confirms the construction and the pledge; and, if we find it against our interest, the remedy is a violation of our plighted faith! Here is one concession, never before made, and not authorized by law—a concession, too, which, for the first time, gives foreign navigation a preference in our own ports. But this is not all; Lord Aberdeen knew he was circumventing us, and, to prevent future ground of complaint, he apprises Mr. McLane, frankly, of the intention of the British Government to make such discrimination, in favor of the trade from the Northern colonies to the West Indies and the European dominions, as should secure them the benefit of the circuitous voyage. In his reply to Mr. McLane, making a merit of our diminishing the duties on certain West India products, Lord Aberdeen, frankly, though somewhat sneeringly, remarked, "This measure has been viewed by his Majesty's Government with sincere satisfaction, as indicating a disposition to cultivate a commercial intercourse with his Majesty's colonies, upon a footing of greater freedom and reciprocal

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advantage than had before existed. But the undersigned must frankly state, that, in the general consideration of the question now to be determined, no weight ought to be assigned to the reduction of those duties, as forming any part of the grounds on which the re-establishment of the intercourse may be acceded to. These changes are part of a general scheme of taxation which the Government of America may, at all times, impose or modify, with the same freedom as that which Great Britain may exercise in the regulation of any part of its system of duties; and it is the more essential that his Majesty's Government should not contract, by implication, any engagement towards that of the United States, with respect to such alterations, because his Majesty's Government have already under their consideration the expediency of introducing some modifications into the schedule of duties attached to the act of Parliament of 1825, with a view more effectually to support the interests of the British North American colonies," &c. Now, if this frank and ingenious avowal that Great Britain intended to make every discrimination which she could, to favor the circuitous trade, was not sufficient to open his eyes, and silence all complaint afterwards, it seems to me nothing could. And, in a very few days after, Mr. Herries introduced into Parliament his proposed alteration of duties, in favor of the colonies, to which I alluded several months ago. Mr. Herries stated that "the object of the schedule was to give encouragement to a supply of the West India islands by the North American colonies of Great Britain, instead of by the United States, or any other country;" that "America had entirely and unconditionally (and he might have added, humbly) withdrawn her pretensions." But the moment the British Government commences this modification of its duties, for the purpose expressly announced to Mr. McLane, he begins to complain. He expected our interest was to have been somewhat consulted, and that, in filling the *carte blanche*, which he had offered to his lordship, he would not have taken the whole to himself. But Aberdeen had seen that Mr. McLane was to accomplish some arrangement, no matter what, and that he had him in his power. Now, said he, "Mr. McLane, I'll make you a fair offer—I'll have the turkey, and you shall have the crow, or you shall have the crow, and I'll have the turkey." Now, as this sounded somewhat reciprocal, and as something must be done, he accepted the proposition. But when he began to think further—now, said he to himself, "I have at last got nothing but the crow, and the Englishman has the turkey;" then he begins to make his complaints: "May it please your lordship, you did not say turkey to me at all." Aberdeen pats him on the shoulder: "Never mind, never mind, you are an honest fellow—a very honest fellow." By this he was pacified, wiped his eyes, and came right home and received his reward.

Mr. Herries's schedule was not adopted; but, on the 22d April, 1831, an act of Parliament was passed, varying in some particulars from that proposed in November, but discriminating more unfavorably against us, and in favor of the colonies. I have made a schedule, presenting, in three opposite columns, the duties as in 1830, before the arrangement; those proposed by Mr. Herries; and those imposed by the act of April, 1831. I will give you a few specimens from this schedule.

Wheat flour into the Southern colonies, duties, 1830, per bbl. 5s.; proposed by Mr. Herries, 6s.; by act of April, 1831, 5s. Into the Northern colonies, 1830, 5s.; Mr. Herries, 5s.; by act of April, 1831, free; giving a manifest advantage to the trade through the colonies, over that proposed by Herries. Again, take the article of staves and heading. In 1830, per 1,000, red oak, 15s.; white oak, 12s.; Herries', 18s.; act of April, 1831, red oak, £1 6s. 3d.; white oak, £1 3s. 3d.

Now, as these articles, and, indeed, all lumber, goes free into the Northern and Northeastern colonies, and

thence, free, to the West Indies, these duties are a prohibition against us. Never was a scheme better devised to cripple, if not totally annihilate, our navigation.

If we need proof of the utter want of reciprocity in the colonial trade "arrangement," it is found in the posthumous documents which came in answer to a resolution offered by my colleague. Why they were not sent before, is unknown, though it may be imagined. Here is a direct avowal of the operation of this arrangement, and the British Government is urged to act more favorably. Mr. McLane had been expressly told that the British Government intended to alter their schedule of duties, "with a view more effectually to support the interests of the British North American colonies;" yet, after it was all over, and he saw the operation of his own negotiation, he writes to Lord Palmerston: "If, therefore, the undersigned has succeeded in showing, as he hopes he has, that the present bill virtually destroys the fair advantages of the direct intercourse between the United States and the British West Indies, contemplated in the recent arrangement, he might confidently submit the subject, without further observation, to the justice and good faith of his Majesty's Government." Mr. McLane, by this letter, makes his own bargain bad enough, according to the schedule proposed by Mr. Herries; and if he will make a comparison between that and the act of 22d of April, 1831, he will find that, if possible, this makes it worse. But, though he has confidently submitted to "the justice and good faith of his Majesty's Government" for relief, as he had before submitted to its liberality, still, Lord Palmerston was so disgusted that the American minister could so soon complain of an arrangement which he so lately and suppliantly solicited, that he did not even deign to answer his letter. Never was a man treated so cavalierly as was Mr. McLane in the whole of this affair. He seems to have been noticed with the kind of British hauteur which is induced by another's humility. There is one thing I like in an Englishman: he is for England against the world, and honors the man of any other country, even if he is an enemy, who entertains the same patriotic pride.

We will now look at the effect of this arrangement a little more in detail. The same facilities would have been given to our trade by inland navigation, had not this arrangement been made. The very effect of interdiction, by sea, would be to increase the intercourse by land. Our inland trade could not, therefore, be benefited by opening the Atlantic ports. The gain which has been boasted of to the agricultural, at the expense of the navigating interest, is all a delusion. The truth is, that the agricultural interest on the Atlantic has lost, by destroying a competition in the carrying, while the interior has gained nothing.

(Mr. H. here read a comparative view of the prices of ashes and other produce, in the New York and Montreal markets, from 1823 to August 12, 1831.)

I have here given a comparative view of the prices current of our domestic exports at Montreal and New York, from 1823 to 1831, inclusive, by which it appears that the proportionate differences of price have averaged about the same. We see that, heretofore, the trade was no more circuitous than it now is, while the carrying was chiefly ours; whereas, under this arrangement, the British will eventually obtain the whole. We have seen the falling off of our tonnage in the trade with the British, Swedish, and Danish colonies only, and the consequent increase of the foreign. The comparison between the West India ports, only, in these three, is still more appalling: in 1830, it was 74,890 tons; 1831, 35,667; and, inasmuch as much of the indirect trade was through the Spanish, French, and Dutch islands, and Hayti, this depreciation must be much greater. Could this depreciation of our navigation, by bringing a foreign competition, aid the producer or consumer, there would be some consolation that what was the loss of the one was the gain of the other. But such

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is the advantage given here to the foreigner, that all American competition is destroyed, and the price of freights is not diminished. On the other hand, how did the case stand, under the restrictions or interdictions? The burden of the circuitous voyage fell on the British almost exclusively. It is like the case of a tax; if the producer needs to sell, more than the buyer to buy, the former pays; if the reverse, the latter. Now, the produce of the British West Indies, which we consume, is a small proportion of our consumption of like articles from other sources. In 1827, the whole amount of our trade with all the West Indies, including Spanish, French, Dutch, Swedish, Danish, and British, was \$12,137,897
Of which was British, 895,207

\$11,242,690

Add, probably, the indirect trade through "the neutral ports," and it might give Great Britain three millions of dollars; or, say a little less than one-fourth. Now, it is manifest that any tax or expense of carrying, upon the one-fourth, could not affect the price of the three-fourths, and the burden would consequently fall on the producer. How is it with the consumption of our products by the colonies? The case is directly the reverse. They need to buy, more than we do to sell. We can find other markets, better than they can do without ours. It has been admitted, again and again, that the continental colonies cannot supply the West Indies, and that they would be ruined without the means, in some way, of obtaining our products.

But the apparent loss of our navigation is by far less than the real. The comparative number of vessels or of tons indicates by no means a comparative value of freight. The same vessel, in a short voyage, may enter and clear ten times a year; and it would appear that ten times the number had done so, than had in fact. A single vessel, of the same tonnage, might enter and clear but once in the same time; but such might be the character and length of her voyage, that her freight and profits would be worth more than all the ten. Now, here we carry chiefly the short voyage, while the British, taking advantage of the circuitous voyage, take our products from the neighboring provinces to the West Indies, (whether foreign or domestic,) or to their possessions in Europe, from both of which we are excluded. We are at last, sir, permitted to look into the facts on this subject, and to see, in some measure, how far our theory is sustained by substantial truth. The resolutions which I had the honor to offer, on this subject, calling for information, were adopted by the Senate on the 22d December, and it has been more than three months before we could have it. We have got it at last, such as it is. The resolutions had been offered on account of a most inexplicable paragraph in the President's message. In speaking of the colonial arrangement, he observed that "the trade thereby authorized has employed, to the 30th September last, upwards of 30,000 tons of American, and 15,000 tons of foreign shipping, in the outward voyages; and in the inward, nearly an equal amount of American, and 20,000 only of foreign tonnage;" and adds, that the trade acquired by it on the lakes, &c., may more than balance for the loss by discrimination made in favor of the North American colonies and the West Indies. I really wish that the Secretary of the Treasury had expounded this mysterious declaration. There is no fact in the report, nor any where else, that I have seen, coming near to this statement. The report makes the departures, American, 102,772 tons; foreign, 103,883. In 1880, there were 14,267 tons engaged in foreign tonnage, outward. In 1831, 103,883—making a gain of foreign tonnage of 88,816. In 1830, the American tonnage, departing, was 119,566
And, in 1831; 102,772
A falling off of 16,794

So that, while the British gain, in the colonial intercourse with their colonies, in this year, is 88,816 tons, our loss is 16,794, besides almost a total loss of the tonnage employed through the neutral ports. In 1830, the departures for Swedish, Danish, and British colonial ports, were 192,061 American, and 15,081 only foreign. In 1831, the departures are 151,147 American, and 107,078 foreign. In 1830, your domestic tonnage stood as 192,061 to 15,080. In 1831, your domestic to the foreign was as 151,147 American, to 107,078 foreign. In the first year, the excess of the American over the foreign, 176,981, is reduced to 44,069, making a nett loss of tonnage, in one year, of 132,912.

Now, look at this in another view. By the report, it appears that, of the whole number of vessels entering and departing, up to 31st September, 1830, there are, entering, American, 1,166; foreign, 1,292; departing, American, 906; foreign, 1,129. The entries, British West Indies, American, 300; foreign, 157; departing, 311 American, and 133 foreign. Northern provinces, entry, American, 866; foreign, 1,135; departing, American, 595; foreign, 1,129. It is suggested in the report, in an extract from some collector, nobody knows whom, for the Secretary does not choose to give us his name, that many American vessels clear for the West Indies generally, but in fact go to the British West Indies. There may be some cases of this sort; but about 7,000 tons cleared thus in 1830, when they were interdicted the British West Indies. Besides, just as many vessels, except one, have entered from the West Indies, as have departed. What, then, could have become of those which went to the West Indies generally? The whole truth is, some vessels may clear for the West Indies generally, and go to a British island; and others may clear for a British island "and a market," and go to some other place; and the numbers would probably offset each other.

But look a little further into the case, and you will perceive that this is only the beginning of sorrow. Mr. McLane, against the plain meaning of the law, agreed to give the British the start in the race, and they began the trade nearly two months before we possibly could. With this advantage, that, of exporting from the United States products which we could not, and the protecting duties for the colonies, and the warehousing system, we had to struggle hard to enjoy a small participation in the trade; but what we had, is comparatively dwindling every day. In January, the vessels entered from North American provinces, American 31, British 18; May, American 43, British 117; September, American 97, British 225. By 30th September next, we shall probably have little left in the trade. We have an account from the Passamaquoddy district, which, from its particularity, looks as if it was official. It has been relied on by the administration papers as evidence of the success of this glorious event—"The ports are open." It seems by this, that, during the year 1831, the departures were, American 26, foreign 885. It seems, by your report, that the whole of the foreign departures were 1,129 only, and that 885 were from this port. I find that they were chiefly from the British North American colonies, twenty-six, I think, from Liverpool; but they cleared for a colonial port, intending to take the advantage of the circuitous voyage. If this is any thing like a fair average of what we are to have in this arrangement, 26 to 885, the sooner we break up the concern the better.

Still, sir, there is another view, which has not been lost sight of by the British, but which seemed entirely to have escaped Mr. McLane's notice. What effect is this arrangement to have on the commercial relations subsisting between the United States and the British European dominions? It will be recollected that the convention excepts the colonies from its provisions, and may now be terminated by either party giving the other twelve months' notice. Suppose the convention to continue, what is there to pre-

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Appropriation Bill—Colonial Trade.

[SENATE.

vent Great Britain from so regulating the colonial trade as to get into her hands all the European trade? We have agreed that the trade with the colonies, in native products, shall be on equal terms, and that Great Britain may, moreover, export from the United States, to her colonies, foreign products, on the same terms. She is left perfectly free to give as great facilities to the trade to the mother country, through the colonies, as to the Southern, through the Northern colonies. She, indeed, gave full notice of her intention to do this also. In referring to our act of 29th May, 1830, which provides that the commercial intercourse of the United States with all other ports of the British possessions shall be left on a footing not less favorable than it now is, "Lord Aberdeen declines any understanding on this point which shall, in the least, fetter Great Britain in changing these relations, but that she be free to adopt, from time to time, such commercial regulations as she may deem to be expedient for her own interest, consistent with the obligations of existing treaties." He says, in effect, Mr. McLane, if we can, we will, by discriminating in favor of the European trade through the colonies, take the whole of it, by our own tonnage, or give you the required notice, and rescind the convention, (leaving this arrangement in full force,) then burden the direct trade, and carry on the whole through the colonies, and thus exclude you both ways. And, should she do it, what breach of faith would there be that would justify our violation of Mr. McLane's arrangement? He hall full notice at the time, and made his agreement with his eyes open.

And here, too, our facts will concur well with our reasoning. Great Britain established her warehousing system in the colonies; repealed or diminished duties on the principal articles of our products coming from the colonies; and increased them in the direct route. Thus, our pot and pearl ashes, through Canada, are duty free; when coming directly, they are taxed heavily. Flour, wheat,* lumber, and cotton, are objects of peculiar favor through the colonies. This last article, the important staple of our country, and which constitutes more than half of all our freights to Great Britain, was, very soon, made a peculiar object of this discriminating policy. At the time of Mr. McLane's arrangement, the duty on cotton, from foreign countries, was an ad valorem of six per cent.; and on cotton, coming from the colonies, 4d. per hundred. On the 23d of February, 1831, and immediately after opening the ports, under the arrangement, the duty on cotton, from foreign countries, is raised to $\frac{1}{2}$ of a penny per pound, leaving that on cotton from the colonies the

* Duty on colonial and foreign wheat and flour in England.

AVERAGE PRICE.	DUTY.			
	Colonial.		Foreign.	
	Wheat, per qr.	Flour, per bbl.	Wheat, per qr.	Flour, per bbl.
	s. d.	s. d.	s. d.	s. d.
66s. and under 67s.	5 0	3 1	20 8	12 5
67s. " 68s.	0 6	0 4	18 8	11 3
68s. " 69s.	0 6	0 4	16 8	10 0
69s. " 70s.	0 6	0 4	13 8	8 2
70s. " 71s.	0 6	0 4	10 8	6 5
71s. " 72s.	0 6	0 4	6 8	4 1
72s. " 73s.	0 6	0 4	2 8	1 8
73s. or above,	0 6	0 4	1 0	0 7

Seventy pounds of wheat make one bushel, and eight bushels one quarter.

same as before. Thus, cotton from Charleston to Liverpool pays 5s. 10d. per hundred; and, going by the way of St. John's, or Halifax, pays 4d.; making a difference of 5s. 6d. sterling, or about \$1 27 for each hundred pounds. This, in a cargo of a ship of 400 tons, would make a difference of 1,200 pounds sterling, or \$5,222. That this trade had been actually begun previous to the 30th September last, appears by the answer to the resolutions of 22d December last. A cargo of cotton, 329,665 lbs. valued at \$29,967, had been shipped, in foreign tonnage, to the British North American colonies; and the inference is irresistible that this is for reshipment to Great Britain, to avoid the alien duty. But, since that time, this trade is settling into a regular channel. I hold in my hand a letter from a gentleman of the first respectability, dated at Lubec, Maine, 31st December last, which is free for the inspection of any Senator, an extract from which I will give you: "A merchant from St. John's, New Brunswick, passed through this place this week, on his way to Savannah, to which place he had ordered his ship, from Liverpool, (England,) for the purpose of loading her with cotton, or Southern pine timber, and then to touch and warehouse her cargo at St. John's, and from thence proceed to England. He stated that a vessel was then on her voyage, by the way of Halifax, the saving in duties on whose cargo would amount to 5s. 6d. sterling per 100 lbs. on cotton, or to over 1,200 pounds sterling on the whole." These are only examples, indicating what is to be the general and pernicious effect of this arrangement on the British and colonial commerce. Sir, the resolutions of inquiry have been very unsatisfactorily answered. The manifest meaning of the first resolution was a call for an account of the cargo and tonnage of each vessel; the port from whence, and to what place; distinguishing between the American and foreign tonnage. Instead of this, we have 92 pages, filled into an old blank, printed to contain our whole annual commercial returns; discriminating between articles duty free and those paying ad valorem and specific duties; and containing whole pages, headed and margined, and every column blank! You ask, What articles were exported or imported? And you are told that these articles, a long list of them, were not. The fourth resolution inquires, "What are the duties paid on British and American vessels, respectively, and their cargoes, in British ports, in the West Indies and the other British American colonies, distinguishing between the West Indies and the other colonies, and between American and British vessels, and the produce of the United States and the colonies?" Now, what is the answer? "In respect to the fourth resolution, which has been referred to the Department of State for a report, I beg leave to remark, that no tonnage duty, and no discriminating duty on merchandise, is levied on American vessels or their cargoes, in the ports of Upper and Lower Canada."

Sir, is this the way that your calls are to be treated by a mere Secretary? Or, did the President, on whom the call was made, justify the withholding the information required, and giving, instead, that which was not asked, and which was wholly useless? Of what use was it to the Senate to have a long enumerated list of articles which were neither imported nor exported; or a classification of articles paying duties or not? Or, was it supposed that we wished to know that no tonnage or discriminating duties were paid in the Canadian ports? Had not Mr. McLane, in his arrangement, provided against this? Sir, I wish I could publish this nondescript report as an appendix to my remarks. The American people would then see how easily an Executive may, if he will, circumvent the Senate. Lest the answer to the Senate's call should be what it turns out to be, I took the precaution to obtain some facts, from practical commercial men, of the actual state of this trade. I will begin with New Hampshire; and here I owe an apology, perhaps, to the Senator

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Appropriation Bill—Colonial Trade.

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from New Hampshire, [Mr. HILL.] I was, the other day, gently rapped over the knuckles for invading his dominions, by asking advice of one of his constituents. I have transgressed again. The letter is from Timothy Upham, of Portsmouth. But I trust there is no danger, in this case, that I shall seduce him from his allegiance to that Senator. The Senator, not long since, in discussing another subject, admitted his State to be prosperous, but ascribed it to "the opening of the ports." I find, by General Upham's letter, six American vessels had entered from the Northern provinces, and one British; two American, from West Indies, Turk's Island, with salt; one American vessel had cleared for British West Indies, Barbadoes, and one for the North American provinces; and one British vessel had cleared for Halifax. Eight American vessels entered, and but two cleared, is wonderful evidence of a profitable trade, and must account, conclusively, for the present prosperity of New Hampshire.

When I left Maine, I understood that, from Portland, (which has had as much of the West India trade as any port in New England, scarcely excepting Boston,) there had then been but one voyage to the British West Indies. I have, from Providence, Rhode Island, an account of two or three voyages, I believe all to and from Turk's Island. From New London, extract of a letter, 12th January, 1832, from a gentleman entitled to the fullest reliance: "For the British American ports there have been no clearances since 5th October, 1830, up to the present time. During the period above stated, there have been but three entries from said ports, all American vessels, with cargoes of plaster, a particular statement of which shall be furnished, if required." I sent to a friend in Boston for a particular state of the colonial trade with that port, but he was told at the custom-house that such a statement was just made out for the Treasury Department, which would, undoubtedly, be transmitted to the Senate. You see, however, that the report does not furnish us with the state of this trade with any single port in the Union. It is particular of what no one wants to know, and general where it should have been particular. But, inasmuch as the sacrifice had been made for the benefit of a party, it was indispensable that the party should realize it. As soon, therefore, as the news arrived, and before any one knew a word of the terms, it was hailed as a most propitious—a most glorious event! The President, in a paroxysm of joy, announces it to Congress, with a sweeping eulogy on Mr. McLane. "Although the result is itself the best commentary" [Agreed.] "on the services rendered to his country by our minister at the court of St. James, it would be doing violence to my feelings were I to dismiss the subject without expressing the very high sense I entertain of the talent and exertion which have been displayed by him on this occasion." All were delighted at this wonderful achievement, and more so that it came just in season for the fall elections. Mr. McLane, on the wings of the wind, flew to Liverpool, to despatch the news of the long wished for, sought for, petitioned for event. Lo! it comes—no matter what—the President, the Secretary of State, and the minister, all glorified. Mr. McLane's complaints and remonstrances, after he had ascertained what a bargain he had made, were carefully suppressed, and never saw the light until within a few days. No matter; call it good—excellent—wonderful. And so they did. Every pensioned newspaper in the Union chimed into the tune—glorious news! glorious news! The delusion was universal; people were made to extol, they knew not what. All were hallucinated. A boy, as it is said, went to market, at a country village, with a dozen of eggs. "Boy, what do you ask for your eggs?" "A quarter of a dollar, sir." "A quarter of a dollar! That is more than three times their value. They are worth about eight cents." "The ports are open, sir; hurra for Jackson!" And off he strutted with

his basket of eggs, enjoying his quarter of a dollar, in imagination, just as you have been enjoying this "colonial trade." How far this diplomacy has been connected with another question, or with ulterior objects, "demands a doubt." Attempts, it seems, are now to be made to throw the blame of losing the Northeastern part of Maine on Messrs. Adams and Clay, two of the gentlemen who negotiated the treaty. Why the other gentleman, who was associated with them, is exempted from the charge, may be conjectured. But how the negotiators at Ghent could there have settled a definite boundary, and marked the line, or what they could have done, better than they did, no one pretends to say. No whisper of complaint against them for this provision in the treaty had ever been made until after the "decision" of the "arbitrator." "But if the negotiators were not in fault, the late administration were." I have stated what was attempted to be done by the last administration, and what should have been done, if we regarded the question more than the party. But now, it seems to be intimated that, in the selection of the arbitrator, was the great error. This, too, is an afterthought, to screen this administration from responsibility. The President, in his first annual message, thus speaks of the "arbitrator," whom his predecessor had selected: "With full confidence in the justice of our cause, and the probity, intelligence, and uncompromising independence of the illustrious arbitrator, we can have nothing to apprehend from the result." In his second annual message, he states that the delay, occasioned by recent events, had been unavoidable; but that our minister at the court of the distinguished arbitrator had been assured that it (the decision) "would be made within the time contemplated by the treaty."

In his last, we witness the "taking back," and endeavoring to cast all the blame upon his predecessor's administration. "I found," said he, "arrangements made for its settlement, over which I had no control;" "the King of the Netherlands having, by the late President and his Britannic Majesty, been designated, it became my duty to carry, with good faith, the agreement into full effect." Now, forsooth, this honest, intelligent, uncompromising, independent, and distinguished arbitrator was so palmed upon us, that he, the President, could not help it, and was obliged, very reluctantly, to take him for better or worse. If ever a people have been so grossly trifled with and humbugged in every thing, as we have been, they must have been a very docile and credulous people. And so, this once illustrious, uncompromising, &c. having, in the plenitude of his honesty, intelligence, and independence, determined what was never submitted, and found that our "highlands" must, by some convulsion in nature, have become the bed of a river, it is a matter "over which he has no control," and must, he supposes, (unless the Senate check him,) "carry, with good faith, the agreement into full effect." I hope not, sir. The Senate is not, if the President is, afraid of responsibility. And if the Legislature of Maine are ready to sell out, sure I am, sir, that her Senators here are not.

I have, then, sir, endeavored to give you an exposition of the prominent acts of diplomacy of this administration, confining myself chiefly to the colonial trade arrangement, recurring incidentally to other public acts, mostly to that of the Northeastern boundary. I think I have shown, but of that the Senate and the public will judge, that this arrangement gave to Great Britain what we would never before consent to give:

1. A priority in the commencement of the trade.
2. An equalization of duties between us and the colonies, the British expressly reserving the right to discriminate, *ad libitum*, in favor of the circuitous trade, which they have done to an alarming extent.
3. The same express reservation in regard to the European trade, authorized by the convention.

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[SENATE.]

4. A notice, by Great Britain, that the arrangement was no agreement, even by implication, that she was not to change the relation in regard to the European trade.

5. That, instead of securing a preference to our navigation, in any respect, it expressly, and in terms, concedes to British navigation a preference, even in our own ports, and that, too, in direct violation of the law of Congress, which was Mr. McLane's rule of action.

6. And that all this was effected by an humble subserviency, totally repugnant to the whole character of our diplomacy, and unworthy of a free, honorable, and high-minded people.

7. That the result of all this is to secure to Great Britain the circuitous trade, colonial and European.

And, finally, that, by all this, we have struck a blow to the navigation of this country, which may one day effect the destruction of our liberties.

The time was, when no prospect of profit or fear of loss would induce us to surrender a jot or tittle of national honor. Now, men, in the scramble for power, seem to have lost sight of those high and exalted principles by which we had obtained our exaltation and our glory. Has the demon of party, favoritism, done all this. If the time has come, when a party, to retain its power, will call in aid a foreign nation, and surrender to it the rights of its country, the days of our freedom "are numbered and finished."

[The above remarks were delivered on the 9th, 10th, and 11th, but are embodied here.]

TUESDAY, APRIL 10.

Mr. GRUNDY, from the Committee on the Post Office and Post Roads, reported the bill from the other House to establish certain post roads, and to discontinue others, with numerous amendments. Mr. G. having expressed a hope that the Senate would take up the bill at this time, the amendments were read through, occupying the whole of the hour for morning business.

APPROPRIATIONS.

The Senate then resumed the consideration of the bill making appropriations for the support of Government during the year 1832.

The Chair stated the question. The amendment allowing four thousand five hundred dollars for the return of the ministers from France and England, had been withdrawn by the chairman of the Committee on Finance, and the question was now upon the next amendment. The Senator from Maine was entitled to the floor.

Mr. SMITH rose to address the Chair.

Mr. HOLMES said, I believe I shall not permit the gentleman to interpose; and proceeded with his remarks (as given above) until the hour of adjournment.

WEDNESDAY, APRIL 11.

PENSIONS.

Mr. FOOT moved that the Senate now proceed to the consideration of the bill supplementary to the act for the relief of the surviving officers and soldiers of the army of the revolution. He stated that he was yesterday appealed to by an old soldier, who begged to know if Congress was about to pass any bill for the relief of those who had performed revolutionary services. If not, he said, he hoped they would pass a bill to hang all this class of men, and relieve them from their misery at once.

The question being put on the motion of Mr. Foot, it was carried in the affirmative—yeas 18, nays 12.

The amendment offered by Mr. ROBINSON being under consideration, which read as follows:

"And officers and soldiers who served under Generals Wayne, Clarke, Harmar, Hamtramck, and St. Clair, in

the Northwestern Territory, and in the Indian wars, after the revolution"—

Mr. WHITE moved further to amend the amendment by adding the following words: "And any other person who was in service under the authority of the United States, against any tribe or nation of Indians, previous to the 1st of January, 1795."

Mr. WHITE said he was unwilling that all the citizens of the Northwest should be included in the bill, to the exclusion of those of the Southwest. He feared that the Senate would get off from the true principle. If the object of pensioning is to provide for those who are disabled, or who are in circumstances too indigent to permit them to provide for themselves, his amendment would not violate this principle. But if the Senate are to abandon this ground, it was but just that all sections of the country should share alike. If the amendment was just, (and he would not say that it was unjust,) he asked if the claims of those who had been engaged in service against the Indians in the Southwest were not as well entitled to the benefits of the bill as they who fought the Indians in the Northwest. After the peace with Great Britain, it was some time before the Indians who were engaged against us on the side of Great Britain were at peace. The amendment of the gentleman from Illinois includes all those who were engaged in this service in the Northwest. How was it in the Southwest? In that quarter the war continued as long. He cited the fact, that while the chiefs of the Creeks and Cherokees were engaged in making a treaty, the tribes themselves were engaged in hostile operations. Before the treaty of 1791 was well concluded, the war recommenced. In 1794, while negotiating a treaty in Philadelphia, the tribes represented at that negotiation were carrying on war; and, when remonstrance was offered, the reply was, that they could not control their young men. This state of things continued until the triumphs in the North, which were speedily followed by the subjugation of the Southern tribes by the troops under Wheatly and Owen. The same principle, therefore, which justifies the pensioning of the Northwestern troops, requires that those of the Southwest should be put on the same footing. There ought to be no distinction. He did not see his way clear to vote for any of the provisions of the bill; but, if he did; he could not consent to do so without extending its benefits to his constituents.

Mr. FRELINGHUYSEN expressed his apprehension that the bill, thus saddled down with amendments, might be destroyed, and that this amendment of the gentleman from Tennessee was offered in no spirit of friendship for the bill. It was impossible, too, to resist these amendments. No one pretended to doubt the meritorious services of the persons included in these amendments. But he had always understood that it was found necessary to adopt a principle of discrimination; and if no sufficient reason existed for this discrimination, the bill ought to be made still more extensive than it is. The gentleman from Tennessee [Mr. GRUNDY] had inquired the other day, why the bill stopped with the revolutionary war. It stopped there, because it was the termination of that war; because it was the revolution; and because they who fought to accomplish that glorious event, could not properly be classed with the men in 1795, who were fighting for a certain pay. The men of the revolution contended for every thing that was dear to them—home, hearth, and freedom. They fought for a Government; they fought for their social rights; and they achieved every thing by their own toils and their own blood. The discrimination is as broad as daylight can make it, or as between any two classes of soldiers; the one fighting for a sure and daily consideration, and the other for Government and social intercourse. For whom has the bill made provision? For those who are emphatically "revolutionary pensioners." The militia had carried on everywhere a partisan

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Revolutionary Pensions.

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war, with quite as much loss of property and blood; and it had been a subject of frequent inquiry why the militia were not all placed on the same footing with those provided for by the bill. Gentlemen from most of the States have been instructed to see justice, though late, done to this class of soldiers, who had been engaged in a contest for freedom, such as was never witnessed in the world before. If these men can show that they have rendered revolutionary services, let them do so. But if the bill is to be so extended as to reward all, why should not those who were at New Orleans, at Tippecanoe, at Bridgewater, and at many other places, be included? It cannot be done. In order to be consistent in its legislation, the Senate must reject all these amendments, and confine the provisions of the bill to revolutionary services. With these views, he would be compelled to vote against all these amendments.

Mr. GRUNDY admitted that the rejection of the amendment would make the legislation of the Senate more consistent than their adoption. A portion of the troops embraced in the amendment of his colleague, were engaged in revolutionary service. And what difference, he asked, could there be between those engaged in the revolutionary war on this side the mountains, and those similarly engaged on the other side? They who were engaged on this side were contending against the British soldiers, while those on the other were fighting against the Indian allies of Great Britain. Where was there a difference in the principle? The people on this side the mountains had been restored to peace and security ten or twelve years before these blessings were attained by those on the other side. Was it just that those who were the first to be visited by peace should have the benefit of the bill, while those who were the longest detained from them should be excluded? This was, indeed, consistent legislation. He admitted the difference to be evident between the revolutionary war and the late war; but this was, on both sides of the mountains, the revolutionary war. It was a prolongation beyond the mountains of the war which was fought on this side until the peace of 1783. He wished, therefore, to know what reason could be assigned for including one portion of the troops and excluding the other. Many of those who served under Wayne, Harmar, and Hamtramck, were regular soldiers. He stated it to be his intention to vote for this amendment, and for the whole amendment, if this should be adopted.

Mr. SMITH said he should vote against the amendment, and, afterwards, against the whole bill. There was a difference between the service in the East and that in the West, which operated in his mind against the amendment. When Congress offered half pay for life, the Eastern members opposed the measure, on the ground of the impolicy of introducing a system of pensioning. It was then proposed to give five years' full pay to the officers in lieu of half pay for life, and thus to avoid pensions. Now, the ground seems to be completely changed. The gentleman from Tennessee, behind him, [Mr. GRUNDY,] seemed to have fallen into an error, when he set up claims for one particular part of the Union. The Eastern soldiers had turned out and fought as bravely as the militia of the West. But the fact was, that there had been but very few militia called out in the East after 1778; and the Southern war was fought after that period. The militia in that part of the Union were then called out in great numbers, so that both sides of the mountains were about on a par.

In Maryland, the militia were called out in 1777, and but few were called afterwards in the East. In New York, the Connecticut troops did service. After that time, there was comparatively peace on this side the mountains. But the Southern militia were afterwards called out, and constituted the main force of that section of country. He was opposed to the bill in principle. If

the amendments were adopted, he could see no good reason why the soldiers of the last war should not be included. There were few who came out of that service, during the war, who did not leave it in a state of poverty, having been compelled to look to their own means for their support. But it was not so with those who came out after the war. He was of the opinion that the Eastern men acted correctly in putting a stop to pensions. If these propositions were to be carried out, the bill would empty the treasury. There was a plan, when he came into Congress, to pension for three years, giving equal to half pay, which would have caused an expenditure of about \$500,000 a year. It was raised in the House to eight dollars a day, and was so changed as to contemplate an annual expenditure of two millions. It was always the case that, when there was a sparse treasury, Congress became suddenly and rigidly economical; but when there was plenty of money in the treasury, every one is ready for a prodigal expenditure. This bill would lead to a heavy expenditure, not for one year only, but for every year. He had gone into the war with nine thousand pounds of his own money, and, when he came out, he had nothing.

Mr. WHITE said that his friend from New Jersey was right in the supposition that he [Mr. W.] had not offered his amendment with any view to impede the bill. His object was, if the bill was to pass, to make its operation just and equal, as regards all portions of the country. If the amendment he had offered were adopted, he should not be any more disposed to vote for the bill. He believed that the bill now was, *in toto*, false in principle; but, although wrong, if it was to pass, he would carry out the principle so as to make it apply to all—to the militia of the West as well as to all others. It was not a correct supposition that this amendment was founded on a principle distinct from that of the bill.

Those who advocate the amendment think that if the principle of pensioning those who are competent to support themselves be adopted, the bill should be made still wider. When the treaty of 1783 was made, it restored harmony between Great Britain and the United States, but it did not put a stop to the Indian war. The principle, therefore, was the same. The war with Great Britain was at an end, but it did not end with the savage allies of Great Britain until 1795. If it was considered right to give pensions to those who were engaged in conflict with civilized man, it surely was equally so to pension those who had the savages to contend with. If one had the misfortune to be taken prisoner, in the contest with civilized man, he was treated according to the courtesies of civilized warfare. But in the other case, no sooner had he left his home, than his dwelling and his property were left at the mercy of marauding Indians, subject to cruelty and devastation. He thought that even females had as good a right to be included in the advantages of the bill, as those now put there. In the case where civilized man contended with civilized man, it was very different, from that where man was compelled to meet the barbarous Indian, who spared no age or sex, but gave all, without distinction, to the scalping knife and tomahawk. He began to think that the gentleman from South Carolina [Mr. HAYNE] was correct in saying that the bill ought to be so extended as to embrace all. It had been said that the revolutionary soldiers were paid in depreciated money, and that this constituted a claim for pensions. So, if persons sold their beef, their pork, or other provisions, for depreciated money, for a handful of which, after the war, a man could not get a breakfast, they surely were as well entitled to sympathy and relief. If the bill is to go out of the line of strict military service, it would be found almost impossible to fix a limit to it. He presumed there were Senators present who had heard the venerable Senator from North Carolina (Mr. MAHON) on this floor.

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Appropriation Bill.

[SENATE.]

He had told the Senate that, during the war in the South, the camp was the only place of safety. If disability from wounds, and actual want, were not to be the limit, and the bill was to go on the principle of mere money, it would take more than the treasury could give to carry its provisions into effect. He wished to do equal justice.

Mr. BUCKNER thought the amendment went too far. He was not quite prepared to say that he would not vote for the bill in its original shape, but he could not help saying that he thought the whole system was wrong. He was not disposed to adopt a pension system beyond those who had been injured in the service of their country. Any thing beyond that, he considered to be bad policy. But as the provisions of the law have been extended, in some degree, beyond this principle, he saw no sufficient reason why this principle or good feeling should not be extended to the militia of that period.

It had been said by gentlemen that this was not so much a matter of grace, favor, or boon, as a matter of right and justice, because a contract had been made with the Government, which the Government had not complied with. His answer was, that if this be a contract, and the claims arise out of this contract, treated as a contract for payment of loss sustained by its failure on the part of the Government, it was an error to treat it as a pension bill. By this bill, then, the injured man is mocked, because that amount is given to him as a grace, which the Government owed him as a debt. If this principle was applicable to troops of the line, it was alike applicable to militia, and every man who applies for the benefit of the provisions of the bill, does but present his debt for payment. Taking it in this light, the Government would thus ascertain when its debts were paid, and when it would be relieved from the endless pressure which had so long existed. But, on the other principle, all claims can never be settled, so as to do ample justice to all.

His mind had undergone some change in relation to the pension law, since he had minutely examined the subject. He had never passed a soldier of the revolution, without being conscious of a feeling of gratitude and veneration, which almost found a vent in tears. But, under the influence of such feeling, he did not consider it proper to vote away money. The judgment of the Senate should not, on this occasion, be exercised under the dictation of such feelings.

It appeared to him that the amendment of the gentleman from Tennessee went too far. But if the bill were to pass in any form, he saw no reason why its provisions should not apply with as much force to the class of men embraced in the amendment of the gentleman from Illinois, as to those in the original bill. If the patriotism and the privations of those who have lived before us were to be rewarded, to encourage those who were to come after us, he did not think that this principle would be at all changed by the adoption of this amendment. It was the same principle that ran through the original bill, only it was carried further, and gave to others the benefit of its provisions.

These were the reasons which would induce him to vote against the amendment of the Senator from Tennessee, and in favor of that of the Senator from Illinois; and if that amendment should be lost, he would vote against the whole bill. To pass the bill without that amendment, would be an act of national injustice. It would be an act of injustice to the West. It is not in that region of the country that the larger portion of those included in the original bill reside. There are but few in the West of those who participated in the toils of the revolution. Where, then, would be the great expenditure of money authorized by this bill? Was it to be expected that they who made constant sacrifices to keep the treasury full would consent to make personal sacrifices for the purpose of paying pensions to those who live in distinct and re-

mote communities? This would not be an equal operation. It would indeed be an act of such glaring partiality, as would induce him to wash his hands of the whole bill. He could see no good reason why the hardy sons of freedom, who fought under Wayne, Clarke, Harmar, and Hamtramck, should not receive the same mark of respect and national approbation as those who fought in another part of the country. He had used the phrase "mark of respect," for he considered the object of the bill to be the bestowal of a mark of kindness on those who had not expected to become pensioners as they grew old, and to be treated as a band of paupers hanging on the nation.

There was no reason why this mark of respect should be given to the militia of the East, and not to those of the West. The lands which the Government holds in the West are the fruit of their toils. The whole domain of the West was the result of their bravery and toil. But to ask the West to pension men fifteen hundred miles distant, not a dollar of which would ever return to the West, was too much. What was this principle? Let it be exhibited in open day, and shown in its true colors.

On motion of Mr. JOHNSTON, fifteen hundred extra copies of the report of the select committee on the apportionment bill were ordered to be printed.

APPROPRIATION BILL.

The Senate then resumed the consideration of the general appropriation bill.

Mr. HOLMES addressed the Senate for about two hours, in conclusion of his remarks, (as given above.)

Mr. SMITH then rose, not to take a part in the discussion, but to express a hope that the Senate would now go on with the appropriation bill, and permit it to pass; reserving whatever discussion was thought proper on the subject under consideration, until the gentleman from Maine should call up his resolution.

Mr. SPRAGUE said that, after this suggestion, he would refrain, at present, from making any observations in reply to some of the remarks of the Senator from Illinois, with the understanding that his resolution should be taken up after this bill was disposed of, and that, after he had been permitted to get his resolution before the Senate, the same latitude of debate would be allowed.

The Senate then proceeded to consider the various amendments to the bill; which having gone through with,

Mr. SMITH moved to add at the end of the bill a clause, to enable the Secretary of State, the Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy, to have the papers in their departments arranged and indexed, \$2,500 to each department.

Mr. CLAY objected to this amendment as a most extraordinary and useless appropriation of money. He stated that it had never, within his knowledge, taken five minutes to find any document, unless it was, perhaps, an old revolutionary paper. It is a business which properly appertains to the clerks in the office; and here is an appropriation of \$10,000 asked for, to do what the present clerks were bound to do.

Mr. SMITH sent to the Secretary's table a letter from the Secretary of State to Mr. Verplanck, of the House of Representatives, stating the necessity of an appropriation of twice the amount named in the amendment.

Mr. FOOT remarked, that a sentence in the letter now read disclosed the true cause of the confusion which prevailed in the departments. It was entirely attributable to the removals after the President came into office. Persons of capacity and experience were turned out, and others put in their places, who knew not where to look to find necessary papers. The removals in the State Department had been numerous; and he instanced, as a consequence, that a gentleman had been detained here three weeks before the clerks could find where his account was stated.

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Appropriation Bill.—Mission to Guatemala.

[APRIL 12, 1832.]

Mr. CLAY made some further observations on the subject. It was an extraordinary proceeding at this late period of the session, at the moment when we are told of the necessity of passing the appropriation bill through with expedition, because the clerks are suffering, and the Secretary of the Senate has been obliged to raise money on his own credit, to come here for this appropriation, on the ground that the Secretaries cannot go on with the public business without this additional aid. The law had determined the number of clerks in the departments, yet this number had been increasing for some years; and now, unwilling to ask for new clerks, the departments ask for a gross sum of money. He requested that the yeas and nays might be taken on this question.

The yeas and nays were then ordered.

Mr. MARCY then suggested to the chairman of the Committee on Finance to withdraw his amendment.

Mr. FORSYTH asked to hear Mr. Verplanck's letter read.

Mr. SMITH said he could not find it among the documents sent to him, and then withdrew his amendment.

The Senate then took up an amendment making an appropriation for extra clerks in the office of the Surveyor General of Public Lands; but before this was disposed of, The Senate adjourned.

THURSDAY, APRIL 12.

APPROPRIATION BILL.

The Senate then resumed, in Committee of the Whole, the consideration of the bill making appropriations for the service of the United States for the year 1832.

The amendment pending yesterday, when the Senate adjourned, appropriating \$3,100 for extra clerks in the office of the Surveyor General, was agreed to.

Mr. KING then moved to amend the bill by inserting an appropriation of \$2,000 for extra clerks in the office of the Surveyor General of Ohio, Indiana, and Michigan; which was agreed to.

Mr. KING moved further to amend the bill by inserting an appropriation of \$1,000 for extra clerks in the office of the Surveyor General in Florida, to be applied under the instructions of the Secretary of the Treasury.

After a brief discussion, the amendment was agreed to.

Mr. KING then moved further to amend the bill by inserting an appropriation of \$3,500 for extra clerk hire in the office of the Surveyor General for Illinois, Missouri, and Arkansas, under the instructions of the Secretary of the Treasury.

Mr. BUCKNER opposed the amendment, and it was advocated by Mr. KING, and was carried in the affirmative—yeas 19, nays 16.

Mr. SMITH then moved, after reading a letter from the Secretary of War, an amendment, to the following effect:

"For special services performed by J. L. Doty, Esq. for services and expenses in holding a court for the trial of Winnebago Indians at Prairie du Chien, \$582 50."

The amendment was resisted, on the ground that the services were within the proper line of Judge Doty's judicial duty, and that he was no more entitled to extra pay than he would be for his tavern expenses and travelling to any court in his immediate district. On the other hand, the supporters of the amendment insisted that the Judge was not bound to go to Prairie du Chien, and that, being subjected to extraordinary expenses in the performance of this duty, which was enjoined on him by the War Department, he was entitled to extra pay.

The amendment was negatived.

Mr. KING then moved to amend the bill by increasing the appropriation for the General Land Office, from 9,000 to \$13,000.

The amendment, after some brief discussion, was agreed to—yeas 20, nays 19.

MISSION TO GUATEMALA.

Mr. CLAY then rose to ask the attention of the Senate to an appropriation proposed for the diplomatic service, which he deemed to be wholly unnecessary. It was for the outfit and salary of a chargé d'affaires at Guatemala. On a former occasion, he had stated to the Senate his belief that the public service did not require us to be represented at that Government. A chargé had been nominated during the present session; no discussion had taken place on the nomination; and he [Mr. C.] being absent from his seat at the time, had no opportunity of making such explanations as he believed, if made, would have prevented the confirmation of the appointment. The agent, however, had not left the United States, and it was not now too late to correct the evil. With respect to the chargé himself, he believed no objection could be made; the gentleman would do quite as well as many others who had been appointed—stood in some sort of family relationship to him, and had been particularly distinguished by his zeal in the cause of the present administration. The gentleman, moreover, resided in the same town with himself, and had been a candidate to represent his district in the present Congress, in which contest he had been beaten some ten or fifteen hundred votes. That, however, formed no sort of objection to him: the only question was, the office that had been conferred on him was not needed for the public service. On this subject he felt somewhat solicitous, because the office was one of those which the last administration proposed to retrench; and if the present administration did not mean to redeem the pledges of retrenchment and reform that brought them into office, it was to be hoped they would leave undisturbed those that had been contemplated by the last. In a letter from the Department of State to a committee of the Senate, it had been stated that the public service would permit of a temporary reduction of two of our diplomatic agents abroad; and the department was induced to believe that one, if not two, of the foreign missions might immediately be abolished without injury to the public service. Accordingly, Mr. Williams, the minister to Guatemala, had been recalled. He recollected that, at the time, that country was in a very distracted state, and was considered to have no settled Government. This was in 1828. From that time to this, the Government of Guatemala had been in the same distracted condition, two Presidents instead of one; the President elected having been forced to leave the seat of Government, and go to St. Salvador to raise troops to oppose his rival. This was the latest information he had received from that country, and received, too, from the most authentic and unquestionable source. If a civil war was not now raging in that country, it was in so disturbed and distracted a state as to render a mission there wholly useless. Yet, even if this was not its condition, our commercial arrangements with it were not such as to justify the expense of the mission. He ventured to assert that the whole profits of the commerce with that country, added together, would not be enough to pay the salary and outfit of the minister. The diplomatic expenses of the United States were increasing at a very rapid rate. The last administration had but fourteen diplomatic agents—seven for each continent. The present administration had increased the number to eighteen or nineteen. With regard to this particular mission, he considered the commerce with Guatemala too inconsiderable to render it necessary. There would have been much better reason in instituting a mission to Venezuela, which was not so disturbed, and with which country we carried on a considerable trade; or to Bolivia, which had several ports, while Guatemala had one or two. Mr. C. then moved to strike out from the bill the appropriation for the outfit and salary of a chargé d'affaires to Central America; and on this question he called for the yeas and nays.

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Mission to Guatemala.

[SENATE.]

The yeas and nays were accordingly ordered.

Mr. SMITH said that if the gentleman from Kentucky had made any opposition to the nomination of the chargé d'affaires to Central America when it was under consideration, he doubted very much how he should have voted on the question. As it was, however, the nomination having prevailed, he did not very well see how the Senate could avoid making the appropriation to carry its own act into effect. Under the circumstances of the case, he felt himself bound to vote for the appropriation. The gentleman from Kentucky had stated, very correctly, that Mr. Rochester's time expired in 1828, and that Guatemala was then in a very distracted condition; but he believed the gentleman was mistaken in his statements as to the value of the trade. One of his constituents had sent a cargo to that country, on which he made a profit of ten or twenty thousand dollars, he did not recollect which. There was a profitable circuitous trade carried on by our merchants in that region. Vessels that did not find a good market at Chili or Peru, went on to St. Blas, in Central America. With respect to the condition of the country, Mr. S. believed it was more settled than heretofore. So far as he could collect from the newspapers, that Government had become somewhat organized. Some little disturbance in that country was to be expected. They were always quarrelling in South America; but that made no difference to our commerce. If we waited until all the South American republics were in a state of peace, it would be long before we should send a minister there.

Mr. TAZEWELL found himself very much in the situation of the Senator from Maryland. He felt constrained to vote for the appropriation to pay the salary, as the Senate, by its own act, had created the office which it was attempted, by a side-blow, to lop off. The Senate was not at liberty to refuse the appropriation for an office its own vote had assisted in establishing within the present session. How far would the gentleman from Kentucky carry out his principle? Would he apply it, if, in his opinion, necessary, to the salaries of offices created by law? And yet this would be the effect, if the motion of that gentleman prevailed. In the present case, the President had nominated, the Senate had confirmed, thereby creating the office, and the House of Representatives, acting on this creation of office, had sent to the Senate an appropriation to pay the salary which it was then proposed to strike out. Mr. T. could not consent to sanction a principle of this sort. When the nomination was before the Senate, he entertained the same view with regard to it as expressed by the Senator from Kentucky; he could not see any reason for sending a minister to this Government, if a Government it was at all. But, inasmuch as there had been a minister there for many years previous, and not a single suggestion was made before the committee as to the inutilty of the mission, he did not deem it necessary to call upon the Executive for additional information. Mr. T. did not concur with the Senator from Maryland, in the opinion that the trade with Central America was valuable. Much, Mr. T. said, would depend upon the limits of the country. His information was, perhaps, not so extensive as that of the Senator from Maryland; but, as far as he was informed, if the country was comprehended within the limits of the captain-generalship of Guatemala, it contained only two ports—Omoa, and one other port, nearer to Guatemala. Our principal trade, Mr. T. said, was with Omoa, a place settled almost entirely by negroes and Indians, and notoriously so sickly that it had not been the permanent residence of white men since the Spaniards possessed it. From that port, said Mr. T., we get indigo and cochineal; and that, he believed, was the amount of the trade. Our exports to that country must be something, of course, or we could not import from there; but their amount he could not state. With respect to the coasting voyages alluded to

by the Senator from Maryland, he could not believe they amounted to much. The vessel the gentleman spoke of as having gone from St. Blas, went from North to South America; for, if his geographical recollections were correct, St. Blas was not in South but in North America: and if this vessel was successful in that indirect voyage, it was one of those successes that might have happened for the time, but could not always be calculated on. But, as he had said in the commencement, he felt himself bound to vote for the salary, as the Senate had, by its own act, created the office. He wished the Senator from Kentucky had made his opposition to the appointment when the nomination was before the Senate. Had he done so, Mr. T. did not believe the nomination would have been confirmed.

Mr. HOLMES expressed himself as much gratified that his old fashioned sentiments had been so well sustained by the chairman of the Committee on Foreign Relations, [Mr. TAZEWELL.] He should begin to think himself a very correct and consistent politician. For example, when the Panama mission was under consideration, he thought it inexpedient, and voted in favor of the resolutions presented by the Committee on Foreign Relations, in opposition to the measure. When the only affirmative proposition was on the table, the creation of the ministers, he voted, with the chairman of that committee, against the measure; but when the bill came from the House of Representatives, after the officers had been created, making an appropriation for their salaries, he [Mr. H.] gave the only consistent vote—he voted to pay them. Then, like the Senator from Virginia on the present occasion, he did not feel himself at liberty to refuse the salaries after the Senate had created the offices; and, now, he must inform the Senator from Kentucky that he should vote on the same principle. He regretted, exceedingly, that he did not know, while the nomination was under consideration, that the country to which the minister was to be sent was in a distracted and unsettled state; that our commerce with it was inconsiderable; and that it was inhabited by nothing but negroes and Indians. As the minister was going to a country so unfavorably described, and to reside among negroes and Indians, he certainly ought to be paid, and well paid, too; and he should, therefore, vote for the appropriation.

Mr. TAZEWELL observed that nothing in his course could authorize a comparison between him and the Senator from Maine, either as regarded consistency or any thing else. The remarks of that gentleman, however, called for a reply on another point. There was a great difference between the Panama mission and the present one. If the gentleman from Maine would turn to the report of the Committee on Foreign Relations, made on the occasion referred to, he would find that the main difficulty urged in the report was the unconstitutionality of the mission. The committee believed that Congress possessed no authority to send ministers to a Congress of nations. Differing, therefore, with a majority of the Senate, he had voted against the measure, in all its stages; first against the creation of the offices. The House of Representatives, concurring with the majority, made the appropriation to pay the salaries of the ministers that had been appointed; and he, for one, believing that the Executive and Senate had no constitutional right to institute the mission, voted against it. That was one difference between the Panama mission and the present one; for no one, for a moment, would suppose that the President and Senate had not a right to send a minister to Central America. The gentleman from Maine had strangely mistaken him, in supposing him to say that Guatemala was inhabited only by negroes and Indians. If he said so, he begged leave to take it back. He spoke only of the sickly part of Omoa as being inhabited by negroes and Indians. Guatemala, like all other parts of South America,

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was peopled with the three races of whites, blacks, and Indians.

Mr. BENTON rose to make some observations on the main point of objection—the alleged insignificance of the trade between the United States and Guatemala. It was alleged that this commerce was too inconsiderable to merit the mission of a chargé d'affaires; that the profits, in fact, of the whole commerce would not defray the expenses of the mission. This, Mr. B. was very certain, was a great mistake. He held in his hand the document of the commerce and navigation of the United States for the year 1830—the last that was printed; and, from that document, the commerce in question appeared to be infinitely superior to what it had been represented to be. According to the allegations of gentlemen, we obtained nothing from that country but a few dyestuffs, and the exports were treated as nothing. Mr. B. said the document in his hand presented a very different picture. Mr. B. then read from the document, to show that the whole imports from Guatemala were \$302,820; and of this amount, about \$140,000 consisted of gold and silver coin and bullion. The domestic exports were \$138,000, which he said were four times as great as the domestic exports to Russia, and eight times as great as they were to Prussia. The foreign exports sent from the United States were \$110,000; so that, if there was any thing in the balance of trade, here was a balance of about \$50,000 in favor of the United States. Mr. B. thought this commerce was well worth attending to now; and as Guatemala was a young and a growing country, it must soon be much more considerable, if cherished and preserved. Mr. B. would, therefore, cordially vote in favor of the appropriation for defraying the expenses of the mission.

Mr. HOLMES made a brief explanation, disavowing any design to misrepresent what had fallen from the Senator from Virginia.

Mr. CLAY stated that he did not see much in the objection which had been made to his motion. The chargé was yet in this country, he had not gone on his mission; and if, in his journey to the Atlantic cities, and the preparations for departure, he had incurred any expenses, he should feel no unwillingness to reimburse him. The salary appropriated is yet unearned. He would presently refer to two missions which have for some time been of no use; and he would inquire how these agents were to be recalled. He alluded to the agents for claims in Paris and in London. There are but two modes of recalling these agents. The President may send for them; but if he should not, they can only be recalled by the refusal of Congress to make the appropriations for them. In the present case, as the agent had not gone, no injury could be done to him by the refusal of the appropriation.

He stated that when this nomination was acted on, it happened to be on one of the two or three days in which he had been prevented, this session, from attending to his duties, through indisposition. Here an office may be terminated by withholding the appropriation which had not been earned; or the President may prevent the chargé from leaving the country. It would have been better had these objections been made when the nomination was under consideration; but he did not think that it was now too late. He believed that there was at present no Government at Guatemala. Was it represented by any agent here? Was there any chargé from Guatemala in this country? The last minister from that country, a most excellent and enlightened man, was Mr. Canas, with whom the treaty had been made. Since that time, a bitter war had been raging. Where, then, should be the difficulty of acting, now that the minister is here, to reverse the nomination, taking care to reimburse him for his expenditures? If there was even a moral obligation to send him, now, in case it should be found proper to do so, can the mission ever be terminated? According to the doc-

trine of the other side, a minister once sent can never be recalled. He believed that the commerce with Guatemala was very trifling. The precious metals which had been referred to, came from Peru, through Guatemala; but it was well known that the Guatemala mines had not been worked for some time. He reminded the Senator from Virginia that there had been a bitter contest between Mexico and Guatemala concerning the possession of a province which stretches into North America.

Mr. BIBB made a few observations in opposition to the motion, expressing his hope that what had been done in this case by the President, with the advice and consent of the Senate, would not be reversed in this manner. He considered the matter as now placed beyond the control of the Senate. The right of appointing to foreign missions, and of receiving foreign ministers, he viewed as an exclusive right appertaining to the President. In the present instance, the Senate had confirmed the nomination, and the other House having appropriated the means, it must be palpable that the Senate could not do otherwise than conform to circumstances. It had been asked how a mission could ever be got rid of. By Executive discretion. And if the President act wrong for once, he is accountable for that wrong. He was disposed to give to every Executive a fair support, unless it could be shown that there existed palpable and gross abuse. It was asked if any functionary from Guatemala was in this country. He believed not, but we must begin. The commerce was trifling, it was said, but it may be increased; and if the country was unsettled, there was stronger reason for sending a minister to protect American interests and property.

Mr. CHAMBERS gave the reasons which would compel him to vote against the motion. He regretted that it had been made at this time. If the statements of the Senator had been made at another time, they would doubtless have influenced his vote, and probably the nomination would have met with a different fate. But he could not, after passing on the nomination, agree to reject the appropriation for the salary. He hoped the Senator from Kentucky would consent to withdraw his motion, and thus relieve him from the unpleasant predicament of being compelled to vote against it. He believed the mission to be unnecessary and improper, yet he should now be compelled to give his vote in accordance with those who entertained the belief that it was both necessary and proper.

Mr. FORSYTH spoke briefly in opposition to the motion. He was of the opinion that to refuse the appropriation so immediately after confirming the nomination, would expose the Senate to some censure. It was said that this mission was unnecessary. The nomination was made to replace the minister appointed last session. There had been plenty of time to inquire into the necessity. Why had there been no call for information, after what the President had stated on the subject in his annual message? [Here Mr. F. read an extract from the message on the subject of our relations with Guatemala.] He thought the mission was necessary, and that the appropriation ought not to be refused, without a sufficient reason being given. The Senator from Kentucky had remarked on the increase of diplomatic agents. He did not understand that the remark had been made by way of censure. But, if it was, it might be easy to show that savings had been effected by the present administration, by changing the grades of ministers. Two missions had been cut down.

Mr. CLAY. What two?

Mr. FORSYTH. Chili and Mexico.

Mr. CLAY. Chili was cut down under the last administration.

Mr. FORSYTH. There then was but one—Mexico. But the President had stated his intention to cut down that to Colombia. The increased expenditure had been attri-

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Appropriation Bill.—Outfit to France.

[SENATE.]

buted to removals. In many of these the administration could not be made responsible. Some had died, and some had been rejected, and for these responsibility was not to attach to the administration. During the late administration extra sums had been expended on the missions to England—forty-eight thousand dollars were expended beyond the ordinary expenditure. Mr. Rush had been recalled to fill the Treasury Department. There was his return, and the outfit of Mr. King, who was sent. Mr. King was permitted to come home, and Mr. Gallatin was sent. Then Mr. Gallatin was permitted to return home, and Mr. Barbour was sent. Mr. Barbour was recalled. These were contingencies for which no one censured the administration. But there were charges for outfit to Mr. King and others, which were subjects of complaint. He believed there was a disposition in the present administration to reduce the expenses of these missions; and should it prove otherwise, he would go with the Senator from Kentucky in an attempt to force reduction upon them.

Mr. FOOT said he did not think it would be considered such gross inconsistency on the part of the Senate, to withhold the appropriation for the salary after appointing the minister; for it had been acknowledged that, with the facts now before the Senate, the nomination would not have been confirmed. He felt himself much more embarrassed in relation to what passes in the open and in the secret sessions of the Senate, than he did by any arguments urged here to show that the Senate was committed to make the appropriation. He could not, with propriety, refer to what had passed in secret session; but he was satisfied that every Senator then present could bear testimony to his consistency in opposing the appropriation. Since, however, the chairman of the Committee on Foreign Relations had stated that, for reasons given by him, he did not think it expedient to call upon the Executive for information when the nomination was before the Senate, he thought himself safe in saying that the facts presented by the Senator from Kentucky were not before them on that occasion. There was no inconsistency in recalling a mission after finding it to be unnecessary; still less impropriety could there be in recalling an appointment before the officer had entered on its duties. Under present circumstances, he [Mr. F.] found no difficulty in recording his vote in opposition to the appropriation. The Senate was constituted to advise, as well as consent, to the nominations of the Executive. Now, would the Senate, with the present information before them, advise and consent to this appointment or not? That was the only question, and it was now for the Senate to decide it.

Mr. CLAY said that he had not spoken of increased expenses, but the increase of the number of missions; they had increased from seven to either eighteen or nineteen. As to the expenditures on English missions, referred to by the Senator from Georgia, it must be remembered that Mr. Rush had been in England eight years, and returned to the Treasury Department. He was succeeded by a gentleman whose entire competence, whose great experience in English diplomacy, and whose connexion with the two States most interested in the pending negotiations, emphatically pointed him out for the station. That gentleman, on his voyage, was seized with the sickness which afterwards brought him to the grave. Mr. Gallatin was sent on a special mission, and returned when he had accomplished it. And he hoped that the expense which had fallen on the country by the recall of Mr. Barbour, was not to be charged on the late administration. They might as well be charged with the expenses of the return of General Harrison, Mr. Middleton, Mr. Everett, Mr. Everybody. As to the case of the outfit to Mr. King, as chargé, while on that point, he would like to be informed if, while we were paying a minister residing in London, near the court of St. Petersburg, we were not also paying his secretary as a charge. That gentleman was of the same

name as himself, and might be some connexion. He was bound to be grateful, therefore, for such a mark of the bounty of this administration. He had, indeed, to return his thanks to the administration for many favors. He had, through them, possessed himself of a fine Arabian horse, by which he expected to make something. And the gentleman appointed to the present mission had married a relation of his wife. And if they went on in this way, and the administration should last long enough, he was not without hope that all his friends would come into power. He was willing to pay this charge who had not yet left the country, and this would be no greater hardship than recalling a minister recently sent out, and who had been taken from all his private pursuits. Here no services had been performed. He concurred in the opinion that every respect ought to be paid to the co-ordinate branches of the Government; and agreed that if it were shown that the President and Senate had made this nomination with a perfect knowledge of all the facts, it would not be proper, except in an extreme case, to reject the nomination. As to the situation of Guatemala, he had recently conversed with one of the most distinguished South Americans who had visited this country, and who had told him that the country was in a most unsettled state, the President having gone to St. Salvador to encounter his opponent. It had been said we must have a minister there to protect American property. This is a duty belonging to consuls, and we had consuls there; but to whom were we said to send a minister, if there was no Government? He had also, from the same source, obtained some observations relative to the canal, or rather railroad, (for he understood a railroad was in contemplation,) from Panama to the opposite side: he had understood, and his information differed from that obtained by the President, that there was a company now actually engaged in making a survey of a route, which is to be forty-five miles long, and the greatest elevation about three hundred feet. So that there was nothing to be gained in this point by sending a minister.

Mr. KNIGHT, with a view to give him time to make some further examination, moved that the Senate now adjourn—yeas 18, nays 21.

The question was then taken on Mr. CLAY's motion to strike out the appropriation, and decided in the negative, as follows:

YEAS.—Messrs. Clay, Clayton, Ewing, Foot, Johnston, Naudain, Robbins, Seymour.—8.

NAYS.—Messrs. Bell, Benton, Bibb, Brown, Buckner, Chambers, Dallas, Dickerson, Dudley, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Kane, King, Knight, Mangum, Marcy, Miller, Prentiss, Robinson, Smith, Tazewell, Tipton, Tomlinson, Troup, Tyler, White, Wilkins.—30.

The Senate adjourned.

FRIDAY, APRIL 13.

APPROPRIATION BILL.

The Senate resumed the consideration of the general appropriation bill.

OUTFIT TO FRANCE.

Mr. MILLER moved to strike out the word "France," in the clause appropriating certain outfits, and also to change the amount of appropriation from thirty-six to twenty-seven thousand dollars, so as to strike out the appropriation for an outfit for a minister to France. The office was not vacant, and he was of opinion that the Senate ought not beforehand to make this appropriation, and thus to furnish the President with a pretext to recall the present minister, and make a new appointment during the recess. Such a measure may not be necessary.

Mr. FORSYTH said that if the money was not wanted, it would not be taken out of the treasury.

Mr. HOLMES wished that some method could be invent-

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ed to prevent the President from sending ministers abroad during the recess. He knew not what way could be devised. He thought it would be the best mode if these appropriations could be postponed till the end of the session. Then, if a nomination was not made, or not confirmed, there would be no necessity for any appropriation; and by withholding the money, the appointment of a minister during the recess would be prevented. It would not surprise him if no nominations were to be made of ministers to France and England before the adjournment of Congress, and if ministers were to be sent thither during the recess.

Mr. SMITH read a letter from the Secretary of State, suggesting the necessity for this provision, and then said that the Senate would dispose of the matter as it might see fit.

Mr. MILLER stated that his object was, if Mr. Rives should come home in the recess, to prevent a new appointment. If the President chose to appoint a minister during the recess, he might provide him with an outfit out of the contingent fund. Regarding it as doubtful whether the President had the power to appoint during the recess, he would not consent to confer it by legislation.

The question was put, and the yeas (17) had been counted, when

Mr. FORSYTH asked for the yeas and nays; which were ordered.

Mr. CHAMBERS then made a few remarks in explanation of the vote which he intended to give. He thought that, during the present administration, a liberal, even a censurable exercise of Executive patronage had been exhibited. But while he entertained these views, he still could not go the length with the gentleman from South Carolina. He considered that in certain contingencies vacancies might occur, and that when such did occur the President had a right to fill them. A vacancy might occur in one hour after the adjournment of Congress; and in such case, is it pretended that the President may not fill it?

The gentleman from South Carolina seemed to lay it down that he would have no right, under any circumstances, to exercise such power. Let the President, in such cases, act on his own discretion and his own responsibility; and let us take care to act within our own sphere; and with a view to the advantage of the country. It may be of great importance that we should have a minister to France; and he could not give a vote which might be construed into a desire to prevent it. A proper occasion may occur for expressing an opinion on the practice of appointing ministers during the recess. He would say that he did not think the President had exercised this power to the advantage of the country; but, on that account, he was not disposed to withhold from him a right which he possessed.

Mr. SMITH explained that Mr. Rives had asked leave to come home. The President had asked for an outfit for his successor, thus saying that he granted the leave. He would take this occasion to give an answer to a question put to him yesterday, by the Senator from Kentucky, whether the Secretary of the late mission to Russia had received pay as a chargé. He had never received any pay beyond his two thousand dollars a year. The Secretary of State had sent to the Committee of Ways and Means to get a bill passed in the House to pay a chargé to Russia, until a new minister should reach that court; also to pay a chargé to Brazil, in the place of Mr. Tudor.

Mr. CLAY said he entirely concurred in the opinion that cases may occur in which it would be proper for the President to send out ministers during the recess. But this was a right to be exercised with great prudence. He was inclined, however, to vote for the amendment of the gentleman from South Carolina, because there was money enough in the fund appropriated for the purpose of meet-

ing contingencies like this, to pay this outfit, whenever the contingency should occur. He then referred to the appropriations in the bill for contingencies. The fund for contingencies for foreign intercourse had increased very much, and it was seldom that any of it was expended. Should the present minister return, and another be sent, both would be contingencies, and here is the proper fund to meet the expenditure. During the last administration, by a proper economy, nearly the whole of this contingent fund had been saved; and in the last year of that administration, such had been the accumulation of the fund in preceding years, that not a cent of appropriation was asked for under this head. It could not, therefore, be necessary to make a specific appropriation for this object.

In regard to the chargé or secretary of the Russian mission, a single word. He did not know how he had been received at the court of St. Petersburg; whether, when our minister was absent from the seat of the mission, as far as London, he was received as chargé or secretary. The chairman of the Committee on Finance had stated that nothing had been paid. He wished to know if any thing had been asked. He did not clearly understand the Senator on that point. Was any appropriation asked, or intended to be asked? Whether it had been asked or not, such an account would be presented at some future day, and would be allowed.

Mr. SMITH replied that, while with the Secretary today, it struck him to make the inquiry. The Secretary had told him that no pay as chargé was allowed to the secretary of legation until after Mr. Randolph had left. He would be allowed pay from that time, if the bill which had now been asked for should be passed.

Mr. FOOT suggested an amendment, to make the outfit available, if a minister were appointed "by and with the advice and consent of the Senate." It was known at the last session that there was about to be an explosion of the cabinet, and that some of its members would be sent abroad. He did know whether any such thing was now in contemplation, but it might be well to be as cautious as possible.

Mr. SMITH said, if the bill were so amended, it would have no effect on the President. He knew what were his constitutional rights, and would exercise them.

Mr. HOLMES. What! Was the Senate to be told the opinion of the Senate would have no effect on the President? No effect! Was the Senate to be told that the President would bid defiance to the appropriation bill? The Senator had told the Senate that the President would appoint a minister in the recess. If he did so, he could not draw the outfit without the sanction of a law. He wished the President would do so. This would be a good way to bring the question to an issue, if the President would make the appointment during the recess. He was glad to see the spirit which was abroad. It was the true republican spirit.

Mr. MILLER declined to accept the suggestion of the Senator from Connecticut, until he had tried the strength of the Senate on his own amendment. Should that be rejected, he would then second the amendment suggested. He had made his proposition on the score of economy, with a view to maintain the constitutional powers of this body, and for the purpose of abridging the Executive patronage. He had not desired to exclude the President from drawing this amount from the contingent fund. He was desirous that the President should, in this case, act on his own responsibility. There would be no minister at the court of France after Mr. Rives returns. He maintained that the President could not create the vacancy by appointing another minister; and until a vacancy occurs, there can be no appointment. Here Mr. M. referred to the language of the constitution, the only chart for the Senate to steer by. Until the President had nominated, and the Senate had confirmed the nomination, the officer

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did not exist. The President had power to fill all vacancies; but a vacancy exists when a minister is not in existence, not when one is merely recalled. If a necessity for the appointment of a new minister shall exist, it will be a contingent occurrence, and the contingent fund will be applicable to the object. But he was opposed to legislating the power to the President to make the appointment during the recess.

If it was intended that Mr. Rives should return, and if he President had decided on it, let him make the nomination now, and the appropriation might then be made. But he would not consent to make it now. If, however, he thought that the President could rightly exercise this power, he would be unwilling to put his veto upon it, except under peculiar circumstances, and with great hesitation.

Mr. TYLER opposed the motion to strike out. It was necessary that this country should have a minister at Paris. The present minister had asked permission to return, and he President had asked for an outfit for his successor. The question was, had the President exercised a sound discretion in yielding to the wish of Mr. Rives? and, if the Senate took up the subject on that ground, why it was sufficient to warrant a discussion. Mr. Rives had been in France upwards of three years; and he thought it was a sufficient time. He was disinclined to keep a minister too long at a foreign court. He was apt, in that case, to be too much tainted with foreign habits and views. Was there any difference of opinion in the Senate as to the necessity of having a new minister at that court? At this moment, it appeared to be particularly important that the country should be represented in the European courts. All that interesting portion of the world was, at this moment, in a state of unusual agitation. There were menaces of war, and desolation was threatening to march over the continent. While the nations were in that disturbed state, it seemed to him to be highly important that the United States should have a minister in France to present their views. If, then, it was right to permit Mr. Rives to return, it must be right that a successor should be appointed.

The only argument which seemed to him to have any force, was that of the Senator from Kentucky as to the contingent fund, and its applicability to this object. Still, there would be no harm in making the appropriation; because, if the President did not take the money out of the contingent fund, it would be placed at his disposal by the bill; and, if he did not use the specific appropriation, it would go to the surplus fund. The outfit had been asked for by the Secretary of State, and ought not to be refused.

Mr. CHAMBERS rose to state that he had been relieved from great embarrassment as to his vote by what had fallen from the Senator from Kentucky relative to the contingent fund. As that fund was amply sufficient to meet this object, and as it had not been denied on the other side that this fund was in existence, he thought the amendment a proper one. He was not willing to place large sums at the disposal of the Secretary, for no other purpose than to show his confidence in him. On this ground, therefore, he should go for the amendment of the gentleman from South Carolina. The constitutional power of the President to appoint during the recess was not now the question. That question had been elaborately argued before this body on a former occasion, when a venerable Senator from North Carolina took a principal part in the debate, on an occasion when the Executive had thought that he had the power to send ministers on a mission which had never before existed, and had acted on that opinion. He had not sustained the views of the gentleman from North Carolina on that occasion. Mr. C. then made some reference to the letters of "Senex," of which the gentleman from Virginia knew something, as explaining the ground which was occupied in that debate.

He was not willing to impose a check on the legitimate rights of the Executive; but he would withhold any discretionary power, whenever he entertained doubts of its propriety, especially in times like these. Even under its abuse, however, he would not put a restraint on the constitutional power of the Executive. He would leave him responsible for its corrupt exercise to the power to which he owes responsibility.

Mr. FORSYTH admitted that it was a little presumptuous in him to set up his views in opposition to those of the Senator from Kentucky; but he must take the freedom to differ from him as to the uses of the contingent fund. Out of that fund, the President could not draw the outfit for the minister to Russia, whose mission had been so much censured. If the present proposition should succeed, the President must take it to be an expression of the sense of Congress, that, hereafter, no minister shall return home, and no minister shall be appointed during the recess, nor without the consent of the Senate. He knew that outfits had been given out of the contingent fund, at the discretion of the President, but the amount had always been refunded by a specific appropriation. The only question was, whether the appropriation should be made now, or whether it should be postponed until the next session, supposing the contingency to have happened, and the contingent fund to have been put in requisition. Some gentlemen were disposed to refuse the appropriation, because the President would then appoint during the recess. The President would act on his own discretion, and would, or would not, make the appointment, as he saw fit. Gentlemen appeared to imagine that he might make an appointment which would be afterwards rejected, and the object seemed to be to get the minister before the Senate. He objected to this as indecorous. He had sometimes thought that the Executive branch was guilty of indecorum towards the Senate when appointments were made, and ministers hurried away just before the commencement of the session of Congress. It might depend on circumstances whether this was a decorous exercise of power or not. If circumstances rendered it necessary, or the character of the individual was so free from objection that his confirmation could not be doubted, there could be no impropriety in it.

He repelled the idea that the present Executive would stoop to any manoeuvre for the purpose of making an unfit appointment. It was what he would not do, what no President who had preceded him would ever have done, and what none likely to be elevated to the Presidency would ever do. If the President should be guilty of impropriety, the law pointed out the remedy, and gave the power to apply it. Impeachment was the true course, and that tribunal would always decide justly between the impeachers and the impeached. The only question now before the Senate was, whether the appropriation should be made at this session or the next. The contingency might not occur. There might be no vacancy. Circumstances might arise which would render it necessary for the present minister to remain at his post. In that case, the money would not be wanted. Should he return, the President would appoint a successor on his own responsibility.

Mr. KING made some allusion to the extraordinary solicitude of gentlemen on the other side to save the President from the commission of any act which might afterwards be disapproved by them. He had never before witnessed such an extraordinary distrust lest the Executive should misuse the public money. He then proceeded to read some items from former appropriation bills, to show that the contingent fund was never applied to these objects, but that, in all cases, outfits had been provided for by specific appropriations, even in cases of contingency similar to the present.

Mr. CLAY stated that the Senator from Alabama had

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entirely mistaken the question. He had never pretended to say that outfits had never been granted in similar cases. There were several, even in the present bill. It was the practice of the Government to provide for these outfits in all cases where they were absolute, and not contingent. But he had stated that the contingent fund expressly covered contingent expenditures such as this. It was called a contingent fund, and no term could be more definite. If it was not applicable to the outfit of a minister, under such circumstances as the present, he would wish to know to what purpose it was applicable. Here was a specific appropriation for a contingent outfit, and at the same time a contingent appropriation. He then alluded to the practice of the departments in asking for specific appropriations for absolute cases, and a contingent appropriation for such as might occur.

In 1828, there was a considerable addition to this contingent fund, owing to the proper economy of the last administration. Out of this had been drawn what was necessary for American seamen in foreign ports, for the Barbary intercourse, &c.; but the late excellent consul general, now the consul at Cuba, had never expended much of this.

Mr. C. then referred to the case of the appointment of Mr. Adams, at the instance of Russia, in 1814. Mr. Monroe, the Secretary of State, under the instructions of Mr. Madison, transmitted, without application, a full outfit of nine thousand dollars to Mr. Adams, and that must have been taken out of this fund. An application was made at the next session to replace the amount. The House of Representatives then determined that, as Mr. Adams was resident at St. Petersburg, and the negotiation might be carried on there, he was not entitled to a full outfit. They, therefore, razed him. The subject, he believed, was afterwards submitted to a judicial tribunal, and the whole amount was allowed.

Notwithstanding what gentlemen had said of the course which the President would pursue, he was not in possession of any fact, in an official form, which opposed the constant practice of the Government. He would venture to say that the present Executive, that no Executive, could doubt his right, on the occurrence of a contingency, such as was now contemplated, to pay an outfit out of the contingent fund.

It was not necessary to discuss the powers of the President. He agreed with the gentleman as to the literal meaning of the words in the constitution, but the practice of the Government, perhaps from necessity, had been uniformly otherwise. That practice had been to appoint, and submit the appointment immediately to the Senate. The President always made an appointment in the recess, under the responsibility under which all his acts were performed. A minister ought never to be sent abroad, but on grounds strong, apparent, and forming a strong justification of the measure. He advocated the propriety of a uniform decorum towards a co-ordinate branch of the Government; and closed with stating that, without going into a discussion of constitutional right, which he thought unnecessary, it was sufficient to show that the contingent fund would cover the outfit.

Mr. SMITH made a few remarks on the history of the appropriations for the contingent fund, and the uses to which it had been applied. He alluded to the case of the recall of Raguet, when Wright was appointed chargé, and also that of the chargé appointed on the death of Tudor. Both these chargés had applied for their outfits, but had received for answer, that, until an appropriation was made by law, they could not receive them. Specific appropriations, he urged, must be made in all these cases; or, if the amount were taken from the contingent fund, it must be replaced. The present administration had considered that they had no authority to take from this fund, and had therefore postponed the payment of the outfits

until a law should be passed. If this blow were to be stricken at the outfit to France, the administration will think the view of the Senate is, that no minister ought to be sent, and would send none. Mr. Rives had been in France three years and a half; and every one knew that our ministers to England and France could not live on their salaries, but were compelled to resort to their own means. Mr. Brown had told him that his expenses in France were \$14,500 a year, which was \$5,500 more than his salary. Mr. Rives could not live in Paris on his salary, and that might be the reason for requesting leave to return.

Mr. HOLMES took a view of the meaning of the term contingent; and insisted on its perfect applicability to any vacancy which might occur from the return of Mr. Rives. But removal from office, for the purpose of creating a vacancy, did not come under the meaning of the term. The gentleman from Virginia had expressed an apprehension that too long residence abroad might produce a foreign feeling. He had heard this before; but it had always appeared to him that this foreign feeling existed in the greatest strength when a minister first went abroad. The lowest bow to a foreign court was always made by new men. It was natural enough. They were dazzled with the pageantry of a court, and were more submissive at first. But the more they see, the less foreign and the more American do they become. We had some experience of the character of this foreign feeling in some of the recent negotiations; all, the labors of new men. He could not forget the foreign feeling which had yielded up so much of the territory of Maine on the boundary question. Nor would the country forget the foreign feeling which had surrendered so much of the colonial trade. How had this been done? Not by experienced men, but by fresh hands. What was done by the new man who was sent to Russia, staid there six months, and came home, and made one of his best speeches, but without too much mixture of American feeling?

Was it the danger of this foreign feeling which led to the recall of all the foreign ministers when this administration came into power? Every one had been sent for home. General Harrison was recalled. Was it feared that he would be infected with this foreign feeling, when he had scarcely got there before his recall reached him? If there was no indecorum in sending off ministers during the recess, he would ask if there was none in recalling those who were abroad. Could the Senate shut their eyes to the fact, that all our foreign intercourse had been broken up? and was the Senate then to be told of the indecorum of former administrations? There seemed to be not a suspicion of any indecorum resting on the present administration. New ministers had been sent out in every direction; and the changes were all made as soon as the Senate had turned their backs on the capitol. It had been allowed by the Senate that all this was right; and it might be so. But the President had also determined to control and counteract the Senate; and men, who had been rejected by the Senate, were immediately appointed to other official stations. The gentleman from Alabama had accused the other side of betraying an extraordinary solicitude. He admitted it. The signs of the times were such as to justify—to require it. It was because we were cast on extraordinary times. He would ask if, when such a state of things exists as never existed before, there was not sufficient reason for this solicitude. He believed that the Government was now standing on the brink of a precipice. "Issachar is a strong ass, crouching between two burdens." He considered this to be an apt picture of the state of the country. We had, on one hand, the President assuming powers against a co-ordinate branch of the Federal Government; yet, on the other hand, hesitating to execute the law against a State of the Union. These things indicate changes, which, although perhaps not in his time, must surely come.

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Mr. TAZEVELL expressed his satisfaction that the attention of the Senate had been called to this subject. He had always felt a strong desire to know to what objects the contingent fund might be properly applied. At different times he had possessed different views on the subject. His last views had received some confirmation from the remarks of the Senator from Kentucky. It had been his practice in the earlier periods of the Government to make appropriations without specification. This practice continued until Mr. Jefferson came into power. At his recommendation Congress began to make specific appropriations; but as it was found impossible to give specific designations in every case, appropriations were made as contingencies for things not foreseen. The specification of appropriations had been extended from time to time, until it embraced items which were almost too insignificant. The principle of specific appropriations had thus been carried too far. Although thus enlarging the specific appropriations, the contingent fund had at the same time been continued. Originally this fund had consisted of \$1,000,000 dollars, out of which the President had paid all the foreign missions. They were then but few in number. Since that time, the principle of specific appropriations had been applied to this service. There were two kinds of contingencies; and while salaries were paid by specific appropriations, as well as all other known expenditures, other appropriations were paid out of one of these funds, for contingencies. Cases had occurred where the President had been obliged to appoint ministers, in consequence of death. This could not be helped. In the case of Mr. Barlow, it became necessary for the President to send a minister. If the expense for these appointments could not be taken out of the contingent fund for foreign intercourse, from what fund could it be taken? According to his understanding, the contingent fund was always intended to meet these cases. The other fund was intended to meet the contingencies of the particular missions, while this was for foreign intercourse generally. We had been always increasing this contingent fund. There was no complaint that it was not sufficient, although it had at all times been charged with the expenses of contingent intercourse. It was now proposed to make a specific appropriation of \$1,000,000 dollars to meet a contingency, and yet there was no reduction of the contingent fund. He was perfectly willing to give the money; but if enough had already been appropriated, why is more asked for? If he was called on to make a specific appropriation for a contingent appointment, why was he required to vote also to keep up the present amount of the contingent fund? He then made one or two remarks on what had fallen from the Senators from Maryland and Alabama, and concluded with a reference to the possible effect which this mode of raising the value of an appointment might have on members of Congress, who might be looking to these stations, and who might exclude themselves by this violation of the law.

After a few words from Mr. CLAY, in explanation of one or two points, the question was taken on the motion of Mr. MILLER to amend, and decided as follows:

YEAS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Ewing, Foot, Frelinghuysen, Hayne, Holmes, Johnston, Knight, Miller, Prentiss, Robbins, Seymour, Sprague, Tazewell, Tomlinson, Waggaman, Webster.—21.

NAYS.—Messrs. Benton, Bibb, Brown, Dallas, Dickerson, Dudley, Forsyth, Grundy, Hendricks, Hill, King, Mangum, Marcy, Moore, Robinson, Smith, Tipton, Troup, Tyler, White, Wilkins.—21.

The vote being a tie, the VICE PRESIDENT then voted in the affirmative, so that the motion to amend was agreed to.

MISSION TO BELGIUM.

Mr. CLAY then moved to amend the bill by striking out so much as provides for a minister to Belgium.

He expressed his perfect belief that the present administration and their friends were anxious to fulfil all the pledges of reform which they had given; and he was now about to afford them an opportunity in the amendment he had proposed. Here was a proposition to create a mission to a new Power. Had it been a republic instead of a monarchy, he might perhaps have felt a little more willingness to make the appropriation. As to the gentleman who was likely to receive the appointment, if made, he disclaimed any unkind feelings. He regarded him as a gentleman well qualified to do honor to the country; and if the mission were to be created, he would vote with pleasure for his appointment. But this was a new court. The ink was not dry, the monarch hardly on the throne, the sceptre scarcely in his hand. He had not even deigned to send any one to this country. He would himself prefer to send a minister to the Hanseatic Republic, than to this upstart King of Belgium, who was not seated on the throne by the will of the people, but by the act of a few sovereigns. If this mission were to be sustained on the ground that the value of the trade required it, for the same reason one might be sent to the Pope, to Austria, and all the other Powers.

He hoped that, as the Senate had not yet passed on this mission, there would be no objection to the motion. He was aware that circumstances existed which would prevent him from going into details, which were before the Senate in another character, and he would therefore refrain. He reminded the Senate of the different situation of this mission, to that of the chargé to Guatemala. In one case the officer had been confirmed, but in the other the mission had to be created.

Mr. HAYNE expressed his readiness to redeem any pledge which he had given on the subject of reform and retrenchment; and if all the pledges should not be redeemed, the fault should not rest with him; and in doing this, he was disposed to keep in view the celebrated report of the committee of which the Senator from Missouri was the chairman, on the reduction of Executive patronage.

But when the gentleman from Kentucky applied the pledge to this particular case, he must first be satisfied that it is a case which comes within the sphere of that pledge. If this mission could be shown to be unnecessary, he would be willing to vote against it; or if it could be shown that it could be satisfied out of the contingent fund, he might still go against it. His vote, on the last question, was given on the ground, as taken by the chairman of the Committee on Foreign Relations, that the contingent fund was applicable to the particular object of appropriation. Here, however, there was no contingency. A nomination had been made. The appointment of a minister was already decided on. If the President and Congress should be of the opinion that the mission is necessary, the appropriation would be a necessary consequence. It came, then, to this question, whether the mission was necessary or not. As the subject was pending before the Senate, in their executive character, he felt himself greatly embarrassed in discussing the subject; and restricted as he was, he could only generally express a few hints. This was a case in which there had been a division of a kingdom into two kingdoms, and it was important that this country should be represented in both, in order to prevent jealousies, and to protect our interests.

Here there was an independent sovereignty, recognised not only by Europe, but by ourselves, and even by Holland. This was the beginning of a new empire. We had affairs there, the settlement of which might involve the question of peace or war. We had important claims; and it was known that a person, not authorized, had felt himself constrained to step forward in our behalf. The King had expressed a wish to be represented here, and a minister may probably be on his way. He thought it a

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strong case, and not a case where economy and retrenchment were to be called into operation; for, whatever his views were on these points, he was not disposed to starve any branch of the Government. He concluded with a passing eulogy on the individual nominated.

Mr. FORSYTH said he did not know, from any information in his possession, that the mission was necessary. On the contrary, he might be rather led to a different conclusion. But he understood that other information had been received, which would prove its necessity, and he should therefore vote for the appropriation. He then corrected what he considered to be a mistake of the chairman of the Committee on Foreign Relations relative to the contingent fund. It had been applied for outfits, but improperly so. The contingent fund was for the expenses of intercourse, in the shape of presents, officers on public days, servants of foreign ministers, postages, newspapers, the collection of information, stationery and books, and expenses attendant on moving about with the court. The fund is under the immediate control of the President; he decides on its application for himself, and is responsible to no one. He has at times used this fund to pay outfits, when he had no other money. The expenses of this mission might as properly be paid out of this fund, as those of the outfit to France.

Mr. CLAY expressed pleasure to hear that the gentleman from South Carolina was ready to redeem his pledges; but if he did so, he would assure that gentleman that he would find himself in a lean minority. There were two ways of redeeming this pledge: one, by paring down existing expenses; and the other, by preventing new methods of expenditure. He knew not which of these modes the gentleman would select.

Mr. HAYNE. Both.

Mr. CLAY went on to express his embarrassment in touching this subject of the mission, in the peculiar position in which the Senate was placed. Were he at liberty, he could adduce reasons, perhaps, as strong, to show that this mission was unnecessary, as the gentleman from South Carolina might be able to bring forward to prove the contrary; and, perhaps, the weight of testimony might be with him. On that point he might venture to refer to the chairman of the Committee on Foreign Relations. But he was not desirous to strike out an appropriation altogether. His object was to strike it out of this bill; and if the nomination should, on an examination of all the subject, be confirmed, it might be inserted in another bill, and there would be no lack of opportunity, as the Senate would have enough of appropriation bills before the end of the session. The gentleman from South Carolina referred to an individual who had acted unauthorizedly for us. There would be found at all places Americans ready to undertake these services. He doubted not that the King of Belgium, with a view to add to the pageantry of his court, had invited all nations to send ministers. He was of opinion that it was too soon to send a minister. As to claims, he knew of none. The old Antwerp claims had been settled; and as to Belgium, whether she is to be viewed as a part of France under Napoleon, or of the Netherlands, there were no claims with which he was acquainted. He could not be prevented, by the striking out of the appropriation, from cheerfully voting for the nomination, if he should hereafter be of opinion that the mission was necessary. Mr. C. said a few words, in conclusion, relative to the contingent fund, sustaining his views as before expressed.

Mr. SMITH, after a general disclaimer of any connexion with reform or retrenchment, stated that some claims of a serious character are likely to arise out of the recent troubles in Belgium. A constituent of his had lost property at Antwerp to the amount of thirty thousand dollars, and was solicitous to know how he should obtain reparation.

Mr. MILLER thought that a minister ought to be sent

to Belgium, on the recommendation of the President, less good reason could be shown to the contrary. He had sent ministers to South America while that country was in a state of convulsion; and ministers were sent to us while we were struggling for our freedom. He would the matter to be, at once, put to rest; and if a discussion were desired, it was easy, at once, to go to executive session, act upon the nomination, and return into legislative session, and pass or reject the appropriation. He was no anti-mason, but he was not going to have his mouth muzzled, and to be compelled to act under this ban of secrecy. He was for passing on the matter now. He expressed a hope that the Senate did not mean to sit here through the dog days; and if it did not, there would be no chance of reinstating the appropriation, if once stricken out. He concluded with an allusion to the twenty-two thousand five hundred dollars paid for a minister to England, who was worth nothing as an item more deserving of reprobation than this item.

Mr. WEBSTER made some brief remarks. He did not understand the Senator from Kentucky as making any formal motion, and he hoped that he had not done so. He thought there was no precedent for this incident mode of bringing the Belgian mission before the Senate. We had been called upon, in conjoint action with the other House, to act on the same subject, in the same manner, and involving the same principles. He felt the same here as he would have felt had he been in the other House. He would have voted for this appropriation in the other House, and he should do so here. The appropriation had been asked for by the Executive, and he was willing to give it; and the giving it would have no effect on his vote when he should come to act on the nomination. He should not vote for the nomination the sooner because the expenses were provided for. If he voted against the nomination, the appropriation would not be called for, or required. He would not enter into the question of the expediency of the mission; he suggested whether it was a correct course for gentlemen to draw into a legislative discussion matters exclusively belonging to the Executive branch. Was not the Senate, in fact, arguing the matter, as if the question were now before them, whether they would advise and assent to the nomination? He did not see that, in passing a law, the Senate could properly advert to matters which could not be used in case any difference between the two Houses, in reference to the bill, should render a conference necessary. Each must, in that case, give their views, and act on them; and the question would be decided on the ordinary grounds. He agreed that the mission ought to be made by law for the expenses of the mission, if, by the co-ordinate branch, the appropriation was made. He should, therefore, vote for this item in the bill.

Mr. TAZEWELL expressed a different view, concerning that granting the appropriation created the difficulty. The whole difficulty, in his opinion, arose out of the House of Representatives doing what they had no right to do, by appropriating money for an office which had yet been created—imagining that some such office ought to be created. If the Senate appoint the minister, the appropriation must be made. But while the matter is in pendency, whether the mission shall be created or not, will the Senate create the mission by appropriation?

He put a case. Supposing that the House of Representatives, uncalled for, had got up a proposition to send a minister to China, or, to take an old case, to Mexico. Would the Senate have had the President reject the whole appropriation bill because it contained this clause? Let the House of Representatives act within their proper sphere. He could say something against the propriety of the mission at all. And were his lips to be sealed while his vote was to be recorded? Neither the House of Representatives nor Senate should ever place him in that position.

APRIL 14, 16, 1832.]

Public Lands.

[SENATE.]

He was now in that situation; and his only alternative was to vote against any appropriation. Should the nomination be confirmed, he would assuredly vote for the appropriation; but he could not so vote at this moment.

Mr. EWING moved that the Senate now adjourn.

Mr. POINDEXTER moved that when the Senate adjourns, it adjourn to meet on Monday.

Mr. TAZEWELL expressed a hope that the Senate would meet to-morrow to go into executive business.

Mr. WEBSTER expressed his willingness to go into this executive business.

Mr. TAZEWELL said he meant into this executive business, and no other.

Mr. MARCY said he should feel it his duty to move to take up other executive business.

Mr. TAZEWELL said he should vote against any such motion.

Mr. POINDEXTER then withdrew his motion.

The Senate then adjourned.

SATURDAY, APRIL 14.

Nearly the whole of this day's sitting was spent in the consideration of executive business.

MONDAY, APRIL 16.

PUBLIC LANDS.

Mr. CLAY from the Committee on Manufactures, to which the subject had been referred by the Senate, made a report in regard to the distribution of the proceeds of the sales of the public lands, (for which see Appendix,) accompanied by a bill providing therefor.

Mr. C. read the report through; after which, the bill was read the first time; and the question being on ordering it to a second reading,

Mr. BENTON said he was somewhat at a loss to know what was the proper course to take, in this stage of the bill. He must, however, take the opportunity to give the reasons which would induce him to vote against the second reading. The principles contained in the report were so strange and so mischievous that he could not forbear from making two or three observations upon them. They were precisely the same as the principle in the report of the Secretary of the Treasury made five years ago, in which he recommended that no inducement ought to be held out to persons to go to the new States. The reason given for this suggestion was, that if people were induced to emigrate to the new States, the manufactures in the old States would not have persons to carry them on. He had thought that the abhorrence with which this proposition, which was aimed at the poor, was received in the portion of country with which he was acquainted, would, as he had supposed, have prevented any future attempt to revive this principle. The object was to keep the poor from settling in the new States. The principle of both that report and the present was hostile to the new States, and hostile to the freeholders. But there was a new feature introduced into this report. The new States were to be seduced into the measure by the offer of a slice from their own territory. He had heard an instance in which, after the horrors of shipwreck, when the survivors were reduced to the extremity of feeding on each other, one man, who was to be the next victim, in a fit of desperate agony, begged to be indulged with a slice from himself. So it appeared, the new States were to be regaled with a slice of themselves, and then torn limb from limb.

He suggested that this was precisely the principle which actuated the Northern Powers of Europe in their partition of Poland. It was a principle, however, confined to the Northern Powers. The Southern nations had no participation in it; while each of the others was bribed by a share of the spoil.

He would not trouble himself with the details of error and injustice which this report contained. Massachusetts and Maine are placed on an equality with Virginia, who had made such a generous cession of territory. Massachusetts had retained thirty thousand square miles, and, after giving a portion of these lands to Maine, had disposed of the rest at fifteen and twenty cents the acre.

The whole of this report he characterized as proceeding on the principle of money—money—money. Money must be wrung from the soil, to prepare against the contingency of a new war. Instead of looking to money for this provision, regard should be had to population, to an increase of man—free man, as the best resource in such a contingency. He who most efficiently defends the country, was not the manufacturer, but the son of the man who tills the soil. The present proposition he viewed as one to take money from the hands of the people. The principle which pervaded it was that the revenue must be kept up, if the money were thrown into the Potomac. There was to be no reduction in the price of the soil, although originally it belonged to other owners, and notwithstanding a great portion is now returned by the receivers as not worth more than five cents the acre. He referred the Senate to the mode in which the wild lands were disposed of in Europe, for the purposes of settlement and cultivation; and asserted that such was the practice in the new world. He adverted to the proclamation of the King of Persia, offering lands to settlers, and to the practice of the Roman republic in the division of the lands. The Senate, he suggested, should adopt the practice in the colony of Liberia, where every colored settler is allowed to draw for a town lot. He was a friend to humanity, but he was not disposed to cherish the black, and sacrifice the white man. Because there were found in the seven new States one hundred and forty thousand persons borne on the tax list, who were not land owners, they are stigmatized as deficient in industry. This he denounced as a wrong. The lands in the new States were not worth the price at which they are now held by the Government. Receivers had said that there were millions of acres not worth five cents an acre. Every thing was worth precisely what it would fetch. The story of speculators had been brought forward again. The objection in this form came from the speculators themselves, from those who wanted to sell their land. The fact was, the money must be brought from the new States, to be expended elsewhere. Every thing had been taxed in the West, and taken away to support the Federal Government. The principle of federal numbers had taken away every dollar from the South and West, and carried them to the Northeast. Instead of the federal numbers, the expenditure ought to be regulated by the size of the States.

He proposed to amend the motion for a second reading, by substituting a reference of the bill to the Committee on Public Lands, with instructions to report a bill to reduce the price of public lands, &c.

The CHAIR decided that this motion would not be in order until after the second reading.

Mr. BENTON expressed a hope that the bill would never reach a second reading. He wished to know if a motion to reject the bill would be necessary.

The CHAIR replied in the negative.

Mr. SMITH said he had waived his motion to take up the appropriation bill, in a spirit of comity, not expecting this prolonged debate. He would now move to lay the report and bill on the table.

The yeas and nays being desired and ordered, the question was put, and decided as follows:

YEAS.—Messrs. Benton, Bibb, Buckner, Dallas, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson,

SENATE.]

Public Lands.

[APRIL 16, 1832.]

Smith, Tazewell, Tyler, Troup, Tipton, White, Williams.—24.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Dickerson, Dudley, Ewing, Frelinghuysen, Holmes, Johnston, Knight, Prentiss, Robbins, Ruggles, Seymour, Sprague, Tomlinson, Waggaman, Webster.—19.

So the report and bill were laid on the table.

Mr. CLAY then moved the printing of the documents, and that three thousand extra copies be printed.

Mr. CHAMBERS moved five thousand.

Mr. ROBINSON expressed his hope that there would be no additional number printed, until an answer should be prepared by the Committee on Public Lands. He would then be willing to vote for as large a number as any gentleman.

Mr. SMITH moved to lay the motion to print on the table.

Mr. CLAY called for the yeas and nays; which were ordered.

The question was then put, and decided as follows—yeas 4, nays 40.

Mr. WEBSTER expressed a hope that the largest number would be printed. He assured gentlemen that he would vote precisely as many of any answer which might be made to the report from any other committee. It was too voluminous a report to be generally printed in the newspapers; and it would be very interesting to the whole country. Before Congress could act upon it, it would be necessary that its contents should be well examined; and he could see no good reason for delaying this report until any other might be made.

Mr. POINDEXTER asked for a division of the question, and that the question be first taken simply on the printing, as, while he was disposed to print the report for the use of the Senate, he wished to vote against the extra number. It was a report which would be productive of great excitement in the new States; and, therefore, he did not wish to send abroad a large number, unless accompanied by an antidote. Believing that the report cannot be adopted, striking as it did at the root of sovereignty in the new States, he could not consent to circulate the poison.

Mr. MILLER stated that he had been a member of the Committee on Manufactures; and, although he entirely concurred in so much of it as related to the reduction of price and the cession of the lands, and the whole of the report, until it came to the proposition relative to the division of the proceeds, he could not agree in the conclusion of the report. In the justice of the general views, and the strength of the reasoning, he entirely agreed, and he was in favor of printing an extra number.

Mr. KANE said a few words in opposition to the motion to print an extra number of a report which was addressed to the interests of all the old States, against those of the new ones.

Mr. CLAY said that he had no intention, at this time, to vindicate the reasoning in the report. Whenever the proper time should arrive, he should be prepared to defend all its positions, and, he hoped, completely to defend them. It had been his intention, after the bill should have had its second reading, to postpone its further consideration until time had been given for reflection and examination. Then, whenever the bill should be in committee, he would have given an explanation of the views of the Committee on Manufactures.

The question, as now proposed, is, if an extra number shall be printed. This had been objected to, because it was said the report might produce an excitement in the West. Whether the motion prevail or not, the report would get abroad. He hoped there was no disposition to prevent it from being seen. And there was much more danger of excitement if the reasoning and facts were only partially disclosed, than if the whole were fairly before

the people. He wished the report to be in the hands of all. The Senator from Illinois considers the arguments as addressed to all the interests of the old States, and, therefore, that it ought not to go forth without an antidote. All should see it. What had been the course of the Senate in reference to other documents? When the report of the Free Trade Convention was to be printed, was there any objection? Had any suggestion been made that it ought to be withheld until the report on the other side should be prepared? All voted for it; and it went out to the world weeks before the other was printed. Let the same course be pursued as to this report, and, whenever the response should be made, he would vote for the printing of as large a number of that document. Both the documents would then be before the people, and they would form their own judgment.

Mr. RUGGLES said a few words in favor of printing an extra number, and he would vote for an equal number of the answer whenever it should be before the Senate. It was due to the committee that this course should be taken. He wished the people of Ohio to see the light—to see the reports of the Senate, and not that they should be smothered here.

Mr. CLAYTON spoke in favor of printing the extra number, without waiting for an answer to the report. Who was to make this answer? There was no proposition of a minority of the committee; there was none on the part of the Committee on Public Lands. How long was the Senate to wait for this reply? It had been said that the report would produce a great excitement in the new States. Was there no excitement; now, in any of the other States, on the subject of these public lands? This subject had caused excitement in the old as well as the new States; for the former felt as deep an interest in the matter as the other. Rejecting this vote by the Senate would produce as great an excitement in the old States, as printing the report could produce in the new. Mr. C. made some reference to the course of Senators in the case of the report on iron.

[This reference produced counter statements from Mr. HAYNE and Mr. KING, and was supported by Mr. DICKERSON.]

Mr. KING stated the proposition to be merely to lay this report on the table, until it could be examined. It was thought, by many, to contain dangerous doctrines, and to assume false principles, and that it ought not to be printed. On reflection, it was not impossible that the Senator from Kentucky might, himself, revise his views, and correct them. He did not wish to see such opinions emanating from such high authority, and going forth to the people with the weight of that gentleman's name.

Mr. FRELINGHUYSEN regarded it as important that the principles contained in this report should be laid before the people. If excitement was feared, it was much more likely to take place in consequence of a suppression of the report, than of its circulation. Surely, gentlemen were not afraid of the reasoning. The subject had been referred to the Committee on Manufactures, against the wish of that committee; every member of which had protested against the reference. The report had been unanimously adopted, although the committee was composed of gentlemen of different views. Even the Senator from South Carolina acquiesced. People would suppose, if the Senate refused to let it be seen, that there was something in the report which could not be answered. The Senate had heard it read. Was the principle now to be adopted that nothing should be printed until it had been examined? The virtue and intelligence of the people would enable them to hear the wrong, as well as the right side. This report was marked by great ability, and he hoped that the extra number would be printed, and that the same number of the answer would be printed, whenever it should be made.

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Mr. KANE disclaimed any desire to impeach the ability of the report. It was to the printing of an additional number of a document addressed to the individual interests of individual States that he objected. A counter report might come from a minority, or it might be referred to the Committee on Public Lands for a report. It was a new and important project, involving points of deep interest, and the printing of so large a number would indicate a feeling favorable to the views which the report contained.

Mr. EWING replied to the suggestion of the Senator from Alabama, reminding him that this question had been forced on the committee; and another Senator had suggested that the committee would be afraid to incur the responsibility of making such a report. He hoped the extra number would be printed.

Mr. ROBINSON said the committee had reported on the other branch, and had not asked for extra copies; and now they had reported on the other branch, they desired this additional circulation. The subject had been sent to this committee, not in reliance on their friendship, but because it was the only subject, connected with the revenue, remaining to be acted on. He disclaimed having said any Senator would be afraid of responsibility. He had merely put the idea in the form of an interrogatory.

Mr. HOLMES thought the subject should be referred to the American people. He had been, originally, opposed to its reference to the Committee on Manufactures. It was referred by a small majority, and the committee had reported a very able and elaborate view of the subject. It was strange that the printing should be opposed. A reference of a subject was made to a committee. They had examined it with much labor, and their report had been read. The question now is, if the report on a subject referred with so much solemnity should be printed. He thought it a singular course to oppose such a motion.

Mr. BUCKNER considered it important to the people of the West that this report should be printed; and he would be willing that ten thousand copies should be circulated. It had been said that the circulation of the report would produce a great excitement, and enable men to prejudge the question. The printing of a few would have the same effect. He was willing to give the people all possible light. Did the Senator intend to do a work, and put it under a carpet; or to do it, and put it on the tree tops? He was not prepared to say that he should adopt the principles of the report. He was willing to receive expressions of the popular opinion. He was not prepared to say that the people of the West would not adopt these principles. He believed they would be content with 20 per cent. And if they were then put on an equal footing with the other States, he was not prepared to say they would not be satisfied. The Committee on Manufactures had not sought this matter. It was pressed on them; and now that they have made their report, it is said that the people are not to see it—not to be contaminated with it. If the report was so odious, who would suffer? If it was such a heresy as would bring down the indignation of the West on its author, he had hardly supposed that they who opposed the printing would have been so anxious to save that individual from destruction. He did not think he should vote for the bill, but he would vote for printing extra copies of the report.

Mr. MILLER was of opinion that the proposition ought to be adopted. The report was one of the most enlightened documents which had been presented to this assembly. All its details, its statistics, and its arguments, were deeply interesting, until the report came to those speculative conclusions in which he could not concur. The committee had previously made a report on one branch, in the form of the syllabus bill before the Senate. Now there was another report; and he saw some indications of a disposition, on the part of the committee, to make some con-

cession to those who thought differently from them on the subject of the tariff.

Mr. WHITE expressed sorrow that a motion had been made, at this time, to print an extra number. He would vote for the ordinary number now, and the extra number when sufficient time had been allowed for an answer to be prepared. He said he was not afraid to trust the people with any subject. He did not concur in some of the views of the report, but he might be mistaken. He adverted to some movements on that subject in the Legislatures of Maryland and Massachusetts, to which he desired to refer before he gave any final opinion.

Mr. POINDEXTER stated that when he made his former observations, he had not looked into the report, nor heard it read. On a little examination, he was led to suppose that he had done injustice to the Senator from Kentucky. He would examine further, and if he continued of this opinion, he should go with the report. He then withdrew the call for a division of the question.

The call was then renewed.

Mr. CLAY took a view of the votes of the Senators, to show that a majority of the new States was in favor of the motion. He was glad to hear the Senator from Tennessee say he was not afraid to trust the people with any subject, if he was sincere in the declaration. The opposition to this motion seemed to him to arise out of the circumstance that this was the first report which had been made on this side of the question. Appeals on the other side had been made, session after session, but this was the first time that an attempt had been made to show the other side to the people. A subject of more deep importance had never been presented to the Senate, and all that was asked was to avoid any suppression of light, and print extra copies, and a pledge was given to vote for as many of the opposite argument whenever it might be produced. The gentleman from South Carolina had pursued a very liberal course throughout, and had no intention (as he believed) to make any counter report. The Committee on Manufactures had not been kindly treated. They had not wished to meddle with the subject, and earnestly resisted its reference. The subject was, however, referred to them, without any direction to take up the whole matter in a single report, or a single bill. They did take up the subject, and examined each branch according to its nature. A report on the duties on unprotected articles had been made, and now a report on the public lands was made. As to the remaining branch, he thought it premature to say any thing. He had made up his own mind to do every thing which could be done to tranquilize the feelings and meet the wishes of gentlemen, without, in any way, impairing the efficiency of the protective system.

Mr. WHITE replied warmly to the supposed imputation cast on the sincerity of his professions.

Mr. CLAY refused any explanation to the Senator, but to the Senate disclaimed any such intention.

Mr. WHITE said a few words in reply.

Mr. JOHNSTON expressed a hope that the question of colonizing the people of color would never be entertained on the floor of the Senate, unless at the united desire of the slaveholding States themselves. If ever such desire should be expressed, he would willingly go into the subject. He believed that colonization would be for the benefit of those States, and that this would be the proper fund to apply to such objects, but he would not now consent that the subject should be touched. He stated that the lands in the vicinity of the sugar lands were of great value, and increasing in value. He was in favor of adhering to the present land system, of dividing the proceeds, and giving to the new States a preference to the value of 15 or 20 per cent.; but he was not willing to appropriate the money to the purposes of colonization.

On the call of Mr. MANGUM, the yeas and nays were ordered.

SENATE.]

Vaccination.—Appropriation Bill.—Agents for Claims.

[APRIL 17, 1833.]

After a few words from Mr. BIBB against the motion for an extra number, the question was taken first on the motion to print, when it was carried unanimously—yeas 45.

Mr. MARCY then moved to print 1,500 extra copies. Mr. CHAMBERS reminded the Senate that a greater number than 5,000 of documents of less value had been printed. He referred to the report on Executive patronage, of which 6,000 extra copies were printed.

The question was then put on the printing of 5,000 copies, and decided as follows:

YEAS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dickerson, Dudley, Ewing, Poot, Frelinghuysen, Holmes, Johnston, Knight, Miller, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Tyler, Waggaman, Webster, Wilkins.—26.

NAYS.—Messrs. Benton, Bibb, Dallas, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Moore, Robinson, Smith, Tazewell, Tipton, Troup, White.—19.

So the motion was carried in the affirmative.

TUESDAY, APRIL 17.

VACCINATION.

The Senate then proceeded to take up the bill to extend the benefits of vaccination to the Indians.

The question being on the third reading,

Mr. BUCKNER made a few remarks in opposition to the bill. He expressed himself entirely averse to conferring benefits on those who had done so much injury to our own citizens: who were our natural enemy, and so frequently distinguished themselves by the ferocity with which they warred against us—who had marked their course by fire and desolation; who had committed the most wanton cruelties, and had so frequently snatched the infant from the nipple of its mother, and dashed its brains out against a tree. He did not wish to cherish these people, while a small appropriation was denied to his district to erect a hospital for the river-faring man, whose life was frequently sacrificed for want of a little timely care and kindness; when even money could not be obtained to drain the swamps whose deleterious effluvia imposed an almost insurmountable barrier to internal improvement. Another ground of his opposition to the bill was, that it adds to Executive patronage. Who would gain the benefits of the bill? The superstitious notions of the Indian would prevent him from receiving them. Experience of a mortal nature had already told them that death is the almost inevitable consequence of plunging into cold water while under the influence of fever; yet it is impossible to prevent them from pursuing this course. If the law were to pass, another would have to be made for the rising generation. He wished to examine the subject, and to see if the money given by this bill would not go into the hands of those who, while pretending to be the friends of the Government, were in fact greater friends to the wealth which they calculated to acquire by this scheme. He moved to lay the bill on the table, and the motion was decided in the affirmative.

APPROPRIATION BILL.

The Senate then proceeded to consider, as in Committee of the Whole, the general appropriation bill.

AGENTS FOR CLAIMS.

Mr. CLAY rose, and, without making any specific motion, called the attention of the Senate to the clause in the bill making appropriations for two agents for claims, residing in London and Paris. Both these agencies were mere sinecures. As well as his recollection would serve, although he did not pretend to perfect accuracy, they originated in this manner. During the operation of the decrees of Bonaparte, and the orders in council of Great

Britain, a large mass of claims, growing out of those measures, had accumulated, which were so numerous as to render it impossible for our ministers to attend to them. In order to aid the ministers, either during the administration of Mr. Jefferson, or at an early period in Mr. Madison's administration, these agencies sprang up. He believed that they were appointments unauthorized by any particular law, and had never been submitted for the concurrence of the Senate. As to England, we have no claims on her since the treaty of Ghent; none to the settlement of which the minister is not fully competent.

Our claims on England were cancelled by that treaty. There had been some necessity for the continuance of the agent in Paris until Mr. Rives concluded the recent treaty with that nation, which has extinguished the whole. This has so reduced the business, that our minister in Paris can easily attend to all the claims which may arise, without interfering with his ordinary business. It seemed to him, therefore, that the appropriation was useless. Should the Senate concur in this view, some gentleman might more to strike out the clause. He was not certain that these agencies were not given to our consuls in these cities, who were both worthy men. If this had appeared in the estimates, he would have been satisfied. He thought, however, that the true course would be to allow salaries to these consuls, and not to give them these agencies.

Mr. SMITH replied that this subject had not escaped the notice of the committee. On inquiry, it was found that the consul in Paris was possessed of all the papers relating to the agency; and that, whenever these should be withdrawn, the agency would no longer be of any use. He believed it to be the fact that there was no law appointing these agents. The consul in London was highly respectable, and had lost an arm in the United States' service. London was an expensive place to live in. There was but little direct trade to that port, only a very few vessels, and but little emolument fell to him as merely consul. This country had no claims on England, but she ought to have some agent residing there for the protection of American seamen. Ships were frequently sold, and their crews discharged; or seamen deserted, and generally found their way to London; and a consul was necessary to protect and send them home.

Mr. CLAY said he had merely stated the case. The consul in Paris he knew to be a good man; and if any thing extra was to be given, he would wish to give it to him. Yet there was no utility in this agency. If the consul held the papers, it was probable that they were very few. Mr. C. stated that while he was Secretary of State, there was scarcely any correspondence with him. He had thought to suggest a discontinuance of the office; but, as a negotiation was pending, he thought it more advisable to refrain. The agency to London is not of the least value. It was the duty of the consul to look to the protection of the seamen. He then stated how these services were rendered, and how the consul was recompensed.

Mr. FORSYTH stated that originally there were three of these agencies. There was one in Madrid, which had been dropped some years since. The agency in London was useless, but the fees of the consul were so inconsiderable, so totally inadequate to the support of an individual, that the Government had found it necessary to allow all that could be allowed to make up the deficiency; otherwise, the office could only be filled by a man of fortune. As to the consul at Paris, his services would be required for the present year, as he has the papers in his possession, to lend his aid to the settlement of the claims. After this year, he might be dispensed with.

Here the conversation dropped.

On motion of Mr. FORSYTH, the appropriation of \$1,400 to pay a clerk in the Treasury Department for recording revolutionary land scrip, was reduced to \$1,150—yeas 18, nays 13.

APRIL 17, 1832.]

Colombia.

[SENATE.]

COLOMBIA.

Mr. POINDEXTER rose to inquire whether this Government was not in possession of information of the dissolution of the Government of Colombia. He believed that it was a fact of general notoriety, that the Government of Colombia has been ruptured in three parts—Venezuela, New Grenada, and the province of the equator. I shall, said he, if the motion to strike out Colombia, which I intend to make, is successful, move to insert an appropriation for a chargé to Venezuela and New Grenada. If a treaty was made with New Grenada, where our minister now resides, it would be binding on that country alone, and would be by no means obligatory on Venezuela. Believing that our commercial arrangements with Venezuela were of the utmost importance, and that we ought to be represented there by a diplomatic agent; and believing, also, that there was no earthly use in having a minister to Colombia, a Government which no longer existed, he would move to strike out the appropriation for that minister, and would follow it up, if successful, by the motion he had just indicated.

Mr. SMITH hoped the gentleman would withdraw the motion. The minister was there at a considerable expense, had earned his salary, and must be paid. He would, said Mr. S., be recalled during the summer. If the Government was, as alleged by the gentleman, split into different parts, still the minister was there, attending to the interests of the United States, and performing services as important, perhaps, as if the country was settled.

After some remarks from Mr. JOHNSTON,

Mr. SMITH said it would be recollected that the President stated, in his message, that it was his intention to withdraw the minister to Colombia, and appoint a chargé; and the bill was originally drawn with that view. But subsequent information from that country showed that it was necessary to continue the minister there, to perfect some business he had commenced; that, in fact, it would be cheaper to the United States to continue him, than to recall him and send a chargé. The House accordingly amended the bill so as to take away the appropriation for a chargé, and continue that for the minister.

Mr. CHAMBERS was pleased that the Senator from Mississippi had called the attention of the Senate to the subject. It was perfectly out of the question to make an appropriation for a minister to a Government which did not exist even on paper. He wished the Senator from Mississippi would vary his motion, and graduate the reduction so as to meet the amount of salary due the minister for the services he has rendered, and provide for his return home. Two things suggested by his colleague, he did not take for granted; one was, that the minister could, under the circumstances, render any service to the country; the other, that he would be recalled during the summer.

Mr. BELL objected to continuing a mission to a Government that did not exist even in name. He was perfectly willing to pay him for the services he had rendered, and for the services he was now rendering, in a proper form.

Mr. HOLMES compared the embassy to Colombia to Sancho Panza's government of the island of Barrataria. Both were ideal employments. He hoped this mission was not a sample of the reform promised by the administration, and that it would be reformed. It was in vain, Mr. H. said, to disguise the fact that our diplomatic expenses were, in some way, greatly increased; and, indeed, it could not be wondered at, if our economical administration thought it necessary that we should be represented at imaginary Governments. From what had been said, we might as well, for any useful purpose, send a minister to the moon as to Colombia. He did not say we could send a mission to the moon; but, according to the con-

struction that had been lately given to a minister's representing us near a court, we might have a minister residing near the moon. He would ask how it was possible for us to be represented at a court that did not exist, and keep a minister in pay there, in accordance with a proper system of economy.

Mr. TYLER observed that, after the distinct announcement of the President that he intended to recall this minister, the Senate ought to be satisfied that he would be recalled as soon as it could be done without injury to the public service. Besides, the minister was there, and he ought to be paid. Would you, said he, by withholding the salary, visit on the head of the President? Mr. T. said he should not go into the question whether the dissolution of the Government of Colombia rendered the stay of the minister there useless, or otherwise; the President was satisfied that he had yet duties to perform, or he would not have been retained thus long. The dissolution of a Government did not necessarily render the services of a diplomatic agent there useless. We had a minister in England; a revolution might happen, and Scotland be cut off from that country. Would it follow then as a necessary consequence that we must recall our minister? A revolution had taken place in the kingdom of the Netherlands, and Belgium had been separated from Holland, and formed out a separate kingdom; yet our minister was still in Holland, rendering important services to his country. A mission, for instance, from a foreign country, is sent to the United States, and Maine for a valuable consideration cedes a portion of her territory. Would the Government of the United States thereby be dissolved, and the minister find it necessary to return home? *Non constat* that the minister's mission ceases when there is a revolution in the country to which he is sent.

Mr. HOLMES, after a few words, in so low a tone as not to be heard at the distance the reporter is seated, said he admitted that the Government of the United States would not be so dissolved by the taking a slice off from Maine, as to render a mission to us useless. In like manner, if the State of South Carolina were to nullify a law of the Union, the Union would not be so dissolved; nor is it now by the State of Georgia, having nullified the law of the land, and placed herself thus far out of the Union, that a foreign minister would find it necessary to return home. But he could well understand that, if all the States were to separate from each other, and set up for themselves, a foreign minister could not represent his country at the Government of the United States. And this, said Mr. H., is the case with the former Government of Colombia. It is split into three separate States, who have set up for themselves, and the name of the Government of Colombia no longer exists.

After some remarks from Messrs. FORSYTH, TAZEWELL, and SMITH, in opposition to the motion, and from Messrs. CLAYTON, JOHNSTON, CLAY, POINDEXTER, and HOLMES, in favor of it, the question was decided by yeas and nays, in the negative, as follows:
YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Ewing, Foot, Hayne, Holmes, Johnston, Miller, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—20.

NAYS.—Messrs. Benton, Bibb, Buckner, Dallas, Dickerson, Dudley, Forsyth, Grundy, Hendricks, Hill, Kane, King, Mangum, Marcy, Robinson, Smith, Tazewell, Tip-ton, Tyler, White, Wilkins.—21.

So the amendment was negatived.

The bill was then reported to the Senate as amended.

The clause making an appropriation for the contingent expenses of the judiciary department, which had been amended in the committee, by increasing the appropriation from 190,000 to \$250,000, having been read,

Some debate took place on the question of concurring

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in the amendment. It was opposed, on the ground that the estimates were not sufficiently explicit, and that the evidence was insufficient.

On the other hand, the impracticability of making the estimates exactly square with the sums which might be required, was urged. It was stated that the contingencies of this department were always fluctuating, and depended on circumstances not to be foreseen or controlled.

The question being put on concurring in the amendment, it was decided as follows:

YEAS.—Messrs. Benton, Bibb, Buckner, Dallas, Dudley, Grundy, Hendricks, Kane, King, Mangum, Marcy, Robinson, Smith, Tipton, White.—15.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Ewing, Foot, Forsyth, Hayne, Hill, Johnston, Miller, Moore, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Sprague, Tazewell, Tomlinson, Tyler, Waggaman, Webster, Wilkins.—24.

So the Senate refused to concur in the amendment.

The Senate then adjourned.

WEDNESDAY, APRIL 18.

VACCINATION OF INDIANS.

On motion of Mr. WHITE, the Senate then proceeded to consider the bill to provide for extending the benefits of vaccination among the Indians. The question was on the third reading of the bill. This bill led to a discussion, which consumed the whole of the day.

Mr. BUCKNER was altogether opposed to the principle of the measure. He was hostile to any step for the introduction of vaccination among those who had been the bitter and constant enemy of the first settlers. He opposed the bill also, because it was, in his view, a bill more for the benefit of Indian agents and the other parties designated in the bill, than for the advantage of the Indians. He considered the experiment which the bill authorized as equally useless and dangerous, and one to which force alone would compel the Indians to submit. He questioned also the constitutional power of the Congress to take this step, any more than to make an appropriation to check the progress of the plague in Algiers. He contended that the money asked for would be insufficient, and that Congress would be subjected to fresh calls. He asked for the yeas and nays on the third reading of the bill, and they were ordered.

The bill was further opposed in its original form by Mr. EWING and others, on the ground that it gave to the President an unrestricted right to appoint agents, and to extend his patronage; that it opened a door to fraud on the Indians, and on the Government; and that it was more likely to convert the Indians into enemies than friends.

On the other hand, it was contended by Mr. WHITE and others that this was a measure called for by humanity and expediency; the gloomy picture of the miserable condition of the Indians who were afflicted with the small pox, dying in such numbers that the dead lay unburied, from a printed document in possession of the Senate.

Mr. SPRAGUE argued that the bill provided against any fraudulent practices, by authorizing the employment of regular practitioners, who would not stoop to the practice of frauds.

In the course of the debate, an incidental discussion arose in consequence of a reference made by Mr. FOOT to an item in one of the documents just laid on the table, from which it appeared that certain sums, amounting to \$16,000, had been paid to John H. Eaton and John Coffee, as commissioners to treat with the Choctaw and Chickasaw Indians in 1830 and 1831. This clause was at first viewed by Mr. HAYNE and Mr. FOOT as evidence that these individuals had received large emoluments from the treasury as commissioners, while Mr. Eaton was receiving a

salary as Secretary of War. On a little examination, however, it appeared that this sum stated was the amount paid to meet the expenses of making the treaty, and that Mr. Eaton had declined receiving any compensation as commissioner.

Some remarks were also made bearing hard on the President for having appointed to office men who had been rejected by the Senate. It appeared by the printed documents that Wharton Rector, Mr. Stambaugh, and Mr. Gardiner, all of whom had been rejected by the Senate, had been appointed by the President, subsequently, to offices of trust; and that the expenditure of large sums had been committed to them. This practice of selecting men for office who had been rejected by the Senate, was denounced in emphatic terms by Mr. HAYNE, Mr. SPRAGUE, and others, and defended by Mr. FORSYTH and others.

The bill having been ordered to a third reading, Mr. EWING moved to recommit it, with instructions to strike out the exceptionable parts of the bill. As it was urged, however, by Mr. WHITE, that the bill, unless passed immediately, would not effect the humane object which it had in view, Mr. EWING withdrew his proposition, to enable Mr. WHITE to move a reconsideration of the vote by which the bill had been ordered to a third reading, so as to give an opportunity to amend it.

The motion to reconsider having been agreed to, the bill was amended by striking out its second section, modifying the third so as to authorize the calling in of such physicians only as are resident in the vicinity of the Indians, or on the frontier, and by reducing the appropriation from 12,000 to \$6,000.

In this form the amendment was ordered to be engrossed, and the bill to be read a third time, by the following vote:

YEAS.—Messrs. Bell, Benton, Chambers, Clay, Dallas, Dudley, Ellis, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Johnston, Kane, King, Marcy, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tomlinson, Webster, White, Wilkins.—30.

NAYS.—Messrs. Bibb, Buckner, Dickerson, Hayne, Mangum, Miller, Moore, Tazewell, Tipton, Tyler, Waggaman.—11.

JUDICIARY EXPENSES.

Mr. FORSYTH moved to reconsider the vote by which the Senate yesterday refused to concur with the Committee of the Whole, in the amendment to the general appropriation bill, to strike out the sum of \$190,000 for the contingencies of the judicial department, and insert \$250,000.

Having made the motion, Mr. FORSYTH moved to lay it on the table, in order that it might be taken up when the appropriation bill should again be before the Senate.

PORTUGUESE VESSELS.

On motion of Mr. FORSYTH, the Senate then proceeded to consider the bill to exempt Portuguese vessels from the payment of duties on tonnage.

The bill having been read, Mr. WEBSTER suggested that the proviso would be the better for a little further examination, and for a modification of its language, so as to render it more succinct.

Mr. FORSYTH modified the clause accordingly, and the bill was then ordered to be engrossed for a third reading.

The Senate then adjourned.

THURSDAY, APRIL 19.

APPROPRIATION BILL.

On motion of Mr. FORSYTH, the Senate proceeded to the unfinished business of yesterday, being the general appropriation bill.

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Some slight discussion took place on the amendment appropriating \$13,000 for the General Land Office, being an increase of \$4,000 from the appropriation of last year.

Mr. POINDEXTER asked for the yeas and nays on the question of concurring in this amendment, and they were ordered. He then stated the objections which were urged in Committee of the Whole against this amendment. These objections were, that the Committee of Ways and Means of the House were engaged in an examination with a view, if it should be found necessary, to report a bill containing the additional appropriation; and that the condition of the office was not such as to entitle it to any especial favor.

Mr. KING, Mr. FORSYTH, and Mr. SMITH, stated that the office could not go on without this appropriation; that every thing was now at a stand; that there were forty thousand patents for lands in the office to be filled up, and no money to purchase the parchment; and that there was no danger of waste, as the accounts must be passed by the proper officer.

Mr. POINDEXTER answered that the financial committees of both Houses had reported \$9,000, promising to give more, if on examination it should be found necessary; that the commissioner had asked \$18,000; and that he would be better employed in economizing the expenditures of his office, than in carrying on newspaper correspondence.

After a few words on the same side from Mr. EWING, the question on concurring with the Committee of the Whole in their amendment was taken, and decided as follows:

YEAS.—Messrs. Benton, Bibb, Dallas, Dickerson, Dudley, Ellis, Forsyth, Hendricks, Hill, Kane, King, Mangum, Marcy, Moore, Ruggles, Robinson, Smith, Tip-ton, Troup, White, Wilkins.—21.

NAYS.—Messrs. Bell, Buckner, Chambers, Ewing, Foot, Frelinghuysen, Hayne, Johnston, Miller, Poindexter, Prentiss, Robbins, Seymour, Silsbee, Tomlinson, Tyler, Waggaman, Webster.—18.

So the amendment was concurred in.

OUTFIT TO FRANCE.

On the question of concurring with the Committee of the Whole in their amendment striking out the appropriation for the outfit to France,

Mr. SMITH asked for the yeas and nays, which were ordered. He then briefly adverted to the nature of the contingent fund, and the uses to which it had been applied. He stated that out of this fund were paid the agents who were sent into the South American States to ascertain their condition, before we sent ministers thither. Out of this fund messengers who are sent out with despatches receive their allowance. Mr. Pleasants was paid out of this fund for carrying despatches to Brazil. Mr. Cook drew from this fund the five thousand dollars which he received for his services. These were contingent services, and were correctly paid for from the contingent fund. But this fund could not be properly applied to objects specific in their character, and for which specific appropriations are required. If they are paid out of this fund, it is in the nature of a loan, and the amount must be refunded. Unless an outfit should be granted, no mission could be sent. Mr. Van Buren could draw no outfit until it was given to him by this bill. It had been said that Mr. Randolph drew his outfit from this fund. If so, it was probably because there was no other fund within reach of the Executive. He assured the Senate that he was confirmed in the opinion he had before expressed, that, unless France should be left in the bill, there would be no minister sent to France after the return of Mr. Rives, until Congress should again be in session, except in the event of some great change, such as a war in Europe. The President did consider that the striking out of the word "France"

would be tantamount to a declaration that no minister should be sent to that court.

[The CHAIR reminded the Senator from Maryland that it was out of order to allude to the opinions of the Executive.]

Mr. SMITH thought he was not out of order, but admitted the impropriety of such reference. It had been said that the diplomatic expense had increased; but no specific items of increase had been exhibited on paper. He stated that they had not increased. During the four years of the administration of General Jackson, if the appropriations now under consideration should pass, the expenses for diplomacy would have been \$801,500. Deducting \$99,000 for the mission to Constantinople, it would leave \$702,500 as the aggregate expenses; and this would be less by \$25,000 than the expenditures, under the same head, during the administration of Mr. Adams. He considered that these things are always examined according to the old principle of "your bull or mine." He wanted to create no expenses, and no one could properly prefer such a charge against him. It was a very easy thing for any Senator to get up, and make charges of extravagance against this administration, and to prove it in figures also. He had nothing more to do, than to take the two lowest years of Mr. Adams's administration, and the two highest of that of General Jackson, and the thing was done. The gentleman from Connecticut had made a speech of that sort at a former session, and he had answered him, and completely refuted him. But what was done? Just before the election came on, this speech was published in the Baltimore papers. Persons came to him and said, "Is this so?" He fortunately happened to have the notes of his answer, and he was able to recollect every word he had said in reply, and to put the thing down at once. He read, in conclusion, a paper containing a statement of these expenditures of the last two years, to show that they were about three millions less than the appropriations.

Mr. FOOT said that, as the Senator had made such direct reference to him, he was bound to make an observation in reply. He repelled the suggestion that he had pursued any course which was not strictly honorable. Charges of dishonorable conduct could never reach him. As to the speeches he had made, they were before the world, and the Senator was at liberty to answer them as he pleased. In the Senate, the reply which the Senator referred to as so conclusive, was delivered in such an under tone that it could not be heard. It would not be becoming in him to speak harshly of a Senator of the standing, age, and experience of the Senator from Maryland.

Mr. SMITH. Omit age.

Mr. F. resumed, and referred to his course in the conduct of the pension bill, he being at the head of the pension committee. He asked if the Senator meant to designate that bill as his bill. He disclaimed any personal interest in that bill. He had no relative who could be benefited by it. He had merely endeavored to discharge his duty faithfully and fearlessly. He had never given cause to any one to charge him with neglect of duty.

The Senator from Maryland had said that the contingent fund was not made applicable to outfits. A few years since, a number of diplomatic agents were sent abroad during the recess, and a number were recalled. There were sent, during the recess, four ministers and four chargés, and their outfits amounted to \$54,000. The question, as it was then put by him, was, out of what fund were these outfits paid? The Senator from Maryland had replied that there was a fund at the department—a diplomatic fund, out of which the outfits were taken. The Senate was called on at the next session to make appropriations for the amount. The Senator now says that one fund is for secret services, and not to be applied to these purposes. Whether that is the diplomatic fund, to which the Senator formerly referred, he knew not. The other,

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he believed, did not contain so large an amount as was then required. The Senator had said that if France should be stricken out of the bill no minister would be sent to France until the next session of Congress. He considered this as the strongest reason for striking out. When it is found that, in the case of Indian agents, men, who had been nominated and rejected, renominated and re-rejected, are afterwards put into these same offices as soon as the Senate had adjourned, it was time to be vigilant.

Mr. SMITH explained, stating that he had the highest opinion of the industry, fidelity, and zeal of the Senator from Connecticut, and should feel regret if he had said any thing to offend him.

Mr. WEBSTER observed that the exposition given by the Senator from Maryland removed the necessity for continuing the appropriation. The whole matter turned on the power of the President over the contingent fund; and the Senator from Maryland had given the true exposition. This fund was at the disposal of the President for contingencies. When any part was applied for public purposes, the expenditure was made public; when any portion was appropriated for secret services, the certificate of the President of the fact was the only voucher required. The Senator had admitted that any extraordinary service gave the President power over this fund. He may pay for any contingent object; or may borrow the amount, to be replaced when the transaction is made public. Where, then, was the necessity for an appropriation in this case? It was not pretended that the fund was insufficient to meet the requisition. If it was, the proper course would be to increase it.

He was not disposed to make appropriations for appointments during the recess. He did not wish to encourage the practice, and for this reason, that the Senate then becomes, in some degree, committed; because, when the nomination was sent in, the minister was already abroad, and engaged in the duties of his mission. He thought it wrong to encourage the practice. Mr. Rives was appointed during the recess. It was a proper appointment, and he had no fault to find with it. Both the ministers to England were appointed during the recess. This ought not to be encouraged. It was right that the Senate should have the nominations before them to act upon without any prejudice. In a recent case, the Senate had heard it said that the public interest was put in jeopardy; that important negotiations were pending; that the recall of a minister might be deemed cause for war. This ought to prevent the Senate from continuing the practice. In cases of death, or other unexpected contingency, the President has power to make appointments during the recess. But whenever he exercises this power, should it not be regarded as an extraordinary occurrence? It should be a case of a vacancy happening, not one which is foreseen, and may be guarded against in the ordinary way. If Mr. Rives is to come home during the recess, in virtue of an understanding with the President, it can scarcely be correct to say, the vacancy happens, and the President ought not to make any appointment unless the vacancy happens during the recess; and when it does so happen, he has this fund to go to. He would vote for striking out the appropriation.

Mr. FORSYTH adverted to the case of Mr. Rush. It was understood that he was to come home, and provision was made for his successor. This had not been considered in the light of a contingency. Mr. Rives was about to return, not on account of embarrassments, but for the sake of his health. Paris did not agree with him in the winter; and he had determined not to pass another winter there, unless the public service rendered it necessary. The President had informed the Senate that nothing but a contingency would prevent the return of Mr. Rives. He did not wonder that gentlemen on the other side threw the President on the contingent fund, because they had al-

ways contended that he ought to use it; but he wondered that gentlemen on his side could fall into the error.

He referred to the recommendation by Mr. Jefferson of specific appropriations for any object susceptible of specification. Here was a specific object, and a specific appropriation was the proper course. He hoped that those who did not desire to prevent the appointment of a minister, would vote for the appropriation.

Mr. HOLMES remarked, briefly, on the nature of the contingency that would justify the President in resorting to this fund, and insisted that this case would present a contingency of that character.

Mr. HAYNE expressed his gratification at some of the views which had fallen from Senators on the subject of economy, because it might be productive of advantage to the country. He then informed the Senate that he had taken great pains to make a statement, derived from official sources, of the expenditures, exclusive of the public debt, for some years past. From that statement he read the following extract:

1822,	-	\$9,877,000	{ Including five millions under the Florida treaty.
1823,	-	9,789,000	
1824,	-	15,750,000	
1825,	-	11,240,000	
1826,	-	13,002,000	
1827,	-	12,650,000	
1828,	-	13,296,000	
1829,	-	13,660,000	
1830,	-	13,229,000	

Showing that the average of the four first years after the reduction of the army was ten millions, and the average of the four last years above thirteen millions, being an annual increase of three millions. Thus had the expenditures of the Government increased. He had pledged himself to present to the Senate a full and explicit account of the expenditures of this Government; and he was now engaged in preparing a statement of every particular expenditure, under every separate item. He had been at great pains to possess himself of this information; and when he had reduced it to an explicit form, he intended to call for estimates next year, showing, in the corresponding columns, the expenditures of previous years. It was his object, in all cases, to obtain the why and wherefore of every expenditure. Thus abuses might be checked. It was said the Government had been enlarging, and the population was increasing. But he did not understand, exactly, how the increase of population was to increase the expenditures of the Government. Some of our expenses were decreasing of themselves, and there were others which did not require to be enlarged. The pensions are decreasing annually in amount; the expenditures for the army and the navy are not on the increase; and he saw no reason why the diplomatic expenses should be increased, or those of the judiciary; although he was aware that the latter must depend on circumstances which would give to them a fluctuating character.

At a proper time he proposed to submit to the Senate resolutions calling for details of information.

As to the question before the Senate, the gentleman from Georgia had said that the appropriation for this outfit might be made at this or the next session. He would, then, prefer that it should be made at the next, because he thought it proper that the appointment of the minister should be by and with the advice and consent of the Senate, unless some extraordinary contingency should require the appointment during the recess. As it was stated that Mr. Rives would not return until the fall, he would rather no appointment should be made until after the commencement of the session.

Mr. SMITH admitted the accuracy of the statement made by the Senator from Maine, but suggested that, as

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the gentleman was not in Congress in 1822, 1823, he was not intimately acquainted with some circumstances, which seemed to show that he had carried his statement too far back. He reminded the Senator that, about that time, there had been a recommendation from Mr. Crawford to appropriate 800,000 dollars a year for the object of fortifications. That had been continued for some time. The army accounts were mostly paid off by 1818. When Mr. Monroe asked for a loan of five millions, it was thought so extraordinary a request, that Congress immediately began to look into the financial concerns of the country, and to cut down the expenditures; refusing to concur in any appropriation which could be done without. The appropriations for the fortifications were reduced, and other vents for money were closed. The first four years ought not to be counted. Congress went on cutting down until the treasury was brought into a sound state. Then the expenditures were restored to their accustomed scale. When there was money in the treasury, Congress went up to the estimates.

Mr. FORSYTH stated that the operations of Congress had forced extravagance on this administration, and checked the reforms which the accounting officers attempted to introduce. He asserted that a resolution of Congress had gone so far as to cast a censure on an accounting officer for doing according to his construction of the law. He referred to the cases of the pay of the officers of the marine corps, and of the forfeiture of a penalty exacted from a navy contractor, in illustration of his statements.

Mr. WEBSTER stated that the Senator from Georgia had been most unfortunate in the selection of the cases on which he relied, to prove that extravagance had been forced on this administration by Congress. They were cases of extreme hardship, in which Congress had found it necessary to interpose their power, to protect individuals from oppression, in consequence of the errors of a public officer. He was willing to try Congress on this arraignment of the Senator from Georgia. The first case had reference to the pay and emoluments of the officers of the marine corps. It had been the uniform practice of the Government to place these officers on a footing with other officers. This was always considered correct, until a Second or Third Auditor had determined otherwise. He found out that this was all wrong; that the law was not so; and that the marines were not entitled to this equality of footing. What did Congress do? They passed, without a dissenting voice in either House, a resolution to enforce a settled joint construction. Was Congress to be accounted guilty of extravagance for this? Was this one of the cases of retrenchment which the country would oppose? He thought not. It was a case where equity was defeated by a technical nicety of construction on the part of one of the accounting officers.

What was the other case? Some contracts had been entered into with the commissioners of the navy. They contained a stipulation that if the whole of the articles, and lumber was one, were not delivered by a certain time, ten per cent. was to be retained in the hands of the commissioners. Accident, or direction, or some cause, prevented the delivery in time. But the articles were subsequently delivered, and received by the commissioners. The auditor had found out that here was a forfeiture of the ten per cent. Was this one of the acts of retrenchment which this administration wished to do, but which Congress prevented? Was it equity? Was it law? Was there law in it? Ought not the forfeiture to be waived in this case? Was not such the practice in all similar cases—in all cases of the payment of bonds? After pay day, when payments were put off by the consent of parties, and are finally received, was the forfeiture ever enforced?

Here the discussion was interrupted by a message from the House of Representatives.

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HOUSTON'S TRIAL.

The Clerk of the House delivered a message from the House, requesting of the Senate that leave be given to four of the members of this body—FELIX GRUNDY, THOMAS EWING, ALEXANDER BUCKNER, and JOHN TIPTON, to attend the House of Representatives for the purpose of giving testimony on the trial of Samuel Houston, now pending before the House for a breach of privilege.

The Clerk having withdrawn,

Mr. WEBSTER said that, as this was a case of emergency, he would move that the bill be laid on the table; which motion was agreed to.

On motion of Mr. WEBSTER, leave was given to the Senators named to attend the House of Representatives.

Mr. WEBSTER then moved to lay the appropriation bill on the table, as the Senate would probably be indisposed to proceed with the consideration of the bill in the absence of the Senators. He withdrew his motion for a moment, at the request of

Mr. FORSYTH, who begged leave to explain that he had not designed to impute any blame to Congress for their interference as to the navy contracts. But he wished it to be borne in mind that the officer was correct in his interpretation of the laws.

Mr. MANGUM said a few words in opposition to the practice of throwing responsibility on Congress for the extravagance of the administration. He regarded the whole party as responsible for the acts of their administration; and he would rather see the man he supported put down, than protected behind such a shield. The President might interpose his veto. He contended that, for many years past, the tendency of our Government had been to become worse and worse; and if he and the other friends of the administration were to shelter themselves under the idea that Congress was responsible, it was the introduction of very dangerous principles. He thought this remark due to the country which he represented. He must have shut his eyes close and long, not to have seen that the Government was getting worse.

Mr. FORSYTH asked whether the administration were to be made responsible for the multiplication of pensions. Should the President veto the law, the country would immediately ring, from one end to the other, with the cruelty and injustice of which he had been guilty in filching the little pittance from these unfortunate persons. Every Senator knew the use which had been made, to the injury of the President, of his former veto. It would be found that the administration were in a minority in some of the cases. Mr. F. moved to lay the bill on the table; which motion was carried in the affirmative.

The Senate then adjourned.

FRIDAY, APRIL 20.

Mr. GRUNDY stated that the Senators who had yesterday obtained leave of absence to attend the trial of General Houston, had received permission from the House to return to the Senate, until they should be notified that their testimony was about to be taken.

VACCINATION BILL.

Mr. HENDRICKS moved that the Senate reconsider the vote by which the bill to provide for the vaccination of the Indians had been ordered to a third reading. The reason assigned for this motion was, that the amendments made in the bill were such as to take away all its efficiency.

Mr. HENDRICKS, having made the motion, moved to lay it on the table; which was agreed to.

APPROPRIATION BILL.

The Senate then resumed the consideration of the bill making appropriations for the support of Government for the year 1832—the question being on concurring with

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the Committee of the Whole in striking out the appropriation for the outfit of a minister to France.

Mr. CHAMBERS said he regretted that the Senate had adjourned yesterday at the moment he had risen. His apology for saying a word on this subject was found in the example of the chairman of the Committee on Finance. That Senator had deplored, in very strong terms, the continuance of a debate which must delay the passage of this bill, so necessary to meet the most pressing wants of the Government. We had all yielded to his pointed remonstrance, and the bill was going on without a word of debate, when, on calling it up yesterday, the chairman, without the slightest provocation, rose in his place, and in great excitement delivered a long and animated argument to prove the extravagance of the last administration and the economy of this.

[Mr. SMITH here remarked that he did not attempt to show extravagance in the late administration. He had no such object.]

Be it so, said Mr. C. Let the Senator be considered as having no such object as to criminate the last administration, and solely to design the vindication of the present administration from the charges preferred against it. He has interrupted the regular progress of this highly important bill to present this labored vindication.

[Mr. SMITH here said he had not labored.]

Then, said Mr. C., it must be conceded that the Senator has arrived at results, and exhibited estimates and calculations, without labor; which certainly no other member can produce without an examination, and with labor, too, amongst the documents and State papers. But whether for one object or another—whether with labor or without—his colleague, disregarding, in his own practice, the strong admonition by which he had proposed to regulate that of others, had challenged this debate. It was not proper to allow such a discussion to end where it was. Mr. C. said that he could not consent to permit an argument which he deemed so fallacious, to go out to the public without commentary. Sir, said Mr. C., the issue tendered is not the true one. Let the people know how this matter stands, and they will be at no loss to find a right verdict, and give a correct judgment. What is the true state of the case? The last administration, pursuing with honest purpose, and by accustomed means, the best interests of this great and growing nation, were cultivating all the sources of national prosperity, and faithfully executing the legislative will, by a prudent application of the resources of the country, which the representatives of the people chose to place at their disposal. The public debt was in a course of rapid extinguishment, the defenses of the country were extended, the facilities of intercommunication promoted, the great branches of public prosperity nurtured, and all our relations at home and abroad presenting occasion for grateful reflection. This was the condition of things, when the last administration found itself assailed by that political party which rose up to prostrate it, and finally succeeded in ejecting it from office.

Here, sir, said Mr. C., [holding up the book containing the retrenchment report,] here is the text from which that party drew its doctrines: this is the confession of faith which that party subscribed; which they proclaimed in six thousand copies of this report from the House of Representatives, and three thousand from the Senate; which they published in every city, town, village, and cross-road, in the Union, and reverberated by every partisan in the country. Now, sir, this confession of faith must be the criterion by which this party is to be tried. The present President was unanimously elected as the organ who was to execute all their projects. He was not slow to assume the responsibility imposed upon him. In his opening message, he made himself sponsor for the whole party and its creed, when he declared that "retrenchment and

reform were inscribed on the roll of Executive duties in characters too legible to be misunderstood."

The true issue, then, is not whether this administration is more extravagant than the last. If it be as much so, this text book will denounce it as unfit to possess the confidence of the people. It would be no difficult proposition, he believed, in a proper place, to establish the fact that it had expended larger sums than the former administration, to effect precisely similar objects; but he denied the authority of the adversary party to make this the question. If they will frankly and fully concede that all their boasted pledges of "reform and retrenchment" have been violated—that, after effecting the purpose for which they were engendered, the expulsion from office of their political adversaries, they are forgotten, or admitted to be hollow, empty, unmeaning sound, without substance—why, then, we are prepared to meet any other issue that may be tendered. Sir, if this concession is not made, it is due to an abused community, it is due to those who, with honest expectation of a fair and full execution of these pledges, have raised to power those who made them, to prove, as your State papers and records will prove, that every promise and profession then made is not only broken but forgotten, and that now resort is had to the lame and impotent plea that they who made them are not worse than those whom they denounced. To the book, then. The first item to be noticed is the number of clerks and officers in the Executive offices. The book—the creed, denounces these Executive Departments as receptacles for idlers and superannuated old men—"one third" more in number than the business of the Government required, and some of them "invalid pensioners," absolutely enjoying "sinecures;" this whole Augean stable was to be cleansed and purified. Well, sir, how has the practice of this administration conformed to this profession? Are the clerks lessened in number? No sir, not only not diminished, but actually increased. Are their salaries lessened? No, sir, not a dollar; on the contrary, some of them are increased by this bill now under discussion. Some of the old and faithful servants who had passed their lives in these offices, whose advancing age and fixed habits had unfitted them for other employments, have been removed, it is true. Yes, sir, many have been thrown upon the world penniless as they were blameless, with a heartless disregard of their misery and havoc inflicted upon themselves, their fortunes, their helpless, dependent families, or even their well earned reputation. But why? was it to promote real reform, or to advance the public good? No, it was to let in a host of hungry expectants to devour with greedy appetite their share of the people's substance—openly, publicly announced as the "spoils of victory." Yes, sir, your public offices, created for the good of the people, and the only purpose of which should be to effect that good, and advance the general welfare, are boldly elsewhere as here on this floor denominated "spoils" to be "shared" by "victors." Was capacity, was fidelity, was patriotism, or useful service to the nation, made the criterion of merit, in selecting them? Not at all. Instead of capacity to discharge the duties of office, the candidate urged capacity to obtain votes; instead of fidelity in the performance of official trust, he boasted active zeal in propagating his political tenets; in place of patriotic devotion to the country, or useful service to the nation, he claimed devotion and efficient service to his party; a noisy, indiscriminate admiration of the "Hero of New Orleans," and unsparing, reckless condemnation of every man and every measure that opposed his pretensions. These, and often these alone, were the successful grounds of claim to promotion; and the degree of elevation, the "share of the spoils," was proportionate to the zeal and fury which the partisan had evinced in the glorification of his idol. Many of those "victors" were so utterly destitute of other qualifications essentially necessary, that their own political friends, yield-

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ing to the strong and just popular opinion, were obliged promptly to put them aside; and in some cases the President himself has been compelled to turn them adrift before they had fairly tasted the fruits which they fondly anticipated as their promised "reward."

The book—the articles of faith—charge against the late administration a wasteful expenditure in the diplomatic department. Their pledge bound them to a retrenchment. How have they redeemed it? Why, sir, by recalling instantly every minister then abroad, and sending others of their own political tenets, at an immense expense of money, and in some cases at the sacrifice of other high considerations. Was this because the public interest was thereby promoted? Was it because our ministers were not qualified? Was it because they had evinced a want of competent talent, or of patriotic zeal, in discharging their duty? Not at all. These "spoils" were to be distributed; and with such eager haste did the "victors" claim their "reward," that, in the case of the Colombian Government, General Harrison, whose name and reputation is fondly cherished by the nation, was recalled before he had actually reached his destination, and an active partisan appointed his successor, who is now continued a full minister, when the confederate Government to which he was accredited is dissolved, and no Government exists bearing even its name. The chairman of the Finance Committee says that "the services have been commensurate to the expenditures in this administration." Sir, this is not in the book. The last administration said the expenditures were honestly and usefully applied, but it did not arrest the cry of "retrenchment and reform." But let one instance illustrate the sort of services which this administration considers commensurate to large expenditures. A competent, faithful minister to Russia was recalled. A distinguished successor taken from Virginia, was appointed. Besides his nine thousand dollars outfit, and nine thousand salary, an immense expense was incurred in sending him out, and returning his predecessor. The "commensurate services" were about ten days' residence in Russia, and the remaining three hundred and fifty-five were passed in another kingdom, at the distance of some thousand miles from the scene of duty.

The book asserts the necessity of "abolishing the contingent fund for missions." It was supposed to be the fruitful source of mischief—controlled solely by the discretion of the Secretary, and altogether unnecessary. Well, sir, how stands the fact in regard to this item? Has it been discontinued? Not at all. This bill appropriates thirty thousand dollars for this fund. Not only is it continued under this "economical" administration, but an accumulated sum of about one hundred thousand dollars allowed to the late administration, and not expended by them, has been disbursed, in addition to appropriations made since they came into power. His colleague had used harsh language in reference to the mode of comparison adopted by the Senator from Connecticut, [Mr. Foot.] It was not his intention to apply towards his colleague any offensive expression; but, after his very warm language on this subject, it was passing strange that he should refer to "appropriations" for "contingent expenses of foreign intercourse," and yet omit the weightier matter of "disbursements;" omit to say one word about the accumulation which the Senator from Kentucky has proved by the public documents. His colleague had also referred to sundry items of "extraordinary expenditures" in our diplomatic concerns during the present administration; and yet, boasting as he does of a perfect spirit of fairness, he has not pointed out one in the last administration. Certainly it was for some other reason than that the documents did not show it. Sir, said Mr. C., it is like all other of the large professions of the party who put out this "book." Indeed, the course of debate here is a confession of the total failure to realize the pledge which

was held forth and paraded even in the shape of an "inscription on the Executive roll." This Executive banner waived high, and caught the fancy and the hopes of thousands by its alluring motto, "retrenchment and reform." Crowds gathered to the standard, and overwhelmed all resistance to the march of those who had unfurled it. Having effected its purpose in gaining the victory, what are its "rewards" to the "country"—to the "whole people?" Favorites and partisans are "rewarded;" but what does the "nation" gain? Why, sir, they are mocked and evaded when they demand a fulfilment of engagements made by this party text, and reassured by the Executive message. They are now told, "it is not the fault of the Executive, but of Congress, that so large expenditures are disbursed; the President must execute the law, and the law directs the expenditure." The people—the deluded people, will ask if the Congress did not direct the expenditures in Mr. Adams's administration—if he was not bound to execute the law; and yet it did not prevent the eternal cry of "reform and retrenchment." They may, and probably will, also ask if this said wicked and extravagant Congress had not been brought into being by the same party which elevated the Chief Magistrate; whether, from that time to this, his political friends have not formed a majority in both branches of Congress. Driven by these unwelcome reminiscences, the administration resorts to this humiliating apology: "Why, we are not more extravagant than our predecessors!" Sir, this plea cannot be sustained, whether issue be taken upon the law or the fact. It does not lie in the mouth of those who heaped unmeasured censure upon the last administration for waste and extravagance now to erect it into a fair standard by which their own expenditures are to be graduated. But if they could be permitted to shelter themselves under such a defence, the facts will not sustain them. The table exhibited by the Senator from South Carolina, [Mr. HAYNE,] prepared, as he tells us, with great care and accuracy, gives the following sums as the total expenditures, exclusive of payments on account of the public debt:

For 1825	-	-	-	\$11,490,459 94
6	-	-	-	13,062,316 27
7	-	-	-	12,653,095 65
8	-	-	-	13,296,041 45
9	-	-	-	12,660,490 62
30	-	-	-	13,239,533 33
31	-	-	-	13,918,708 99

Now, sir, let it be remembered that, in addition to these increased and increasing expenditures, there should be a large allowance for sums which had been refused for that most important matter of internal improvement. A system was regularly and happily progressing under the last administration, vitally affecting the whole value of the country, calling into useful exercise its faculties for rapid, intimate, and profitable intercommunication, cementing its various and distant portions, binding our whole people in ties of vicinity and consanguinity; a system, to promote which is, in my humble judgment, one of the most imperative as well as one of the most desirable and useful objects for which this Government was organized. How has it fared with this "reforming, retrenchment" administration. Reformed into a state of non-existence—lost sight of—abandoned—vetoed. Yes, sir, at one sweep, a lighthouse bill, involving an expenditure of half a million of dollars, the disbursement of which would have left traces of useful improvement scattered through all parts of the Union for generations to come, was rejected. Your turnpike road bill, your canal bills, rejected. And yet your total expenditures are increased. Are the sums thus refused to useful objects made to swell the amount of "spoils" and "rewards" distributed to favorites?

Sir, it is to be feared this "inscription on the Execu-

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tive roll" has ceased to be "legible," or possibly it may have been deposited in some of the retired departments of an Executive office by one of those who came in as a component part of the "unit cabinet," and that his successor has not yet found the place of its repose. If so, let us still hope that, late as it is, we shall again hear of it.

Many considerations and numerous facts invite further discussion; but, in despite of the challenge of the chairman of finance, Mr. C. said he was unwilling to consume more time. He would, however, add one word in regard to one of the cases by which the Senator from Georgia [Mr. FORSYTH] had illustrated the desire of the Executive to retrench, and the practice of Congress to defeat that desire. The other case had been fully disposed of by his friend from Massachusetts, [Mr. WEBSTER,] who was interrupted before he had explained the navy contract for timber. In this case, it was true that Congress had passed a remedial law, and in terms, and in a manner, to imply dissatisfaction at the course of the auditor. What was the case? A contract was made by the navy commissioners for delivering timber at a certain period, and reserving, according to universal usage, ten per cent., to be forfeited if the contract were not executed according to its letter. The contract was faithfully executed in all respects except as to time. To the extension of time, the commissioners made no objection. The service was not injured, nor was any one injured. The navy commissioners, who made the contract, desired to pay the contractor the price of his materials, or appeal to the Secretaries of the Navy and of the Treasury. Both were of opinion it should be paid; but the Fourth Auditor objected, and the President agreed with the auditor that the law enforced the penalty, because a short time had expired, more than the contract allowed.

The contractor brought his case here, and (without dissentient voice, he believed) his whole price was ordered to be paid. Now, sir, is this the magnanimous exhibition of liberality which becomes a great Government? Is this administration so hard run, that, while it is continuing this very Fourth Auditor's office, and its accompanying appendages, which the book told us was created for a temporary purpose arising out of the last war, and ought to be abolished; while it is paying eighteen thousand dollars salary for ten days' services of a minister; while it is multiplying clerks, and increasing their salaries, that it is compelled to go, for proof of economy, to the petty ten per cent. on a little contract—compelled to enforce the letter of the law, even if it be the letter, to exact the "pound of flesh" against an honest contractor, whose materials they have received, and now have, and intend to use? It is an illustration, not exactly to the purpose intended by the Senator from Georgia, but to show the course of this administration; and proves, to use the language of the Senator from Missouri, that, "while they are saving at the spigot, they are wasting at the bung-hole."

Mr. CLAYTON, of Delaware, said, the clause in the bill under consideration provided thirty-six thousand dollars for outfits of ministers to Great Britain, France, and Russia, and made no distinction between the missions to those several courts, although, in point of fact, they all stood on different grounds. The outfit for a minister to Russia was evidently necessary. A vacancy in the office did exist at the commencement of the session, however difficult it may be to say when it commenced; for the minister to that Government, although he received his twenty-two thousand five hundred dollars, for ten days' residence in Russia, as the Senator from Maryland had stated, was held to be a minister near that Government, during his residence in England. In regard to that, however, it was sufficient, for the present purpose, to know officially, as the Senate did, that the vacancy had happened, and had been filled by their advice and consent. They knew, too, by official documents, and by their own act in rejecting the minister

to Great Britain, that the vacancy in that office depended on no casualty or unforeseen contingency, demanding or justifying a draft on the contingent fund provided by this bill. However objectionable, therefore, the exercise of the President's power of appointment may really be, should that power be exercised in appointing a minister to Great Britain during the recess of the Senate, and in contempt of its advice, the case of the new outfit to France rested on different principles, and he requested the attention of the members of the Senate to the distinction.

We have no official information, said Mr. C., that the present minister to France has been recalled. Nay, we have no information even to show us that a vacancy will happen, either during the session, or in the recess of this body. If the chairman of the Committee on Finance, who reported this bill, has any such information, it should be laid before us, that we may see how far the letter or the spirit of the constitution will justify a specific appropriation, to enable the President to send a new minister to Paris, without consulting his constitutional advisers. The gentleman from Georgia adverted to information on this subject, which reached us through no official channel, that the climate of Paris did not agree with Mr. Rives, and that he might request to be recalled. But—

Mr. FORSYTH said there was an official letter in the possession of the Committee on Finance.

Mr. SMITH said he had a letter from the Secretary of State on this subject, which, he thought, had been laid before the Senate.

Mr. CLAYTON replied that it was the first time he had heard of it, and desired it might be read.

It was read accordingly, and was as follows:

"SAMUEL SMITH, Esq.,

"Chairman Committee on Finance, Senate.

"DEPARTMENT OF STATE,

"Washington, 24th Feb. 1852.

"SIR: I have just received the President's direction to inform you, that, as circumstances may require the appointment of a minister to England, and as Mr. Rives, our minister in France, has made a request of leave to return, which the reasons he has urged may, at a future period, induce the President to grant, an appropriation for outfits, in both cases, may become necessary before the next session of Congress, in order to meet those contingencies, should they occur.

"By some inadvertence, the estimate for the outfit and salary of a chargé d'affaires to Naples has been omitted.

"I am, sir, respectfully, your obedient servant,

"EDWARD LIVINGSTON."

Mr. CLAYTON requested the attention of the Senate to the terms of this letter. It is evident, said he, from the official document, that the specific appropriation for this outfit is asked for, not on the statement of any certain fact, from which the department knows that a vacancy will or must occur in the recess, but on the bare supposition that it may happen. The letter merely contemplates a contingency, or casualty, upon the occurrence of which the appointment of a new minister may be made. This bill now contains one appropriation of thirty thousand dollars, to defray "the contingent expenses of all the missions abroad;" and one other appropriation of thirty thousand dollars, to defray "the contingent expenses of foreign intercourse"—thus giving, already, sixty thousand dollars to pay the expenses arising from contingencies in the management of our foreign relations. Out of this fund, the outfits of ministers, appointed in the recess, agreeably to the constitution, have been always defrayed. The only cases in which the President is authorized to appoint ministers, without first asking the advice and consent of the Senate, are clearly pointed out in

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the constitution: "The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session." The present minister to Great Britain was appointed by this authority only, and his commission will continue till the end of this session, unless he be recalled, although he was rejected by the Senate three months ago. His appointment for such a length of time, without the consent of the Senate to supply the vacancy occasioned by the return of his predecessor, can be justified on no other ground than this, that the return of that predecessor was during the last session of the Senate, unforeseen, and was strictly a casualty, or contingency, happening while the Senate was not in session, and under circumstances requiring a temporary appointment, lest the public interest might suffer before the consent of the President's constitutional advisers could be asked. But can it now be contended here that the President has the right to create a vacancy in a public office during the recess, merely to fill that vacancy with any one whom he may select, before the commencement of the session of this body? Is it pretended by any one here, that when we have gone home, he can, without the occurrence of any contingency causing a vacancy, make a vacancy in an office, with no other object than to fill it till the end of the next session? Where now are all those who so strenuously resisted every pretence of the existence of such a power in the hands of the last administration? If they are disposed to ground the arms which they then flourished in defence of the constitution, and in defiance of the Executive, may we not be indulged with a hearing of the reasons for their sudden defection from the cause they then so warmly espoused? I rest my opposition to this specific appropriation at this time, distinctly upon the ground that the return of Mr. Rives is not certain, but dependent only on a contingency—that, in this aspect of that case, no specific appropriation ought to be made, as the outfit ought to be paid out of the contingent fund, which no one pretends is insufficient for this and all other lawful purposes—that, by making the appropriation specific, we admit the necessity of it now, before we know that it will ever be demanded, and we thereby admit the right of the President to recall the minister. We shut our own mouths, and forestall the salutary action of this body, should he improperly make this vacancy to fill it in the recess, in contempt of this body. If the vacancy be now seen to be necessary, let the fact be announced; let the nomination of Mr. Rives's successor be made at this session, that we may judge of its propriety; and, having done that, we will vote the appropriation without a murmur. But if the vacancy be, as it now appears, entirely contingent, or even if it be an event certain to occur in the recess, and we should be informed that no nomination is to be made to the Senate this session, when you ask me for the money, I tell you to go to the contingent fund, which has on former occasions been resorted to to meet the event. If, at the next session, the Executive shall nominate a minister to the Senate, appointed in the recess *ex necessitate* to meet such a contingency as the constitution contemplates, and according to the settled construction of the words "happening during the recess," we shall of course confirm the nomination. But we shall then stand untrammelled by any admission, on our part, that such a contingency has happened, should we think the constitution violated, either in its spirit or its letter. We shall not then be met by the objection, that we have acknowledged both the expediency and the necessity of the appointment, by expressly appropriating an outfit for it. We have, sir, been taught a useful lesson on this subject already. We have been met by pretences that our previous legislation in 1830 sanctioned the mode of arranging the colonial trade, for which, among other causes, we have rejected the present minister to Great Britain. And, although these pretences are utterly desti-

tute of foundation, that arrangement having been made in direct violation of our law, yet we may easily conceive, from what has been said on that subject, that should an appointment to France, equally objectionable, be made in the next recess, we should be held committed to all its consequences by this very appropriation. It is time for this body to look with extreme circumspection to every act it may pass, which can by possibility be construed into a sanction of any abuse of Executive power. By encouraging in this manner the appointment of ministers in the recess, we may make ourselves parties to that very provision of the constitution in this respect, which has been the subject of just complaint for the last three years. The exercise, nay, the very abuse of this power, is always held an argument in its favor. In the discussion on the nomination of the minister to Great Britain, we were told of the loss of money and the dishonor to our foreign relations which would attend his recall; and the strongest argument in favor of his confirmation was the fact that he had already been appointed without our consent, and had actually left the country. I will not step a foot further in these matters until I know where you would lead me. I have no confidence of the future from the past, to justify me in lending my vote to aid in the appointment of officers without the constitutional prerequisite of the advice of the Senate of the country. This appropriation will take away from those who vote for it the untrammelled right of judging at the next session of the existence of that stern necessity, without which no President can ever constitutionally fill this appointment in the absence of the Senate.

The argument urged here on a former occasion by the gentleman from Georgia, [Mr. Forsyth,] to sustain this measure, that the contingent fund is not answerable for this outfit, is neither sustained by the past usage of the Government, nor by the known sentiments and acts of those who now administer its laws. The fund has been drawn upon again and again, not only to meet contingencies, but even to meet vacancies created by the President and filled in the recess. In the session of 1830, I objected, in debate here, not only to the abuse of the power of appointment in these very cases, but to the existence of any right in the President to put his hand into this part of the strong box to pay outfits of ministers appointed by him to fill vacancies created for party purposes. In the year 1829, our whole diplomatic corps was recalled immediately after the Senate adjourned; and although no appropriation such as this had at that time been made by Congress for new outfits, yet the contingent fund for missions abroad was exhausted in paying them, and more than forty thousand dollars were expended, for which no appropriation, either specific or contingent, had been made. I thought this a violation of that clause in the constitution which directs that no money shall be drawn from the treasury but by law. I think so still. The contingent fund for foreign missions was, in my judgment, not intended to meet such expenses, because they were not incurred by any necessity, contingency, or casualty, happening either in session or out of session. They were incurred to pay outfits and salaries of ministers appointed to supply vacancies created by the will of the President, and without cause. This argument was then met by the distinguished gentleman who now fills the office of Secretary of State, and who was at that time an able advocate of the administration, representing, in part, the State of Louisiana on this floor. He defended the right of the President to draw on the contingent fund in any case of appointment to fill a vacancy, whether happening in the recess or created in the recess. He avowed that the money overdrawn after exhausting that fund, was well borrowed from another fund, and that the Executive could do this without specific appropriation—and without law. I have his argument of that occasion ready for the inspection of all who think the Government scrupulous about the right to draw on this contingent fund

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for the outfit of a new minister to France; and as the administration of these funds by the gentleman who now presides over our foreign affairs, is the subject of consideration, I claim it as an authority of no ordinary character to settle this controversy.

The gentleman from Maryland [Mr. CHAMBERS] has met the argument of his colleague on the subject of expenditures by the Government, by a remark to which the attention of the people of this country at this time ought to be particularly directed. Before I advert to it, however, let me premise that the chairman of the Committee on Finance, [Mr. SMITH,] in the discussion yesterday, compared the expenses of this administration with those of the last, and sought to show us that if those same pledges of retrenchment and reform which were given on the 4th of March, 1829, in the eastern portico of this capitol, had not been all redeemed, yet the expenses of the Government were not more than they had been before that memorable day. The deeds and the very expenditures of the last administration, reviled and persecuted as it was, are now made the standard of excellence; and the only boast of those who then told us that the task of reform was inscribed on the list of Executive duties in characters too legible to be misunderstood, now is, that they have not been more extravagant than their predecessors. The chairman agrees that the statement of these expenditures, yesterday made by the gentleman from South Carolina, [Mr. HAYNE,] is correct. Here then is a chance for comparison, of which we have never yet been able to avail ourselves in debate with the honorable chairman, because, upon the correctness of other statements of expenditures, (particularly the diplomatic,) we have disagreed. But, for the sake of the argument now, let us take the report of the gentleman from South Carolina, which the chairman tells us is correct.

Mr. C. then read the statement submitted by Mr. HAYNE, of the appropriations and expenditures from 1822 to 1830, inclusive.

The expenditures were—

In 1824,	-	\$10,750,000	} Deducting five millions for the Florida treaty.
1825,	-	11,240,080	
1826,	-	13,002,000	
1827,	-	12,650,000	
1828,	-	13,296,000	
1829,	-	13,660,000	
1830,	-	13,329,000	

The present administration came into power on the 4th of March, 1829. The gentleman from Georgia seems to consider the expenditures of that year as not properly chargeable to the party in power. I suppose because two months of the year had rolled away before the inauguration. And yet the same gentleman informed us that the party in Congress was alone responsible for expenditures; not the President. Judging the party by its acts in Congress, pray will he tell me why it is not answerable for the expenditures of 1828? It had a majority during the session, when the appropriations for the expenses of that year were made greater in both Houses than it has ever had since; and if, as he says, it is responsible for the acts of its members in Congress only, why should it now be permitted to evade the responsibility of its appropriations made at that session? Without subscribing to the gentleman's doctrine of the irresponsibility of him who availed himself of these appropriations to make these expenditures, I deny that, on his own ground, the gentleman and his friends can escape the expenditures of 1829. The last administration could not have expended this money. The appropriation bills were passed, immediately before the present Executive came in, by his own friends, and the expenditures of that year were peculiarly those of him

who told us how necessary it was to reform the abuses of his predecessors.

Mr. Adams came in on the 4th of March, 1825, and the expenses of his two first years, by this same statement are actually two million six hundred and forty-seven thousand dollars less than those of 1829, '30, the two first years of the party now in power! Those of 1831 are not given with accuracy yet, but it is admitted, on all hands, that they are at least six hundred thousand dollars beyond the expenses of any year before 1829.

I come now to the remark of the gentleman before me [Mr. CHAMBERS.] Your administration has cut up the system of internal improvement by the roots! Your President, in 1830, put his veto on a bill, stopping appropriations to the amount of half a million, for the benefit of the country; and on the Rockville road bill, the Maysville road bill, the Louisville and Portland canal bill: thus checking all other measures of internal improvement in every section of the Union where they were demanded. Not so with the last administration. They turned their faces against no measure having for its object the national welfare, and the improvement of the country. They were, therefore, denounced as prodigal spendthrifts of the public money; and their opponents, crying from the house-tops "retrenchment and reform," came into power by means of their professions on that occasion. Where now are those who sounded the tocsin and put the country in an uproar, because of the alleged extravagance of those who, in 1825 and 1826, administered the affairs of this Union? I ask those who now entreat us to relieve the consumption of the country from unnecessary exactions, what have you gained by the change? You assisted to tear down the whole system of internal improvement, by which, under the auspices of the last administration, our rivers were cleared of obstructions, and our country was intersected with roads and canals. You desired this as "a consummation devoutly to be wished for." But have the public expenditures been diminished? Not so. Not so. The "retrenchment" is more extravagant than the expenses you desired to retrench. Nothing is more clear than that these expenditures have increased, and are increasing, notwithstanding the country has lost the benefit of the usual appropriations, from its own funds, for internal improvement. To all such of these advocates of reform as were sincere in the opinions they formerly professed, I therefore say, come forth, and aid us in attempting to relieve the country from unnecessary burdens, in every instance where it can be done consistently with the interest and honor of the nation. Each man reserving to himself his proper opinions of other things, let us co-operate in the good work of pruning away unnecessary appropriations, and let the country have the full benefit of the results of our co-operation in that cause.

Mr. FORSYTH said that, if any thing could be saved to the Government by striking out the appropriation, the argument would be good. But there would be no saving of money. Some gentlemen were of the opinion that the application of the contingent fund would be proper, while others held a different opinion. It was understood that Mr. Rives had requested permission to return home. The President contemplated such a contingency, as he had done in regard to the minister to London. It was of no importance, in point of economy, whether the appropriation was made now, or was postponed till the next session. If the amount should be taken from the contingent fund, it must be replaced at the next session. He would postpone any comparison between the expenses of the two administrations. But he could show, at a glance, that the expenditures of 1830 were less than those of 1829, by 400,000 dollars. When a proper time should arrive, he should be willing to go into an examination of these expenditures and their causes.

Mr. CLAYTON replied—with all my heart! and when—

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ver that comparison of expenditures shall be justly made, the truth will stand brightly out in favor of those who were formerly rendered obnoxious to public opinion by a display of prodigality. The expenditures of 1829 did exceed those of 1830, as the gentleman from Georgia has alleged, by the sum of four hundred and thirty-one thousand dollars. But the gentleman shows no reason, and can show none, why the expenditures of 1829 should be deducted to the last administration. As I have stated, so I repeat, that those expenditures were made by the present Executive, in pursuance of appropriations made by his own friends, constituting a large majority in Congress, on the very eve of his inauguration; and the gentleman's argument to shield the President is, that the majority of Congress is alone responsible for these expenditures. Be it so considered, merely for the sake of the argument; but how do you escape by it from the charge of these expenditures in 1829? It is true that, at the session of 1829, the doctrine of the "Maysville message" did not prevail. Internal improvements were then held to be both constitutional and expedient, and appropriations for the purpose of making roads and canals to the amount of more than the difference between the expenses of 1829 and 1830 were then made. In the succeeding year, (1831,) the career of these improvements was arrested: the lighthouse bill, containing appropriations to the amount of half a million, was disapproved and rejected by the President, as it was believed at the time, because it contained an appropriation of only \$40,000 to clear out the entrance to the Chesapeake and Delaware canal—an Executive measure unprecedented in the history of the country. Yet, in that very year, notwithstanding all these retrenchments, cutting up the system of improvements, you now acknowledge an expenditure, exclusive of the public debt, of \$13,229,000! In reference to the particular question before us, the gentleman from Georgia has said that if the Senate refused to grant this outfit to France, nothing could be saved, as the President could go to the contingent fund. Very good. Let him resort to it, and take the responsibility of deciding on the necessity of doing so. It is not denied but the fund is large enough for the purpose, if the necessity justifies him in touching it. We do not propose to diminish the amount of that fund, nor does the gentleman propose to do so. It stands, "for contingencies thirty thousand dollars." But if the specific appropriation of \$9,000 for this outfit to France be left in the bill, that fund ought to be reduced to \$21,000. Would the gentleman agree to that? No, sir; not at all.

Whenever the honorable gentleman shall think proper again to venture upon a comparison of the past and present expenditures, such as he has now proposed to defer to some distant day, it will appear, as it appears now, that all those high sounding pledges and vaunts of economy, made formerly for political effect, have been succeeded by a course of expenditure more lavish and prodigal (because uncalled for in so many instances by the real wants of the country) than has been known before in the history of this Government.

Mr. TAZEWELL said that he should vote now as he voted in the committee, unless the official document, showing the actual occurrence of the vacancy, were placed on the files of the Senate. If it were officially shown that there was now a vacancy, he would be willing to vote the appropriation. But he must have the fact standing on record here, *in perpetuum rei memoriam*, that such was the fact. His judgment on this matter had been long formed, and was not now to be shaken. For these six years, say, these seven years, he had cherished the faith, in which he should die—that no President shall, during the recess, fill a vacancy which occurred during the session. If the vacancy were now put on record by the official act of the Executive, he would vote for the outfit; and if not, he would vote against any minister who might be appointed

during the recess, though he were his father, his brother, or his dearest friend.

He professed to have no wish to pry into the Executive records. He had no desire to open the *portefeuille* of the Secretary of State, or the bureau of the President, to see whether Mr. Rives had been recalled or not. He had nothing to do with that. It was enough for him to know that Mr. Rives was still in France. He was willing to understand this—that the contingency might happen, or might not happen. If the contingency should occur during the recess, it was well; let the outfit in that case be provided as for a contingency. That was the true state of things. Was there not a fund already provided, adequate to meet the expense of such contingency, should it occur? He asserted that there was; and that its name—the contingent fund—sufficiently pointed out the purposes for which it was created. The sum of \$30,000 had been appropriated for the contingencies of foreign intercourse. Would gentlemen undertake to say that this fund was not applicable to such an object? The gentleman from Maryland had intimated that it was not. Yet did that Senator, in 1830, vote to replenish this very fund, which had been exhausted to its last dollar, to pay outfits to foreign ministers. Was it so, that the Senator from Maryland really thought that the President had no right to pay these outfits out of the contingent fund, yet voted to replace the sum which had been taken from the fund for that very purpose? Certainly not. No Senator could act with such inconsistency. By his vote in 1830, the Senator expressed his opinion that the President had a right to apply this fund in such cases.

During the administration of President Washington, there occurred a singular omission on the part of Congress. No appropriation was made for paying the expenses incurred in transmitting hither the votes of the electors. When the messengers brought on the votes, there was found to be no money provided for them here. The President put his hand into this fund, and paid them. This fund was called the secret-service fund; and curiosity was alive to know what connexion Washington could show between the service performed and the secret-service fund. Inquiries were set on foot: he believed there was inquiry by Congress as to the manner in which the messengers were paid. The President took a stand, and a very proper one, refusing to render any account; and the thing was not known until an appropriation to replace the sum made its appearance in the general appropriation bill. It was kept profoundly a secret, until all curiosity on the subject in Congress had subsided, and no one cared a straw about it.

He had stated this fact to show that the power of the President over this fund was absolute. In 1830, the sum requisite to provide the outfits was taken out of it; and the gentleman from Georgia, the gentleman from Maryland, and himself, had voted to reinstate it. Why, then, should not precisely the same fund be applicable to precisely the same case? If the gentleman from Maryland had shown that the contingent fund was too small, and that 40,000 would be required instead of \$30,000, he was willing to give it. But he desired to give it to be disbursed on the responsibility of the President. If the administration were satisfied with the fund as it now stood, he would not increase it. It was then sufficient for all contingencies, and no augmentation was asked for. But he was not disposed to appropriate a sum sufficient for all contingencies, and \$9,000 to boot.

The principle contended for by the gentleman from Georgia, that the Executive was not to be held responsible for the expenditures of his administration, but that Congress was, he utterly disclaimed. He had nothing to do with such an opinion. He held up both his hands against it. If true, he had nothing to do with it; if erroneous, he would protest against any application of the sentiment to him.

He held the President responsible for every act to which he had given his concurrence. What were they to do, if this doctrine were to be sustained? Could they resort to the elective franchise for the redress of their grievances? Suppose the majority of Congress determined to bear down a portion of the people to the earth by taxation. They could do it, but not without the sanction of the President. What are the people of Virginia to do, when New York and Pennsylvania unite to impose on them burdens which they were not able to bear? Were they to go to the ballot box for relief? There were but two modes of operating—by public opinion, and by the election of President. The President ought to be exempt from all partial, all local influences, and should be the common guardian of all, said Mr. T., of us, and of you. Our complaints ought to be made to him, and it is his duty to give redress. Entertaining these views, he said that he could not admit the principle of the gentleman from Georgia to be correct.

He adverted to the injurious tendency of such a doctrine, at a time when the number of those who had so constantly complained of the expenditures of Government had become so few, and was daily diminishing. The few consistent had not fallen off in zeal. Their note was not less loud. Had the gentleman from South Carolina dropped a single word or syllable of his former language? Under the last administration, who had pressed upon them with a heavy hand, they had cried "Give us relief." And were they now to be silent, because those whom they had advocated were in power? Perhaps, they might always have to be oppressed by the majority, but it would not be with their own consent. Let not the gentleman from Georgia tell him, then, that he must not make the President responsible for acts of extravagance and oppression. To whom was he to look? He had no power over the Senator from Delaware, or the Senator from Ohio. He wished for none. The constitution had marked a broad line between them. He could only then resort to public opinion. It was impossible that he could recognise the doctrine that the President was not responsible for the measures which had passed both Houses of Congress, and become a law by his sanction.

The gentleman from Georgia had said, "Suppose the President were to veto the pension bill." I do not know, said Mr. T., where the bill now is. I do not know how much it appropriates. It may be millions of dollars. I know that it proposes to levy heavy taxes on us, to pension, not those who are paupers, but persons who have property. Should Congress pass this bill, and should the President put his veto upon it, it would be because he entertained the same feeling of hostility against it which he did. If the President thought as he did, he would put his veto on a bill which profligately squanders such a large portion of the public money on those who had no meritorious claims. The gentleman from Georgia said that gentlemen on the other side would raise a clamor against the President. What, refuse to give bread to the old soldier—the poor old soldier of the revolution! why, it would turn him out of office! If he [Mr. T.] knew the President—if he came up at all to his *beau ideal* of a President—a clamor of this kind would never operate upon his mind to make him act in opposition to his true opinions. He would do his duty, were he sure to perish in the performance of it, or he did not deserve to be President. If the President thought as he did, he would so act. For himself, he should hold the President responsible for this action. He held the Chief Magistrate responsible to all parties for what he did. Republican government was at an end when the President did what he pleased, merely because he was sure to be backed by a majority in Congress. The moment that doctrine was recognised, the Government was gone. This doctrine of responsibility seemed to be, like the satyr's breath, hot and cold. If an

appointment was made which this body was called on to confirm, the friends of the President contended in favor of his responsibility. The injunction of secrecy being removed, he might be allowed to refer to the language used by the gentleman from Georgia on that occasion, that the Secretary of State was not responsible for the instructions given to the minister, but that the President only was responsible. Now, the Senate was told from the same quarter that Congress was to be responsible for the public expenditures, and not the President. The two propositions could not stand together. Members of Congress were responsible to their constituents. The President was responsible to his constituents. The Secretary of State was responsible to the President, and the President to the people. He would never vote to diminish the responsibility of public officers, whatever their rank.

He would not go into the view of the relative expenses of the Government. This was too great a question to be tried and determined by such small balances. He did not stop to inquire whether one administration expended four hundred thousand dollars more or less than another; or whether one employed forty clerks, and the other but thirty-five. Whatever was necessary to carry on the operations of the Government, he was willing to give. What was not necessary, although there might appear a reduction on its face, he would withhold. He would never put questions of this importance on the principle of *plus and minus*.

Was it proper to grant an outfit for the successor to a minister that might, and, therefore, might not, be recalled? It was so decidedly in the character of a contingency, and he could not vote to give this nine thousand dollars, while there was a sufficient sum in the contingent fund.

He had felt alarm when he heard the gentleman from Georgia advance his doctrine of the responsibility of majorities. The appropriation for the Maysville road had passed by majorities of both Houses. The President had put his veto on the act, and had thus far realized the expectations of those who had placed confidence in him. In this act he had been sustained by the voice of the country. Did the gentleman from Georgia apply his doctrine of responsibility in this case? If Congress was to be held responsible for all the acts of the administration, on his own account, he had no objection. He was willing, at all times, to meet and take his share of the responsibility.

Mr. FORSYTH explained what he had said on the subject of the responsibility of the President. He considered that the President alone was responsible for the instructions given to a minister. The minister he regarded as the mere breath of the President, speaking merely what he is instructed to speak. He was the mouthpiece of the President. It was not so with Congress. He could not instruct Congress: it was the province of Congress to advise him. Congress did, in effect, instruct him. He is compelled to affix his name to laws concerning which he may entertain doubts. He has to act on, perhaps, three or four hundred bills, within a few hours before the close of the session. All the business of the session was thrown on the President, within two or three days. If he was to be made responsible for all these acts, what an awful situation must his be.

He considered that the President had been subjected to much unkind treatment this session. The administration had been the constant theme of reproach. Whenever a call was made for money, they were taunted with the abandonment of their pledges. The administration seemed to be made responsible for every thing, and were reproached on all occasions. He made a reference to a proposition for retrenchment in the navy, which was made by the Executive, and overruled by Congress.

Mr. HAYNE and Mr. WEBSTER made some remarks on the same side as Mr. TAZEWELL.

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Mr. FORSYTH said that the Senator from Massachusetts has discovered that the people do not regulate their opinions by their opinions. It was true that strong differences of opinion, sectional in their character, existed; and was to be regretted that such is the fact. The reason at so many of the people were in favor of General Jackson was, first, his overwhelming popularity on account of his personal services; and, secondly, that his purity and patriotism were so well understood, and his opinions so well known. Would the gentleman from Massachusetts in those of the South in upholding one who entertains these opinions? No; he wants those of the South to go with him, in elevating the man who holds all his. The resident is preferred in Pennsylvania and in Virginia, because he holds some of their opinions. The gentleman from Massachusetts seemed to apprehend that Virginia could aid in elevating to the second office one who was opposed to her policy. He was at issue with the gentleman on that point. Would the gentleman from Massachusetts join with the adversary of that gentleman? If he could, he might command the whole of the Southern States. The gentleman from South Carolina seemed to hold the resident responsible for the pledges of his party. He denied the correctness of that course. The President is bound to carry into effect his own promises; but he is to act on his own views, and was not to be made responsible for those of the party who brought him into power. Should he disappoint the expectations of those who elevated him, they may hurl him from his seat. But a man ought to be liable to reproach, if he holds views different from his friends. The views of the President were known. There was no concealment about them. They are explicitly communicated in his messages; and they who cannot, will not understand them.

The Senator from Massachusetts reproached the Chief Magistrate for not taking measures to compromise the differences of opinion on the subject of the tariff. Had he not called the attention of Congress to the subject? Had not the Secretary of the Treasury given his views? What had been done? The report of the Secretary had been placed in the hands of the Finance Committee. It had been dragged from their hands, contrary to all the former practice of the Senate, and sent to the Committee on Manufactures. There it has lain from that time. The distinguished individual, whose reputation stands so high in the country, had condemned the character of the project. Had any one called for a project from the Executive? There was one in progress, although no call had been made; and it will soon be presented; and it will be found to adjust the question at issue on satisfactory grounds.

He was charged with being unfortunate in his cases. How stood the fact? When the proposition from the Executive to reduce the expenses of the navy was made, the Navy Committee took so much as increased the rank of officers, and rejected so much as went to reduce the expenses. The fault was in the body which proposed the reference, but in the body to which the proposition was referred. A complaint had also been made, that the usage of the Government gave to the officers of the marines more than they were entitled to by law. The acting officer placed his finger on the letter of the law, and said, this could not be allowed. The officers remonstrated, but could show no law. They referred to the usage of the Government, but the officer arrested the practice. Congress then interposed, and, by a resolution, restored the practice. The resolution was temporary in its operation, but there was one now in progress to fix the abuse. He then referred to the case of the navy contractor, in which the officer had compelled the forfeiture of the bond—about eight thousand dollars. He did not complain of the action of Congress in this case, merely on the score of the money; but his complaint was, that, when the contractor came to the House, the officer who con-

strued the law received censure for his conduct, and was charged with sacrificing equity to official technicalities. While Congress acted thus, what hope was there of reform?

The Senator from Massachusetts said that the President might send a minister to France, should an emergency occur. That must be left to the Executive discretion. Did this appropriation make it any the more likely that he would do so? The gentleman had said that he did not wish that a minister should be sent, but on great emergency. Such was not always his opinion. There had been a time when he allowed this discretion to the Executive.

Mr. WEBSTER again spoke in reply to Mr. FORSYTH.

Mr. SMITH said, when this question was before the Senate, in Committee of the Whole, the argument then presented was, "that an appropriation for the outfit to France was unnecessary, for the President could (if he deemed it necessary) send a minister to that court during the recess" defray the outfit from the "contingent fund for foreign intercourse." I apprehend, Mr. President, that the law on this subject has not been well understood. [Here Mr. S. read the law.] I understand the law thus: that the fund is at the disposition of the President without accountability when for secret service: but when disbursed for other objects, such disbursements may be made public. Such, indeed, is the nature of the fund, that the President may draw upon it with no other check or restraint than his own discretion. This fund has seldom been expended. I know but of one instance where it has been expended, and that was when Mr. Madison gave fifty thousand dollars to a certain Mr. Henry. The fund, as its name implies, is for "contingencies," from which payments have always been made for the quarter salaries to ministers for the expense of their return home, these payments being very truly "contingent expenses." But outfits and salaries are specific, (agreeably to our law,) and cannot be paid out of this fund; nor have they ever been so paid. It is true that former Presidents have borrowed from this fund for outfits, but knowing that it was irregular, they have always applied for appropriations to replace the sums thus borrowed, and they have never been refused, which serves to show that this fund has never been considered applicable to the payment either of salary or outfit. If the word "France" be stricken from the bill, the President will conclude (indeed, he cannot otherwise understand it) that the Senate do not consent to send a minister to France in the recess. Nor do I think he will send such mission, unless, indeed, some extraordinary necessity shall occur, such as a war in Europe. Mr. Rives has asked leave to come home, because the climate of Paris is injurious to his health. Permission to return has been accorded to him, and he will probably arrive here in October. No minister will be sent to France, if the present motion be concurred in, until the next meeting of Congress, and not then, until the appropriation bill for 1833 shall have passed, and become a law, which will probably take place in February of that year; and thus the Government will be without a minister in France from September until May or June following, which may be injurious. I have some reason to believe that the President does not accord with the opinion that he has a right to draw from this contingent fund for outfits and salaries of ministers. The President may, and probably does, consider these disbursements as specific, and not contingent. We have had proof, by a statement made, that Mr. Randolph received no outfit until the appropriation bill for that object had passed; and I have been informed at the proper department, that Mr. Van Buren did not receive an outfit. I mention this, in order to show what appears to be the opinion of the President in relation to this matter. In this, the President may appear to some gentlemen to be over scrupulous. He is, however, the sole judge of his own conduct. I know, from the course pursued by him, while a member of this body, that he is strongly in favor of specific appropriations, and will,

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I think, rigidly adhere to them, unless the case be urgent, such as cannot be dispensed with, without detriment to the public interest. In such cases, the President will assume the responsibility, and submit his conduct to Congress at the next session. If Mr. Rives should return late in the autumn, I feel confident that the President will not (unless the necessity be urgent) appoint a successor until Congress shall meet. Under all these circumstances, therefore, I am of opinion that the Senate ought to appropriate the sum asked for. The vacancy ought, from all that we have heard, to be considered as one which has actually occurred, for Mr. Rives has received permission to return home. The present case is exactly similar to that of Mr. Rush, who, we were told, had been recalled to take another office, and for whom an appropriation was made. It has been said that outfits had not been paid, on account of the insufficiency of the contingent fund. Not so. I found no difficulty in obtaining the necessary information from the Department of State. This department did not consider that there was any secrecy in the accounts, (only of \$350, which had been paid for secret service,) and I obtained all the information in relation to this subject which I desired. It will be recollected that, at the last session of Congress, the sum asked for this fund was \$25,000, and that an addition of \$15,000 was made on account of our treaty with Turkey, making, together, the sum of \$40,000. This appropriation has been accounted for, in the following manner, by a statement which I have received from the State Department, viz.

Expenditures on account of contingent ex-	
penses of foreign intercourse for 1831,	\$27,148 87
Balance remaining in the hands of the agent,	8,789 48
Repayment to the treasury,	4,784 37

\$40,722 72

The \$722 72 was probably an unexpended balance from the preceding year. From this statement, it appears that there was a balance sufficient to have paid the outfit of Mr. Van Buren, if the President had thought such application of the money right and proper. The Secretary of State of the former administration did not think himself justified in communicating to the Committee on Retrenchment the particular items of expenditures. It is true that he offered to do so confidentially. The committee declined to receive information in this manner. They communicated, however, the amount expended by Government on account of secret service. Perhaps it would have been improper to communicate the items—Thus:

Expenditures for secret service for 1822, '23, and	
'24	\$5,130
Expenditures for secret service for 1825, '26, and	
'27	12,324

The fund for foreign intercourse, I have already said, has seldom been expended. In Mr. Monroe's administration, agents were sent to many of the new States in South America, to ascertain the state of political affairs, to acquire a knowledge of the resources of each State—to learn whether, on the Governments so established, reliance could be placed, before we should proceed to acknowledge them as independent Powers. The agents thus sent were paid from this fund. The fund has been applied to the payment of messengers and confidential agencies. Several gentlemen have carried messages which could not be carried safely by the mail—such as Mr. Pleasants to Brazil, and Mr. Cook to Cuba, as confidential agent. I will now submit a statement which I have received from the State Department on this subject, which shows the expenditures for foreign intercourse from the adoption of the constitution.

Expenditures for foreign intercourse	
from March 4, 1789, to December	
31, 1828, (40 years,)	\$14,018,014 14
Average for each year,	350,450 53

Expenditures for foreign intercourse	
from January 1, 1829, to December	
31, 1830,	501,833 12
Average for each year,	250,916 56

Showing the average for the years 1829 and 1830 to be less than the average of the previous years, by 99,533 97

These statements, it will be seen, come up to the 31st December, 1830; the statement for last year has not yet been published.

The total amount provided by the bill now before the Senate, (amendments included,) is \$322,400, being \$28,050 53 less than the general average up to December 31, 1828.

I will proceed, Mr. President, to consider the expenditures, which a Senator has said "have increased, are increasing, and, ought to be diminished." This remark may be correct, and, if so, it may justly be attributed to the increase of our country. If, however, there be any material increase in our expenditures, (which I doubt,) it most unquestionably cannot be charged to the Executive that this increase has taken place. The President asks only for the amount required by existing laws, such as the removal of the Indians, the surveys of public lands, and perhaps some smaller objects. All other appropriations are made by Congress, over which the President has no control. No President has ever vetoed an appropriation which has passed both Houses, except on constitutional grounds. During the present session large appropriations have been made, and additional sums will be voted, which, if presented in time for the consideration of the President, I presume he will sign. In the bill before us, there is an item of \$210,000 for surveying the public lands, besides other large sums, in relation to the public domain, which, taken collectively, constitute a large sum, and add greatly to the civil list. We have passed a bill for the State of Virginia of \$650,000—for the State of South Carolina above \$100,000—another bill to allow interest to certain States, which, if it passes the House of Representatives, will amount (I think) to a million of dollars. Other very large appropriations are reported. Can the Executive stop them? If he cannot stop them, why unjustly charge them to the administration? My observation has shown me, that on all subjects of expenditure the opinions of gentlemen mainly depend upon the fact "whether it is your bull or mine." Our greatest economist [Mr. Poor] demurs to expenditures generally, and yet he is pressing with great zeal, and will probably succeed, in passing a pension bill, which will cost this country at least one million of dollars per annum, and next year we shall perhaps be told by that worthy gentleman of the extravagant expenditures of the present administration. Now, sir, I am as much disposed to restrict and lessen the expenditures of the Government as any Senator on this floor, but I cannot find any item which I think can properly be reduced; and I will thank any gentleman to point out to me any item of the public expenditures which will admit of reduction, and I assure him of my aid in advocating the reduction, if any can be obtained without injury to the public interest.

The diplomatic expenditures of the present administration have been particularly censured; and, in order to prove that they have been extravagant, the Senator [Mr. Poor] has selected two years in Mr. Adams's administration, when the expenditures happened to be the most limited, and contrasted them with two years of General Jackson's administration, when the expenditures were the largest, and in this manner has proved the extravagance of which he complains. Now, I propose a single query to that Senator. Is this comparison a fair one? That Senator pursued the same course last year. His speech was published in a Baltimore paper, and for a little time had its effect. I had replied to him, but had not published my remarks. A friend showed me the gentleman's speech, and having the notes of my remarks with me, I published the speech

APRIL 23, 1832.]

Vaccination.

[SENATE.]

which I had delivered in the Senate, and nothing more was heard of the comparison of expenditures, nor the extravagance of the present administration. Suppose I were to follow what I consider the unfair example of the Senator, and contrast the expenditure of the first year of Mr. Adams's administration on account of diplomatic intercourse, \$213,500, with the expenditure on the same account in the first year of General Jackson's administration, \$137,500, I should certainly prove a great extravagance on the part of Mr. Adams's administration, according to the mode of comparison adopted by the Senator, [Mr. Foot.] But, sir, I will have recourse to no such expedients. My friends would consider me dishonored in adopting them, and I should consider myself unworthy if I had recourse to them.

The Senator from Connecticut [Mr. Foot] pursued a most curious course the other day, which is somewhat in the same style. His speech which affords the details, appears in this morning's Intelligencer. He selects the two years of Mr. Adams's administration, for which the smallest sums had been appropriated, and has added the appropriation of the first year (which is the most limited) of General Jackson's administration, to wit, 1827, 1828, and 1829, and has contrasted them with the appropriations for 1830, 1831, and 1832. This comparison is instituted by that Senator for the purpose (as usual) of showing the great extravagance of the present administration. If this latitude in the selection of years be allowed the gentleman, he can no doubt prove almost any thing which numbers will prove. But, Mr. President, the Senator must adhere to facts, and to plain facts, arranged in a plain manner. No latitude can be allowed. The only true and correct way, Mr. President, to institute any thing like a just and fair comparison of the relative appropriations on account of diplomatic intercourse between the present and former administration, is to contrast the four years of Mr. Adams's administration with the four years of the present administration. Had the Senator from Connecticut [Mr. Foot] confined himself to this comparison, I should not have had occasion for one word of comment. To such a comparison there cannot be urged a single objection. In the four years of Mr. Adams's administration, there was appropriated on account of diplomatic intercourse, the sum of \$731,000. For the four years of General Jackson's administration, \$801,500. Deduct on account of extraordinary expenses for presents and treaty with Turkey, 99,000.

\$702,500

which clearly shows that the ordinary expenses of General Jackson's administration on account of diplomatic intercourse are \$28,500 less than the four years of Mr. Adams. There were also two other extraordinary appropriations charged to the account of diplomatic intercourse of the present administration, which cannot again occur, to wit, \$22,500 for the mission to the Netherlands, and \$9,000 for the mission to Naples; both of which were indispensably necessary, and which have increased the expenditures on account of diplomatic intercourse, in the present administration, \$31,500. Add to this the \$9,000 outfit for a minister to England, which the economists have rendered necessary by their rejection of Mr. Van Buren, and the total amount of extraordinary expenditures, independently of that of Constantinople, will amount to \$40,500. It would be correct and proper to state the total of expenditures on account of diplomatic intercourse, in the four years of General Jackson's administration, at \$801,500; and, after deducting all those extraordinary expenses, there would remain for the ordinary expenses of the four years only \$662,000, being \$69,000 less than the appropriations for the four years of Mr. Adams's administration. The appropriations for the next four years will probably not exceed this amount.

I will now, Mr. President, state the appropriation for

the fund in question during the administrations of Mr. Adams and General Jackson:

1825—For the contingent expenses of foreign intercourse,	\$40,000
1826—For the same,	40,000
1827—For the same,	30,000
1828—None required.	
	<u>\$110,000</u>
1829—None appropriated.	
1830—For the same,	\$30,000
1831—For the same,	25,000
1832—For the same, (present bill),	30,000
	<u>\$85,000</u>

Note.—Since the delivery of the above speech, I find that the total amount of the appropriations for the three first years of General Jackson's administration, exclusive of payment for the public debt, amounted to the sum of \$41,950,092.

And the total expenditures during the same years, amounted to the sum of 39,808,732

\$2,141,360

thus showing a saving of upwards of two millions of dollars. The President cannot control the appropriations, but he can control, and evidently has controlled, the national expenses to this large amount; this is the result of an economical administration of affairs.

Mr. MILLER then rose to address the Senate; when, On motion of Mr. HOLMES, The Senate adjourned to Monday.

MONDAY, APRIL 23.

VACCINATION.

On motion of Mr. HENDRICKS, the Senate proceeded to consider the motion introduced by him on Friday last, to reconsider the vote by which the bill to extend the benefits of vaccination among the Indians was ordered to a third reading.

The motion to reconsider was carried in the affirmative—yeas 15, nays 14.

Some conversation took place as to the precise form in which the bill was now placed before the Senate. It was finally determined, however, that an amendment previously moved by Mr. FRELINGHUYSEN was in order.

This amendment provides that in cases where a physician is called, he shall, if it be considered a necessary precaution, be conducted by two competent persons to the Indians who are either infected, or deemed to be in danger of infection, at six dollars per day each, and six men at twenty-five dollars the month.

Mr. BUCKNER asked for the yeas and nays on this question, and they were ordered.

The question was then put, and decided in the affirmative, by the following vote:

YEAS.—Messrs. Bell, Benton, Dallas, Dudley, Ellis, Foot, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Johnston, Kane, King, Marcy, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tipton, Tomlinson, Troup, Webster, White, Wilkins.—30.

NAYS.—Messrs. Bibb, Buckner, Clay, Clayton, Hayne, Mangum, Miller, Moore, Tazewell, Tyler.—10.

On motion of Mr. GRUNDY, the bill was then recommitted to the Committee on Indian Affairs.

The bill to exempt Portuguese vessels from the duties on tonnage, was read a third time, and passed.

GENERAL APPROPRIATION BILL.

The Senate proceeded to take up the bill making appropriations for the support of the Government for the year 1832. The question being on concurring with the

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Committee of the Whole in their amendment, striking out the appropriation of an outfit to France.

Mr. MILLER, of South Carolina, said, in moving to strike out so much of the appropriation as relates to the outfit of a minister to France, he had no intention or desire to entrench upon the powers of the President or the House of Representatives.

The question was purely one of legislation, over which both bodies had equal rights. The House of Representatives had as much right to insist on this appropriation, as the Senate had to amend the bill by striking it out.

What we are now to decide is, whether it is proper to make an appropriation for a minister to France, to be appointed during the recess. The Senate had stricken out this outfit, and the House had restored it. Shall we recede, or adhere to our amendment? It is an ordinary question of legislation, involving none of the privileges of the Senate. The House of Representatives had the most unquestionable right to determine for itself, as a part of the legislative power, and so had the President and Senate. Each must put their own construction on the constitution, and exercise their discretion and best judgment on such matters as come within the scope of action of each respective branch. The President had the right to put his construction on the constitution, and fill up a mission in the recess. The House of Representatives, in the exercise of its judgment, might provide the outfit, assuming that the Executive could fill up a vacancy, such as this one, in the recess; and the Senate had an equal right to act upon its views of the constitutional powers of the President, as well as upon the expediency of providing now by law to fill the vacancy, either contingent or certain, as it may be, in the mission to France. There was no reason for alarm on the score of invasion of the powers of the Senate; we had a double check upon the President; one legislative, and the other executive. We can either withhold the appropriation, or refuse to sanction the mission, or confirm the minister. The powers of the Senate were ample for the protection of its constitutional rights, if it were true to the States and itself. While he disclaimed any feeling of hostility towards the Executive, or the other branch of the Legislature, he was prepared to incur any and every responsibility incident to the refusal to recede from this amendment. This appropriation involved something of principle and something of fact. In the first place, has the President power to fill up a vacancy which may occur during the recess in a foreign mission?

Mr. M. said he had expressed his doubts on this subject, when he first made the question on this outfit, and he had heard nothing to remove them. It had been said this was an every day practice of the Government. It may be so, but it did not appear; no case had been furnished, in which the President's right to fill, during the recess, had been recognised by prospective legislation. Such cases might be found; they had not been produced; and if they were produced, he did not consider the practice of the Government so far established as to overturn a plain rule laid down in the charter we had sworn to support. It was the written constitution, not the practices of the Executive, nor the abuses of our predecessors, which we were called on to maintain. There is a very obvious difference between confirming a minister appointed during the recess, and authorizing such an appointment in advance. The one case only concedes to a co-ordinate branch of the Government a fair right to put its own construction on its own powers; and the other puts the construction of the Senate on those powers. The one concedes the rights of opinion to the Executive; the other substitutes the opinion of the Executive for our own, and recognises the entire right of the President to fill up appointments during the recess. Has the President this right? Is there any difference between a vacancy in an existing mission, and a vacancy in a mission not yet insti-

tuted? These are questions to be solved by a reference to the constitution. "The President shall nominate, and by and with the consent of the Senate appoint ambassadors, other public ministers," &c. The nomination confers no office until the appointment is made; the appointment is not made until the Senate passes on the nomination. When there is an existing legal office, the appointing power is under a moral obligation to fill the same. If a judge resigns or dies, the vacancy must be filled, or the appointing power omits to do its duty. It is not so of a foreign minister: if he dies or resigns, there is no legal obligation to appoint his successor. The mere volition of the appointing power makes the office and the minister in the same breath.

Public ministers are not subsisting officers of the Government. There is no minister to France until he is appointed; and there is no office of minister separate and apart from the incumbent. Hence a vacancy cannot be predicated of a foreign mission. When a minister is recalled, there is an end of the office as well as the mission. The power of the President to appoint during the recess cannot extend to a minister, because there is no vacancy to fill up. Every appointment of a minister is an original one, and not the filling up of a pre-existing office. It seems to be admitted, pretty generally, that the President cannot originate a foreign mission without the advice and consent of the Senate. Mr. M. said he was not able to discover any difference between cases where a minister has heretofore been sent, and where one has not. The sending a minister to France this year does not constitutionally imply that you must send one next year; the recall, or resignation, or death of the minister determines the mission. And, unless the President can originate a mission in the recess, he cannot appoint where there has been an antecedent mission.

We have now no minister at the court of Austria. There may be just as much necessity for our representation at that court, on the 1st of October next, as at the French court, upon the termination of the office of the present minister to France. The right to originate missions at each of these courts, is, by the constitution, the same. But if it were proposed to grant an outfit for a minister to Austria, to be appointed during the recess, it would not be sustained. How is it, then, that we propose to recognise the right of the President to originate a mission to France during the recess? It is obvious that this view of the question involved a constitutional power, which made the objection to this appropriation a substantial one. If he believed the President had the abstract right to renew the mission to France during the recess, he would not care whether the appropriation should be specific or contingent. Assuming that the President had the power to fill up the mission during the recess, it was immaterial out of what fund the outfit was paid. It then became one of mere expediency, whether we should be represented at the French court during the time which would elapse between October and the next session of the Senate. This appropriation affirms three propositions: first, the constitutional power of the President to fill up all vacancies that may occur during the recess; secondly, that this vacancy will happen during the recess; and, thirdly, that the same should be filled for the two months antecedent to our next session. Mr. M. said he doubted, nay, he denied, every one of these propositions. He had attempted to prove that an ambassador was not a subsisting officer of the Government; and hence there could be no vacancy in such office. But, suppose he erred on this subject, and that a foreign mission is such an office as may be filled during the recess, then a question of fact had to be settled, which is, has the vacancy happened, or is it to happen? If the vacancy has already happened, in the sense of that term in the constitution, no one would contend it could be filled during the recess. During the debate on the very

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question, whether this was an actual or contingent vacancy, the Secretary of State sends us the following letter:

DEPARTMENT OF STATE,

Washington, 21st April, 1832.

SIR: I am directed by the President to inform you that there is, at present, no vacancy in the office of envoy extraordinary and minister plenipotentiary to the King of the French, but that such vacancy will occur in the month of October next; Mr. Rives having requested leave to return at that period, and his request having been acceded to by the President.

Respectfully, your obedient servant,

EDWARD LIVINGSTON.

S. SMITH, Esquire,

Chairman Com. on Finance of the Senate.

In this letter, it is not said that the vacancy will "happen" in the month of October, but that it will "occur."

That which was before uncertain, becomes now certain.

It is now no longer doubtful whether any vacancy exists in the office of minister to France, if the office be one in perpetuity. The incumbent has asked leave to return in October, and leave has been given. This fact is made known to us while we are discussing the question; it becomes, therefore, a part of the *res gesta*, and determines the period at which the incumbent will go out of office. It is now a perfect certainty that a vacancy in the office of minister to France will occur in October. It will not happen during the recess; it has already happened, and an outfit is to be provided for his successor. The very legislative provision for an outfit would be conclusive of the fact of a vacancy. How can a vacancy be said to happen during the recess, when Congress provides an outfit now? If we pass this appropriation, it will be a solemn legislative enactment, declaring that a vacancy exists in the office of minister to France in October next. Then the President ought to make the nomination at the present session.

That which is known, cannot be said to be unknown. What has happened, cannot be an event that may happen. If, upon the faith of the facts stated in the letter of the Secretary of State, an appropriation is made of nine thousand dollars, at the request of the appointing power, will that power hereafter be permitted to say no vacancy has happened? Is the public treasure to be locked up for outfits that may not be wanted? If the President, to make that certain which was before contingent, makes a communication to the Senate, how can those who are parties to a law passed on the assumption of such a state of facts, controvert the same? The power to make the vacancy is with the President; but the power to provide the outfit is not. The President makes the vacancy to get the money; yet it is said there is no vacancy. It is a vacancy during the session to get the money, and a vacancy during the recess to fill the office. The power to fill offices during the recess is confined to accidental and unknown vacancies. What are known and provided for takes the power from the President. To the Deity nothing happens—with Him there are no casualties—every thing is known and provided for; but Congress has not the power, omnipotent as it may be, to decree that which has not happened, but that which has happened, may happen, and provide for the exigency. The Senate ought, in its legislative character, to take care that no detriment comes to their executive powers. We do not stand in need of light from history to instruct us of the tendency of all power to concentrate in the hands of a single person. We have only to look around us, and the influence of the Executive power is easily perceived, in doors as well as out of doors.

It cannot be doubted but that the President of the United States is constantly absorbing all the Executive power of the Government. The Senate will, in the process of time, become a mere circumstance—a registering

junto, exercising no control over the subjects constitutionally confided to its care. We ought to guard against such a state of things.

Mr. M. said he had voted for the outfit for minister to Great Britain, under the belief that a nomination would be made during the session; and for the same reason would vote for the present outfit, if it were intended, during the present session, to make the appointment. The contrary is implied in the above letter. If it be so important to the country that no chasm shall take place in this mission, that we should now grant the outfit, is it not equally important that we should make the appointment of such a minister as the whole appointing power may approve of?

A minister in a chrysalis state ought not, but in extreme cases, to take his outfit and salary; he should be fledged fully before the public funds are dissipated on him. If appropriations for outfits and salaries are regularly and annually granted, no minister need ever be sent to the Senate. "The President shall have power to fill up vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session."

Appointments made during the recess, it may be fairly contended, will always expire during the recess. The commission will expire only at the end of the session. The vacancy does not occur during the session, and must therefore occur during the recess. If the vacancy in such cases occur during the recess, let a pliant Senate grant the outfit; and what is there to prevent a perpetual appointment to this office without the consent of the Senate? If even the minister be rejected, the right to appoint him again would result from the principles on which the appropriation is supported. It is said that it would be obviously improper to reappoint, in the recess, an officer who had been rejected by the Senate; that it would be a plain violation of the constitution. In what would the violation consist? It is no violation of the constitution to renominate a person rejected by the Senate, but it would be a violation of the constitution to appoint, after the rising of the Senate, a person to office which became vacant during the session, although the term of office had to run into the recess. In this respect, the outfits for the minister to France and England both stood on the same footing; the commissions of both are now determined, and yet both run into the recess. The only reason the President cannot appoint the minister to England during the recess is, that he cannot bring himself within the exception provided by the constitution. He can only fill vacancies which happen during the recess. If the vacancy becomes certain by operation of law, then he must nominate to the Senate at the session next antecedent to such vacancy. Thus, for instance, if a marshal's commission would expire on the rising of the Senate, or on the 1st day of next October, in both cases the nominations should be made to the Senate during its present session. Under a different construction of the constitution, an officer might be kept in office without the assent of the Senate always, and a mere exception to the rule, as to the precedent approval of the Senate, might destroy the rule itself. The President shall appoint to office where vacancies happen during the recess; every vacancy that is filled in the recess, must, by the constitution, become vacant during the recess, where the same is not confirmed by the Senate. If the Senate reject the officer, or the President omit to send in the nomination altogether, then the vacancy will again occur during the recess, and may be so continued *ad infinitum*.

Sir, the true way to prevent such inroads upon the spirit of the constitution, is to withhold the appropriations.

The only remaining objection to this appropriation is one of mere expediency.

Admitting the abstract constitutional power of the Executive to appoint during the recess a public minister,

and that the vacancy in this mission will happen during the recess, then is it proper to provide an outfit for a minister to France, so as to enable the President to send one abroad without the approbation of the Senate, only two months in advance of its session? Mr. M. said he rested his opposition principally upon the other grounds; he was, nevertheless, satisfied that there existed many strong objections to this provision, on this latter ground. It would be better that there should be a short interval in our diplomatic intercourse with France, than that a minister should be sent to that court, who might be rejected.

It was a great mistake to suppose our representatives abroad were only the President's ministers. They were the ministers of the United States, and appointed by the representatives of the States, and paid out of the funds of the people. It ought to be a very strong case that would justify the appointment of ministers but a few weeks before the meeting of the Senate.

The refusal to confirm such appointments increased the expense, and had more the appearance of a removal from office than the refusal to appoint.

This subject had acquired an artificial importance by the difference between the Houses. He had been somewhat instrumental in producing the difficulty, and felt, therefore, bound to state the positions on which he rested his vote.

Mr. TYLER said that when the subject, then occupying the Senate, was before the Committee on Finance, he had seen no good reason against the appropriation of an outfit to a minister to France upon the return of Mr. Rives. Nor had the discussion which had taken place in the Senate, while in Committee of the Whole, impressed him with different views. He had, accordingly, voted against the motion to strike it out. Then, the Senate was informed of Mr. Rives's application for leave to return, and the probable necessity which might exist of deputing a minister to succeed him. This came to us in an official form, but nothing was positively determined in relation to it, by the President. The letter from the Secretary of State, this morning handed in at the table by the chairman of the Finance Committee, had removed all doubt upon the subject, and we are given distinctly to understand that the President has acceded to Mr. Rives's request, and that he has permission to return in October. We have, then, no longer the case of a contingency presented to us. It is next to certain that a vacancy will arise in the mission to Paris before the next meeting of Congress; and a specific appropriation ought to be made, to meet any emergency which may arise. It appeared to him that there could be but two grounds on which the appropriation could be resisted:

1. That it was improper in the President to have assented to Mr. Rives's request.
2. That the United States required no representative at Paris.

Upon neither of these did he entertain any doubt. On the first, if there was nothing more in the case than the fact of the minister's having been absent for more than three years, during the greater part of which time he had been burdened with an important subject of negotiation, he, for one, should see no good cause to object to his return. But, in addition to this, he had learned, from a source that claimed his unqualified confidence, that Mr. Rives's health had become very bad, and that, in all probability, his life might be hazarded by residing another winter in Paris. Mr. T. presumed, therefore, that no Senator, under the circumstances, would object to the President's assent to Mr. R.'s return. He anticipated as little difference of opinion on the last point, viz. the propriety of appointing a successor to Mr. Rives. The present unsettled condition of Europe called for the measure. A war had long been anticipated; and although, at present, the surface of things was more tranquil than it had been, yet no one

could pretend to say that new causes of disturbance might not arise. For himself, he had no doubt that, sooner or later, convulsions would occur. It did not seem to him probable that, with the lights which were shed abroad over the world, and which were piercing the most hidden recesses of despotism, Europe could long remain tranquil. This called for great vigilance on the part of this Government; for we were taught, by the past, how intimately and closely allied the commercial interests of the United States were with the condition of Europe. He had, then, no difficulty in answering both these inquiries in the affirmative. Whilst he admitted the propriety of the Government being represented at the French court, he was not to be understood as saying that, without the existence of the strongest emergency, should he consider that the President would appoint a successor, to leave this country as late as October. He presumed the reverse. The President would not be so far wanting in comity and respect for this body, as to despatch a minister from this country after October, unless the delay to do so should be attended by a decided sacrifice of public interest. He could not recognise the force of the argument which rested on the supposition that the President would do wrong. He was bound to suppose, on the contrary, that the President would do right; at least, he would not condemn him in advance. Fairness required that he should not be. Mr. T. would be as ready to condemn for a material error, no matter by whom committed, as any other person. He had felt himself constrained, in two well known instances, to differ from the President; and he should do the same, whenever his judgment should so direct him. He had been sent there to sustain truth, not to consecrate error. The public interests might require that a minister should be sent during the summer, so as to be in place upon the withdrawal of Mr. Rives; and he was willing to place at the disposal of the President a sum to enable him to do so, should it become necessary.

But it is urged that the President can resort to the contingent fund. Then it is obvious that the failure to make this appropriation does not cramp Executive discretion; and that, in order to do so, that fund must be entirely withdrawn from the appropriation bill. The secret-service fund is not, properly, applicable to an object such as this. True, it has been used for similar purposes; but sums, thus withdrawn from it, have been refunded by Congress. Besides, what if the legitimate and ordinary demands upon that fund should exhaust it; the public service must either go neglected, or the minister incur the expense of his outfit himself. While upon this subject, Mr. T. would take occasion to say that the same requisitions did not appear to him to exist, to the same extent, upon that fund as formerly. There was no necessity for the employment of special messengers, particularly between this country and London, or Paris, as formerly. An important document, alone, as a treaty, would require to be entrusted to a special messenger; but not so with the numerous despatches for or from our ministers. The line of packets, continually plying to and fro, rendered the transmission of letters as safe from those cities to the United States, as our own post coaches, within our borders.

The difference between himself and his colleague [Mr. TAZEWELL] was confined to this point, and seemed to him to be wholly immaterial: he thought that a specific appropriation was best, while his colleague considered the appropriation useless, inasmuch as the President could meet the wants of the public service out of the contingent fund. In the other doctrine contended for by his colleague, he fully concurred, viz. the responsibility of the President for all his official acts. No man, however high in public employment, could claim to be irresponsible. He was responsible to his constituents for all his acts; and so was the President for his. The expression of the Senator from Georgia [Mr. FORSTH] was unguarded, and

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not sufficiently qualified. For every bill the President signs, he is undoubtedly answerable; but, in regard to the numerous private bills which are passed, he may well approve them, and rest for his defence on the examination given to them by the two Houses of Congress. Let him be told, however, that any one of those private bills has passed under fraudulent practices, and this defence would no longer avail. So, when there is a measure of public policy, important not only in the sum involved, but in the principle—the huge pension bill of the Senator from Connecticut, for example—the President acts under the full weight of his responsibility. He trusted that this House would be both the cradle and the grave of that measure; but, should it reach the President, he entertained strong hopes that he would see cause to exert his veto. Mr. T. abstained from going into the discussion of the various topics introduced into this debate. At a suitable time he would have no objection to looking at them: but the appropriation bill had been already too long delayed, and he should, therefore, content himself with what he had said.

Mr. CLAYTON trusted, he said, that a proposition would be made to amend the whole clause, so as to render the appropriation for the outfits, both of minister to London and the minister to Paris, conditional, upon the advice and consent of the Senate to the nominations. He also argued that no specific appropriation was necessary, provided the contingent fund was large enough to cover the expense, as the administration had shown no scruple in using the contingent fund; and he cited a speech made in the Senate, in the year 1830, by Mr. Livingston, to show that his views of the use of that fund would not prevent him from paying the outfit of a minister to France from it. Mr. C. went on to make some statements of the expenditures of the present administration, compared with those of the one preceding it. He referred to a statement, furnished him this morning by a Senator from South Carolina, [Mr. HAYNE,] from which it appeared that the expenditures of the last year were, exclusive of the sum paid on account of the public debt, thirteen million nine hundred and eighteen thousand seven hundred and eight dollars and ninety-nine cents, being six hundred and twelve thousand dollars more than those of 1828, and one million two hundred and seventy-five thousand six hundred and thirteen dollars beyond those of 1827.

Mr. SMITH stated the causes which led to the increase of expenditure during the last year. The Massachusetts militia claim had been paid, which exceeded four hundred thousand dollars; and the revolutionary and invalid pensions had been increased.

Mr. WEBSTER rose, not, he said, to enter into the discussion, but to ask a question or two about the very novel communication laid before the Senate this morning by the chairman of the Committee on Finance. It was stated to be a communication from the President to a committee of this House. He doubted whether this course had any precedent. The Secretary of State says he is directed to tell the Committee on Finance so and so. He wished to know whether this proceeded from any application of the committee, and, also, whether it was expected that the nomination of a minister to France would be made at the present session.

Mr. SMITH replied that, as he had stated before, he found the paper on his table on Saturday last, after his return home. He had addressed no letter to the Secretary of State. He believed there was no intention of nominating a minister to France at the present session. Mr. Rives would stay till October; and, if another was appointed at this session, we should have two ministers under pay—one here, and another in Paris. He did not believe any minister would be sent till the next session of Congress. If the appropriation was now made, it would then be ready; but, if the appropriation should not be made

this session, the appointment of a minister must be delayed till the appropriation bill of next year shall pass—which would not be, probably, till February.

Mr. WEBSTER called for the reading of the letter; and it was read, as follows: "I am directed by the President to inform you," &c.

Mr. CLAY rose, he said, to express his sentiments as to this extraordinary paper, and the extraordinary manner in which it had been introduced. When the subject was last under debate, it was argued, against the appropriation, that it was for a contingency; for we were given to understand that it was doubtful whether a successor to Mr. Rives would be sent out or not. We were told that he had applied for liberty to return; but we had no positive information whether leave would be given or not. After the bill and amendments had been reported to the House, it was well known that the subject would be again taken up. There was no call for Executive interference; but this information is sent in by the President while the subject is *in transitu*, from the Committee of the Whole to the House. This was an unconstitutional and unexampled interference with the rights of the Senate. In this doubtful state of the question, the Secretary of State is directed to write a letter to the chairman of the Committee on Finance, which, after his return from an excursion, he finds on his table, and which wholly changes the circumstances of the case. What was contingent, is become certain; what was undecided, is now fixed. In order to suit the state of the argument, the President had determined that Mr. Rives should return in October, and had announced to us the fact. The fact had been accommodated to the state of the question.

Mr. BIBB said, as more than four months of the session had gone by, and as, by the continued delay of this bill, many officers of Government were without the means of receiving their compensation, he was very reluctant to occupy time in the further discussion of this question. But it was one of such weight as to require some explanation of the vote which he intended to give; for though he might disagree with gentlemen on both sides, he was obliged to vote on one side. In the present state of affairs in Europe, the United States ought at all times to be represented at the court of France. He was not willing that any interval should take place in which we should be without a minister. The return of Mr. Rives ought to be immediately followed by the selection of his successor, and for the payment of his outfit he would greatly prefer a specific appropriation. Government tended to tyranny, in consequence of the multiplicity of subjects embraced within the scope of their power, because that was tyranny which was left discretionary and undefined. He would leave nothing unnecessarily to Executive discretion, especially in relation to the direction of the public funds. He would not hold that it was necessary for the President to make a nomination at this session; for, at this time, there was no vacancy. He saw no reason why the President should make the nomination so long before the month of October. With respect to these foreign missions, the Executive authority ought not to be unnecessarily curtailed. Between the State and federal powers he would always keep a distinct line; and, in cases where the line became indistinct, he would lean in favor of the State power; but where the federal power was clear, he would leave it uncontrolled. He did not, therefore, demand a nomination from the President before the occurrence of the vacancy. If any President, in the exercise of this power, should dare to send on a foreign mission an individual who had been rejected by the Senate, he, for one, would not hesitate to say that he ought to be impeached. Thinking, then, as he did, that there should be no interim in our representation at Paris, and that the appropriation should be specific, he was in favor of making the appropriation now. If a minister was sent in December next,

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there would then be no appropriation for his outfit, unless it was made now, for the appropriation bills are not, as we know, passed till a late stage of the session. In regard to the letter from the Secretary of State, which his colleague had remarked upon, he was free to declare that he did not consider it as a remarkable interference on the part of the President and Secretary of State; on the contrary, he viewed it an entirely correct procedure, both in regard to its object and form. It was an evidence of respect for the views of this body; for it will be recollected that the question was frequently asked whether Mr. Rives would return or not, and how soon. Our information as to these points was indefinite. It was known to the chairman of the Committee on Finance, on whom we chiefly relied for the information, whether leave of return had or had not been granted to Mr. Rives. If the President, knowing that this body required this information, had withheld it, he would have been answerable for it. The determination of the fact belonged to the President exclusively. He was the only man who could come to this determination, and make it known to this body. Is, then, the communication of this fact to this body any offence? Was it any interference with the powers of this House? The withholding of the information would have been made a better cause of complaint. The question whether the communication ought properly to have been to this House, or to the Committee on Finance, is a mere question of etiquette, as to which there may be a difference of opinion.

Mr. SPRAGUE expressed his gratification at hearing from the honorable Senator from Kentucky the opinion that the appointment of a rejected nominee is an impeachable offence; and he went on to speak of the cases of Wharton Rector, Stambaugh, and Gardiner, as cases to which the Senator's opinion would apply. He would say to a President who had exhibited such a disposition to encroach upon the constitutional powers of the Senate, I will vote against any appropriation, unless it be stipulated that the appropriation shall not take effect till after the minister's regular appointment with the consent and advice of this body.

Mr. HOLMES spoke against the appropriation.

Mr. KING said it was a matter of very little importance whether this appropriation was made specific, or taken from the contingent fund. He did, however, believe it to be the proper and regular course to use the contingent fund for other objects, which were, in their character, certain, ascertained, and fixed. It was asked—can the President appoint, in the recess, a minister to a vacancy now existing? But how can it be said that a vacancy now exists? Whether the President would send a minister to France after the return of Mr. Rives, and before the next session, was to be determined by circumstances; and it was proper that the President should have the means to pay the outfit, in case it became necessary to make the appointment. Mr. K. referred to the letter from the Secretary of State, which had been commented on with so much undeserved severity. He could not imagine how the President or the Secretary of State could be blamed on account of a disposition to present the whole state of the case. He was sorry to see so much captious opposition to the administration. A fair opposition he would always be glad to see; it was a salutary check upon men in power. But to alarm the fears of the people by the constant cry that the Senate was in danger, and the rights of the people in danger, could serve no good purpose. The case of Wharton Rector, which had been so much pressed, had been much misunderstood and misstated. This individual had not been appointed an Indian agent after the rejection of his nomination. He had not been employed in a salaried office. It was true that he had been employed to carry some emigrating Indians over the river. With respect to the opinion that the appointment of an individual whose nomination has been once rejected, is illegal, it must be

received with many grains of allowance. Its propriety would depend much upon the circumstances of the case, upon the motive of the officer, and the fitness of the individual, and the motive of his rejection. The other day, for instance, that most worthy and excellent man, Mr. Legare, had well nigh been rejected, for the reason that many thought a mission to Belgium unnecessary. But would any one undertake to say that his appointment to office, by the President, would have been illegal? He did not think that, generally, the President ought to select individuals who were in this situation, for office, because it created ill feeling on the part of the Senate. He cared little whether this appropriation was given or not. He did not think that the President would appoint a minister to France before the meeting of Congress, unless some extraordinary contingency would render it necessary. In conclusion, Mr. K. remarked that it was true he did not approve all the acts of the late administration, but he gave it a fair and liberal support. He gave it the means, and held it responsible for their use.

Mr. WEBSTER said, one remark fell from the Senator from Alabama, which ought not to pass without notice, however mild might have been the tone in which it was uttered. He spoke of the opposition as factious.

Mr. KING. I said captious.

Mr. FORSYTH rose merely to notice some remarks which, though from ordinary persons they would not be viewed as entitled to the least weight, merited notice as coming from persons standing before the community as the gentlemen do from whom those remarks proceeded. The Secretary of State, by direction of the President, had announced the fact that Mr. Rives would return in October, and this is said to be an extraordinary interference on the part of the President. The fact was communicated by the Secretary of State to the chairman of the Committee on Finance, in the same form, and in the precise terms in which, as the organ of the President, he usually holds communication with the committees. Mr. F. here read the former letter addressed two months ago to the Committee on Finance, by Mr. Livingston, on this subject, showing that it was expressed in the same terms as the letter communicated to-day, viz. "I am directed by the President to inform you," &c. There was nothing at all peculiar in the form or object of the communication. The Senator from Kentucky says the President has no right to interpose in the discussions in this body. True; but this is not an argument, but a naked fact—a fact which, whether called upon or not, it was his duty to communicate. The information was not essential to him, for it did not change his views. But other gentlemen had said that they could not act without positive information whether Mr. Rives was to return or not.

After some words from Messrs. SPRAGUE, FOOT, CLAY, SMITH, and FORSYTH,

The question was taken on concurring in the amendment made in the Committee of the Whole, and determined in the affirmative, as follows:

YEAS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Foot, Frelinghuysen, Hayne, Holmes, Johnston, Knight, Miller, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tazewell, Tomlinson, Waggaman, Webster.—23.

NAYS.—Messrs. Benton, Bibb, Dallas, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hendricks, Hill, Kane, King, Mangum, Marcy, Moore, Robinson, Smith, Troup, Tyler, White, Wilkins.—21.

So the appropriation was stricken out.

Mr. POINDEXTER then moved to amend the bill by adding a provision to enable the President of the United States to send a chargé to Venezuela, \$4,500.

After a very few words from Mr. MANGUM and Mr. HAYNE, Mr. FORSYTH called for the yeas and nays; which were ordered.

APRIL 24, 25, 1832.] *Appropriation Bill.—Washington's Statue.—Vaccination.—Apportionment Bill.*

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The question was then taken, and decided in the negative, as follows:

YEAS.—Messrs. Benton, Chambers, Clayton, Dallas, Holmes, Mangum, Poindexter, Seymour, Silsbee, Waggaman.—10.

NAYS.—Messrs. Bell, Bibb, Clay, Dickerson, Dudley, Ellis, Foot, Forsyth, Frelinghuysen, Grundy, Hayne, Hendricks, Hill, Johnston, Kane, King, Marcy, Miller, Moore, Robbins, Robinson, Ruggles, Smith, Sprague, Tazewell, Tipton, Tomlinson, Tyler, Webster, White, Wilkins.—31.

Mr. POINDEXTER then renewed the motion he made in committee to strike out "Colombia," and to reduce the appropriation for that mission, and asked for the yeas and nays on the question, which were ordered.

The question was then put, and decided in the negative, as follows:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Foot, Frelinghuysen, Hayne, Holmes, Johnston, Miller, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Sprague, Tomlinson, Waggaman, Webster.—19.

NAYS.—Messrs. Benton, Bibb, Dallas, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hendricks, Hill, Kane, King, Mangum, Marcy, Moore, Robbins, Smith, Tazewell, Tipton, Tyler, White, Wilkins.—22.

The Senate then adjourned.

TUESDAY, APRIL 24.

Mr. WHITE, from the Committee on Indian Affairs, reported the bill to provide for extending the benefits of vaccination among the Indians, with an amendment.

The amendment restores the appropriation from 6,000 to 12,000 dollars, the last being the sum originally reported in the bill.

APPROPRIATION BILL.

Mr. FORSYTH then moved to reconsider the vote by which the Senate had refused to raise the appropriation for the contingencies of the judicial department from 190,000 to 250,000 dollars.

The motion being agreed to—yeas 24,

Mr. FORSYTH then moved to amend the bill by striking out 190,000, and inserting 250,000, and sustained his motion on the ground that the money would be required to pay actual arrearages, and was not asked for any prospective objects.

Some discussion ensued on this motion, in which Messrs. TYLER, FOOT, SMITH, MARCY, FORSYTH, JOHNSTON, and CLAYTON, took part.

Mr. CLAYTON called for the yeas and nays on the question, and, being taken, the question was decided as follows:

YEAS.—Messrs. Benton, Dallas, Dickerson, Dudley, Ellis, Forsyth, Grundy, Kane, King, Knight, Mangum, Marcy, Robinson, Smith, Tipton, White.—16.

NAYS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Foot, Frelinghuysen, Hayne, Hill, Holmes, Johnston, Miller, Moore, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tazewell, Tomlinson, Troup, Tyler, Waggaman, Webster.—26.

So the amendment was rejected.

WASHINGTON'S STATUE.

Mr. MILLER moved to amend the bill by striking out the clause,

"To enable the President to contract for a statue of George Washington, to be placed in the rotundo in the capitol, 5,000 dollars."

Mr. M. said he did not object to the object of the appropriation, but he would deny the right of the House of Representatives to make a contract without the assent of the Senate, and then demand from the Senate an appropriation to carry it into effect. If the subject of the re-

solution of the House, authorizing the President to employ Mr. Greenough, had been the decoration of the Hall of Representatives, he would not have objected to the appropriation, as it would have been within the exclusive province of the House; but it related to the rotundo, which was certainly as much within the jurisdiction and control of the Senate as of the House.

Mr. CHAMBERS accorded with the Senator from South Carolina fully in his conclusions, though he arrived at them by a somewhat different process. He denied the right of the President to make a contract, involving an expenditure of money, upon the authority of the House of Representatives alone. He was also opposed to the appropriation, because it, in effect, asserted that the Senate had no right to interfere in the management and decorations of the capitol.

Mr. SMITH said that no contract had been made with Mr. Greenough. The President had merely written to him, advising him of the resolution, and asking whether he would undertake the task. No appropriation would probably be wanted before next year, and no inconvenience could arise from its being struck out.

Mr. MARCY said that he had been informed by a member of the Committee on Public Buildings of the House of Representatives, that there was no intention, on the part of the House, to usurp exclusive power over the capitol. They had intended to pass a joint resolution; but, through inadvertence, it was suffered to take the form of a simple resolution.

Mr. POINDEXTER said there would be no difficulty in striking out the appropriation, and introducing and passing a joint resolution to effect the object in view, which all approved.

After a few words from Messrs. FORSYTH, CHAMBERS, JOHNSTON, and MILLER, the motion to strike out was agreed to. The bill was then ordered to a third reading.

VACCINATION BILL.

On motion of Mr. WHITE, the previous orders were postponed, and the Senate took up the bill for the vaccination of the Indians.

The amendment, striking out 6,000 dollars, and inserting 12,000 dollars, was agreed to.

Some discussion of the bill took place, in which the objections before urged were repeated, and in which Messrs. MILLER, BUCKNER, and MANGUM, took part. The question on the third reading of the bill was finally taken by yeas and nays, and decided as follows:

YEAS.—Messrs. Bell, Benton, Chambers, Dallas, Dudley, Ellis, Foot, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Johnston, Kane, King, Knight, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tomlinson, Webster, White, Wilkins.—31.

NAYS.—Messrs. Buckner, Dickerson, Hayne, Mangum, Miller, Moore, Tazewell, Tipton, Tyler, Waggaman.—10.

APPORTIONMENT BILL.

On motion of Mr. WEBSTER, the previous orders were then postponed, and the Senate took up the apportionment bill.

Mr. WEBSTER having obtained the floor, The Senate adjourned.

WEDNESDAY, APRIL 25.

APPORTIONMENT BILL.

On motion of Mr. WEBSTER, the Senate, in Committee of the Whole, resumed the unfinished business of yesterday, being the apportionment bill.

Mr. W. did not propose, at this late period of the session, to enter into any lengthened discussion of this important

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subject. Two gentlemen were absent, who were decidedly in favor of the plan proposed by the committee, and he believed a majority of the Senate was also in favor of the principle of the amendment. He, therefore, relied on the candor of gentlemen of opposite sentiments not to prevent, by indirect motion, the entire expression of the Senate on the subject. Mr. W. briefly explained the principles which had guided the committee, and the general scope and policy of the bill, and laid down a course to be pursued, by which no advantage would be gained by one party, or lost by the other. With respect to the number of representatives for the House, he was instructed by the committee to move to fill the blank with 241. The tables, printed by the order of the Senate, would show the manner in which it was proposed to distribute the representatives among the States. Mr. W., after a full explanation, expressed the hope that some time to-day the vote would be taken, when the Senate was fuller than at present; and suggested that it would be better to take it first on striking out and inserting the amendment, without filling the blanks. This would settle the principle; and, if a majority proved to be in favor of it, the blanks could then be filled according to the sense of the Senate, after that vote had been decided.

Mr. DALLAS said, after much reflection upon this subject, Mr. President, aided by the very able report made to the Senate by the select committee, I have come to the conclusion that the question of preference between the bill, as sent to us by the House of Representatives, and the project of the Senator from Massachusetts, cannot be satisfactorily determined by a comparison of minute calculations, but must be governed by broad and general principles. The unequal results of the two plans may be strongly and variously illustrated by an endless series of estimates. No mode of proceeding will produce such an apportionment of representatives, as will be at all times perfectly equal; but it is impossible, as I apprehend, to attain any firm conviction by balancing one set of arithmetical details against another.

At the basis of my reasoning, in relation to the matter, I have felt powerfully influenced by the suggestion that the structure of the other House of Congress should be confided almost exclusively to the wisdom, virtue, and magnanimity of those who now compose it. If the mode which they recommend and adopt, conform to the constitution, the Senate should not interfere to alter or embarrass it. The subject peculiarly belongs to them. Gentlemen will recollect that over the organization of this body the representative chamber can exercise no possible control, and it would seem both fair and gracious that we should abstain, as far as possible, from meddling with the sources whence they deduce their numbers, and the process by which they regulate them. That is the popular branch of the National Legislature—this is the federative one. Each should move in unison with the principle upon which it is founded, and guardedly refrain as well from counteracting the just and appropriate actions of the other, as from sanctioning the least encroachment upon itself. An opinion expressed by a distinguished member of the convention of Massachusetts, when deliberating as to the adoption of the constitution, although it applied in strictness to a clause not now in question, bears out the idea which I am desirous to enforce, and I therefore quote it:

Mr. Cabot said, "I consider the democratic branch of the National Government, the branch chosen immediately by the people, as intended to be a check on the federal branch, which latter is not an immediate representation of the people of America, and is not chosen by them; but is a representative of the sovereignty of the individual States and its members, delegated by the several State Legislatures; and if the State Legislatures (or, Mr. President, their delegates here) are suffered to regulate conclu-

sively the elections of the democratic branch, they may, by such interference, first weaken, and at last destroy, that check; they may at first diminish, and finally annihilate, that control of the General Government which the people ought always to have through their immediate representatives." If, sir, the Senate resist the matured project of the House of Representatives; if this body will not abide by the selected number, nor by the process of their selection, nor their distribution among the respective members of the confederacy, is there not at once a dangerous interference by the federative, against the popular principle? Do we not "at first weaken," and may we not "at last destroy," the control which the people ought to exert over the Government through their direct agents? If we assume to regulate this business arbitrarily now, although our work may not be unjust in principle or product, the time may come when the precedent will be invoked to justify a fatal retrenchment of the popular representation; when the doctrine of mere federation may struggle successfully against its antagonist, and deem it patriotic to reduce the power or the influence of the people, in legislation, to its minimum. I cannot, sir, be even remotely accessory to such a result.

The bill sent to us from the House comes recommended to our partiality by very strong considerations. The rule of apportionment it prescribes was, in the first place, coeval with the formation of our Government. It was enunciated by the earliest Congress after the adoption of the constitution—by men who had participated actively in all parts of the country, in discussing, approving, amending, and perfecting that invaluable instrument, and in adapting it carefully to the wishes and views of the American people. This rule has been repeated and enforced at every returning census, has been carried into practical operation for forty years, and has been universally acquiesced in as abundantly impartial and equal. Sir, I do sincerely and solemnly desire to find something permanent in our Government; and especially desire to find this quality of permanency and fixedness in a rule on which depend the quantum and equality of popular representation. Nor can I forbear to express my regret and surprise that an attempt to unsettle and overthrow what has been so long established and so universally conformed to, should emanate from the precise quarter whence it does come.

Sir, the rule of the bill was not only settled long ago, but it was reflectingly settled by our best and wisest statesmen. General Washington deliberated much: he deliberated in association with Jefferson and Hamilton; and their joint, and laborious, and enlightened, and pure deliberations terminated in the formal adoption of a process, as the only constitutional one which has ever since been applied to apportionment. Metaphysical refinements cannot give us a safer or sounder rule than the one furnished by such men, under such circumstances, for the practical conduct of our institutions. I am unwilling to abandon their rule, unless conclusively satisfied, not merely that it is not in itself perfect—for perfection I anticipate from no human effort—but unless conclusively satisfied that it is positively unconstitutional, or vicious in tendency.

Another recommendation in the bill, Mr. President, is powerful with me. Its rule has become familiar to, and is clearly understood by, the great mass of the people. Its application, its results, its imperfections, are all known and appreciated. Now, sir, I am not averse to wise and salutary innovations, suggested merely by learned and ingenious men: no doubt our system may be gradually improved by them; but there are some subjects on which I can sanction no change which is not preceded by the expression of popular sentiment. If the American people have for forty years witnessed the operation of the rule of apportionment once more adopted by their direct

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representatives; if, as I believe, they fully comprehend character and effect; and if, as we all know, they have carefully and every where acquiesced in it—I cannot, I do not, agree to take from the people a rule with which they are thus content, merely to introduce another more scientific and plausible, devised by a strong and ingenious understanding. The subject is too deeply interesting them, to the exercise of their legitimate control over Government, to their rights, their convenience, and its power. When they ask a rule different from the one on which they have acted, then, and not till then, shall be disposed to prescribe it.

What, sir, is the rule of apportionment incorporated in the bill? To my mind, it is a practical construction of the constitutional phrase “apportion.” Fix the number of people which shall constitute a constituency, and then allow to each State one representative as often as its population contains that number or constituency. In other, and in common language, determine your ratio, and apply to the respective States. The word “ratio” is assailed, it was used, and used with this meaning, on this very subject, in almost every State convention to which the constitution was submitted for approval. It is the “one common divisor” deemed essential by Washington, in his message to Congress of 1792. The fixing upon this constituency, this ratio, this common divisor, is the first decisive legislative act in providing for the apportionment of representatives. The structure of every law upon the subject attests this. The number of the representative is a result, rather than a basis, of the process; and hence, heretofore, that number has never been expressly mentioned in the acts of Congress.

But, sir, we are told that this rule eventuates in fractions, or remainders, or residuums! I deny their existence. The constitution recognises nothing less than a constituency for a distinct representation. Any number of people less than the agreed constituency is, *quoad hoc*, nothing. Fractions cannot be legally known to exist. They are nonentities—analogue, perhaps, in some degree, to an association of individuals, not yet entitled to recognition or lawful powers by an incorporating charter. But, sir, that these ideal fractions are unrepresented in our Government—every individual citizen in the whole country is now, and always has been, fairly represented in the popular branch of Congress. Any one State may have more or less representatives—may have seven, or five; but have what number she may, that number will fully represent all her population.

I am attached, then, Mr. President, to the rule of the constitution on account of its venerable age, on account of its simplicity, and on account of its simplicity. And in relation to the last characteristic by which my preference is excited, I beg leave to adopt the principle of Mr. Jefferson, when he says thus: “Laws ought to be made for men of ordinary understanding, and should therefore be conceived by the ordinary rules of common sense. Their meaning ought not to be sought for in metaphysical subtleties, which may make any thing mean every thing or nothing, at pleasure.” The old rule invokes for its comprehension nothing more than sound common sense; that the Senator from Massachusetts, however plausible, profound, or scientific, has exacted from his industry and every many calculations and many more explanations, are it could be understood by those whom I address, will certainly never be embraced by the ordinary understanding of the great mass of our fellow-citizens.

The objection to any longer adherence to the established rule of apportionment is, simply, as I understand the argument, sir, that it is unconstitutional, because, first, it works inequality, and, secondly, it does not “apportion” representatives among the several States according to their respective numbers.”

Does the rule itself work inequality? Applying it to unequal and unequally varying numbers, the results are almost necessarily unequal. These results, however, are not consequences of the rule, but of the circumstances which accompany the objects to which it is applied, and by which the fairness and equality of the rule are controlled and affected. It neither increases nor diminishes those supposititious creatures denominated fractions. All the constituencies of the rule itself are perfectly equal; and in this respect it is preferable far to the substitute proposed by the Senator from Massachusetts, by which unequal constituencies are to be equally represented.

It is not pretended that the rule is perfect in its effects—all agree that such a rule is undiscoverable; but it is pretended, nay, it is confidently believed, that its results are, and will be, in no degree, more unequal, more unfair, as regards the distribution of political power among the several States, than the one proffered in its place, or any other that can be devised. It was urged vehemently and persuasively that the old rule had worked injuriously to the smaller States; and much ingenuity was expended to make this manifest by combining and shifting and interlocking what are termed fractions. I put against this theoretic notion the positive and incontrovertible language of experience; and I ascertain it thus: Take five of the large States, and five of the small States, and let us see what has been the aggregate of the fractions of each class of States, at the period of each apportionment; by adding up these aggregates, we shall have the amounts of fractions which fell, throughout the forty years past, upon the five large and five small States respectively, and the difference will enable us to determine whether, by fractions, the larger or smaller States have suffered most. The following is the result:

1790,	Virginia, Pennsylvania, Massachusetts, North Carolina, and New York, had an aggregate of fractions	48,583
1800	do do do	101,660
1810	do do do	50,442
1820	do do do	73,635
1830	do do do	102,483
		<hr/> 376,803
1790	Rhode Island, Vermont, New Hampshire, Delaware, and Georgia, had an aggregate of	59,178
1800	do do do	79,909
1810	do do do	20,593
1820	do do do	75,079
1830	do do do	103,108
		<hr/> 333,775

Difference against the large States, 43,028

Whatever, then, sir, may be the apparent injury inflicted at any one period upon the smaller States, the operation of the existing rule of apportionment has, upon the whole, throughout the entire term of its trial, been advantageous to them, and comparatively injurious to the large States.

Let us, however, see whether the project of the amendment be exempt from the imputation of a tendency to inequality or disproportion. The question is easily solved by the favorite rule of three. The amendment, as carried out in the calculations of the select committee, awards to the State of Delaware two representatives, and to the State of Missouri three. If Delaware, in the first place, be allowed two members for a population of seventy-five thousand four hundred and thirty-two, what number of members should be allowed to other States for their population respectively? An answer to this inquiry will at once ascertain the equality or fairness of the amendment. I give it thus:

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		Should be allowed	She is allowed only
1. New York for	1,918,555	50	39
2. Pennsylvania	1,348,072	35	27
3. Virginia	1,023,503	27	21
4. Ohio	935,882	24	19
5. North Carolina	639,747	17	13
6. Kentucky	621,832	16	13
7. Tennessee	625,263	16	13
8. Massachusetts	610,407	16	13
9. South Carolina	455,025	12	9
10. Georgia	429,811	11	9
11. Maryland	405,843	10	8
12. Maine	399,435	10	8
13. Indiana	343,030	9	7
14. New Jersey	319,922	8	6
15. Connecticut	297,664	7	6
16. Vermont	280,657	7	6
17. New Hampshire	269,326	7	6
18. Alabama	262,508	6	5
19. Louisiana	171,904	4	3
20. Illinois	157,147	4	3
		296	234
		234	
		62	

Thus it is conclusively shown, that if Delaware be entitled to two representatives of her population, the other enumerated States are entitled to two hundred and ninety-six, in the proportions I have mentioned. But the amendment, in fact, allows to these twenty States only two hundred and thirty-four members; and the rule thus obviously works to their injury, leading to a loss by them, when compared with Delaware, of no less than sixty-two members!

Take again, sir, for further illustration, the case of Missouri. If the amendment allows her three members for a population of one hundred and thirty thousand four hundred and nineteen, what number of members should be allowed to the other States, according to their respective population?

	Would be entitled to	She is allowed only
1. New York	44	39
2. Pennsylvania	31	27
3. Virginia	23	21
4. Ohio	21	19
5. North Carolina	14	13
6. Kentucky	14	13
7. Tennessee	14	13
8. Massachusetts	14	13
9. South Carolina	10	9
10. Maryland	9	8
11. Maine	9	8
12. New Jersey	7	6
13. Alabama	6	5
	216	194
	194	
	22	

And thus it appears that the rule of the amendment which gives to Missouri three members, instead of allowing to the thirteen other States enumerated their proportionate numbers, in fact, relatively injures them to the extent of twenty-two representatives!

These illustrations, sir, might be carried much further. They are enough, however, to prove that the amendment is no better than the original bill, on the score of equality and proportion. I do not wish to establish more.

But it is urged that the bill is unconstitutional, because, in the next place, it does not, as the instrument expressly directs, "apportion representatives among the several States according to their respective numbers." To my

mind, it does apportion with peculiar directness and simplicity. It "assigns," or "allots" to each State one representative for every constituency, ratio, or common divisor, its population may include. So many constituencies, so many representatives. This, however, is thought too regardless of fractions; the spirit of the constitution, as distinguished from its mere words, is invoked, and the new process is represented as more compatible with that spirit than is the old one. The constitution, then, means what it does not express; or, at all events, an explanatory phrase is ingeniously superadded to its provisions to eke out a meaning not otherwise perceptible. This liberal mode of treating that sacred charter will hardly be agreeable to all whom I address; it cannot suit those who object to free and broad constructions; it certainly purports to be as latitudinarian as any treatment ever heretofore bestowed upon any of its clauses. First, we are told, that "to apportion the representatives," &c. means to apportion them "as near as may be"—a qualifying phrase, totally destructive of the absolute and imperative character of the constitutional rule, leaving much, if not every thing, to discretion and varying opinion, and wholly inconsistent with the entirety of a constituency. I can find no such words, Mr. President, in the constitution itself, and I do not think them necessary to a full and perfect comprehension, or rather expression, of a distinct meaning. I cannot, therefore, consent to engraft them.

Again: the amendment exacts, as the primary term of its process of calculation, the aggregate population of all the States. Does this form any part, inferentially or otherwise, by implication or otherwise, of the constitutional direction? It is a palpable feature of that consolidation which the instrument repudiates in every article. This solid popular mass is unknown, unrecognised, by the true principles of the confederacy. It could never have been within the contemplation of those by whom the Union was formed: and that it is recurred to, in furtherance of the amendment, is a fresh proof to my mind that the amendment itself cannot be reconciled with the constitution. And, again, sir: why is the second term of the calculation, by which alone the results of the amendment can be produced, stated to be the agreed number of the representative body? I have already adverted to the fact that the number of the House is a result merely of prior data; that it is the consequence of your own calculation; that it is not a basis for any process, and is never expressed in any act as a legislative choice. All these devices, and interpolations, and fictions, are unnecessary to the bill, and inconsistent with the constitution: they are essential, however, to the being and movement of the amendment: hence I infer that this novel project ought to be discountenanced.

In conclusion, Mr. President, I must confess myself not satisfied with the effort which has been made to reconcile the amendment (by which a representative is accorded to every fraction which exceeds a moiety of the ratio, 47,700) to that clause of the constitution wherein it is declared that "the number of representatives shall not exceed one for every thirty thousand." I believe that "thirty thousand" was designed to indicate the minimum constituency—and yet the amendment will make constituencies by the wholesale, each of which will be less than 25,000. Nor, sir, is it a reply at all satisfactory to this suggestion, that, notwithstanding these inadequate or inferior constituencies, the number of representatives in each State will not exceed one for every thirty thousand. The unconstitutional result is merely concealed, not avoided or even evaded. After applying the ratio of 47,700 to the population of each State, so much of that population as is made to yield representatives is definitively disposed of: it is, as respects the process of apportionment, as it were, out of the State: and the residue, or fraction, now the only population, if less than 30,000, cannot be allowed any constituent power whatever. A double ratio, at war with

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Washington's "one common divisor," may be called for by the system of fractional representation, but does not conform to the simplicity, directness, and true import of the constitution.

These remarks, it will be perceived, Mr. President, have been dictated by no anxiety as to the quantum of representation which might fall to the share of Pennsylvania. She cannot be presumed much alive to the question whether she shall have one more, or one less, in her delegation to the other branch of the Legislature. But Senators will recollect that her people are steadily struggling, in their own peculiar way—mark, sir, in their own peculiar way—to preserve the established institutions, principles, and systems of the country. I regard the mode of apportionment introduced under the auspices of Washington and Jefferson, forty years ago, and uniformly acquiesced in by the whole American people, as a matter fairly embraced within the great policy of stability, order, and permanent government, for which my native State has contended, is contending, and always will contend.

Mr. CLAYTON, of Delaware, next rose. Although, said he, I came here this day without any expectation of being involved in a debate on this bill, yet I make no apology to the Senate for insufficient preparation to discuss it. At every stage through which it has yet advanced, I have jealously watched its progress. Under a deep and abiding sense of the wrongs which it proposes to inflict upon the people of the State which I have the honor, in part, to represent, I have steadily resisted it, as it has advanced from day to day; and, having succeeded, by a motion to recommit it, in arresting its progress, until a report against it has been made, I now believe the vote upon its passage in this body will exhibit to our country one of the most signal triumphs of reason over that blind devotion to precedent, which has marked most of the acts distributing political power among the States, since the origin of this Government.

The honorable gentleman from Pennsylvania, [Mr. DALLAS,] who has just taken his seat, informed us that this was not a question which could be satisfactorily adjusted by a recurrence to minute details. He seemed to consider that injustice was not to be regarded, provided it arose from inattention to minor interests in this country; and, although he afterwards found it necessary to repudiate the doctrine of the report of the committee, which, while it admits that some inequality, under any rule of apportionment, must always exist, still claims it as a necessary implication from the language of the constitution, that representatives shall be apportioned among the several States "as near as may be" according to their representative population; yet in the outset he told us that exact mathematical justice could never be attained, and that it was in vain to search after it, by recurring to minute calculations. On the other hand, while I agree with that part of his argument which is suicidal to another branch of it, because it really interpolates in the constitution the words "as near as may be," to which he afterwards objected—while, I say, I agree with so much of his remarks as informed us, in substance, that the only way to apportion representatives among the States was that which approximated most nearly to perfect justice, I by no means concur with him, that, to attain this most desirable result, we must either overlook minor interests, or refuse to recur to the most minute details. There can be no accurate reasoning on this or any other mathematical proposition, without recurring to minute details. There can be no satisfactory adjustment of the questions before us, without it. The bill and the amendment to it are conflicting propositions, differently distributing political power among the States, founded on different bases, proceeding on different modes of mathematical calculation, each claiming to divide the representation of the people as near as may be according to exact justice, but neither pretending to avoid all inequality, or

to apportion according to numbers precisely. The only questions ought to be, which of the two approaches nearest to exact right? or what plan can be devised that will form the best possible approximation to an apportionment among the several States, according to the respective federative population of each? These questions affect deeply the rights of the citizen—they involve considerations going to the very dearest interests and privileges of every freeman in the whole country; and, so far from agreeing with the honorable gentleman to overlook minute details in the decision of such a question, I hold this to be a subject in regard to which it is the duty of every member to cavil with him on the "ninth part of a hair."

I except, no less decidedly, to another position taken by the honorable member, in the course of his interesting argument to-day. He would always permit the House of Representatives to organize themselves, so long as he might think their organization not absolutely unconstitutional. He likes the bill on account of its paternity, and seeks for no reason to account for the mode of forming, for ten years to come, one of the most sacred institutions of our country, but the will of those who proposed this measure. *Stat pro ratione voluntas*. In his view, their pleasure should be our law, so long as they do not violate the very charter under which they hold their seats. He will agree to go with us into the argument no further than the question of unconstitutionality is involved in it; and, having determined that (with great deference, let me tell him) by the aid of some most lame and impotent conclusions in favor of the bill, the number of the House, its basis, and its whole structure, are matters, he thinks, with which we have nothing to do. Why not? Because, says he, if we should refuse to adopt the plans proposed by the popular branch, it would ultimately give the Senate an unconstitutional restraint over the House. To sustain himself in this strange opinion, the honorable member read to us an extract from the speech of George Cabot, delivered in 1788, in the convention of Massachusetts, on the fourth section of the first article of the constitution, that "if the State Legislatures are suffered to regulate conclusively the elections of the democratic branch of Congress, they may, by such an interference, first weaken, and at last destroy, the check of the democratic on the federative branch—they may at first diminish, and finally annihilate, that control of the General Government which the people ought always to have, through their immediate representatives. As one of the people, therefore, I repeat, that, in my mind, the fourth section is to be as highly prized as any in the constitution." Now, be it observed that the fourth section, which Mr. Cabot was here considering, is this: "The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed, in each State, by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators." This section, giving Congress the power to alter the State laws prescribing the time, places, and manner of holding elections for representatives, Mr. Cabot said he prized as highly as any part of the constitution, because the House was to form a check upon, and a control over, the Senate, which represented the sovereignty of the individual States, and the members of which were delegated by the State Legislatures. Without this clause, he apprehended that the State Legislatures (not the Senators here) might pass laws "regulating conclusively the elections of representatives," first to weaken, and at last to destroy, that check—at first to diminish, and at last to annihilate, that control. Mr. Cabot did not apprehend danger from the Senate, but the State Legislatures. He saw that the power of making laws to regulate the elections was transferred to the State Legislatures, subject to the control of Congress, and not to the Senate. He therefore said not a word about the right of the Senate to check any legislation of the House. Nothing was further

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from his thoughts than to restrain the Senate in the exercise of this constitutional duty, though the honorable Senator so interprets his language. Mr. Cabot's fears of unjust restraint were not from the Senate, when passing apportionment laws, but from the State Legislatures, when passing election laws: yet, notwithstanding this his plain language and sole allusion, the honorable member deduces from Mr. Cabot the doctrine that, if the Senate throw any sort of embarrassment in the way in which the House shall select the sources from which it draws its own members, it does weaken and destroy the democratic branch of the National Legislature. Is this logical reasoning? Is it not an evident misapprehension of the true meaning of the single member of that convention, to whose views the gentleman has referred us? Is the position sound, were it even sustained by the whole of that convention, that the House alone shall select the sources from which it draws its own members? The Senate constitutes the only barrier for the protection of the rights of the States; and if, by such doctrine, that barrier be beaten down, how are the least populous to protect themselves against the encroachments of the larger States, upon the constitutional right of representation guarantied to the smaller? The principle of the bill sent us from the House, as I will by and by show, always has given (and, I might add, if it be persisted in, always will give) the larger States the advantage in representation, by throwing the oppressive fractions, for which no representative is allowed, on the smaller members of the Union.

In a former debate here on this bill, the gentleman from North Carolina [Mr. MAXWELL] admitted this, but told us that it was inevitable—because, said he, those who have the trumps will always win the tricks. I replied then, and I repeat now, that, by our rule, there can be no tricks to be taken; that justice could be so done by the amendment, as to remove the temptation, on the part either of small or large States, to make or to take tricks; and that, if now the principal States in the House should combine to oppress the smaller, by adhering to an unjust rule, it would be not so much the subject of complaint with us, that those who had the trumps had got the tricks, as that they had first stocked the cards to get the trumps. Pursuing the same train of thought, the gentleman from New York [Mr. MARCY] told us that, for our losses in the House, we were compensated by an equal representation in the Senate; and he considered this equality of representation here as “a dispensation of Providence,” to which the larger States had, in pure christian resignation, submitted. We told him that this sore affliction to him, and others here, must be borne, as a dispensation of justice, and a compliance with the bond which our forefathers signed with theirs—that, at the formation of the constitution, one of the delegates from Delaware (Mr. Bradford) had announced this as a *vine qua non*, without which there could be no Union, and had declared that, sooner than give up the federative principle, by doing which we should be made your “hewers of wood and drawers of water,” under one grand consolidated Government, the smaller States would seek a foreign alliance. Knowing these things at that time, you signed the bond with us, and you cannot now pretend that you did not understand it.

The doctrines advanced to deprive us of equal democratic representation in the House, because we are equally represented in our sovereign capacities, as independent States, on this floor, is at war with the whole spirit of the constitution, is the very principle of consolidation in its most odious aspect, was never acceded to at any period of our national existence by any of the States, and was not advanced after it was once answered by any gentleman who has entered into this discussion. But I now advert to it, because it proceeded upon the admission of the inequality of representation between the States, which is always produced by the operation of the principle in the bill.

It has not been denied that such apportionments are too often the results of the combination of some of the larger States to secure to themselves the greatest possible share of political power in the House, which is easily effected by fixing upon an arbitrary ratio, bearing no proportion to the number of members in the House. It cannot be denied that similar results may always be expected, should this rule continue in operation. Why, then, should that House alone “select the sources from which it is to draw its own representation?” and why should the intervention of the Senators here, in behalf of the smaller States, and in just defence of the equal rights of all, be denounced as “destroying the democratic branch,” by the very act of exercising the salutary restraint upon legislation, which the constitution has imposed upon us as a duty? In the other House, Delaware, Vermont, and Missouri have in all but seven members, and the bill from that House has, as I propose to prove, deprived each of them of one representative, transferring two of their representatives to Pennsylvania and New York. Is that House, in which New York and Pennsylvania have sixty representatives, to decide upon the question, the only tribunal to which they can appeal for redress of this injury, if it has been inflicted? Suppose, to carry out the idea of allowing the House the exclusive right of selecting the sources from which its members shall be drawn, that a bill should pass there, disfranchising the people of those three States, and denying them any representation, under the pretence of rebellion, refusal to pay taxes, or to obey the laws: no man will pretend that their Senators should keep silence, and suffer the bill to pass here, lest they should improperly weaken or destroy the democratic check upon this body. On the contrary, I apprehend no man would more promptly come to their assistance in such a case, than the gentleman from Pennsylvania himself. The honorable gentleman from Virginia, [Mr. TAZEWELL,] if I understood him, on a former occasion, carried the doctrine to the same length. He insisted that the Senate should not dictate to the House, nor alter the aggregate number of representatives fixed by the House, because, said he, they are the best judges of their own convenience, which ought certainly to be consulted by us, with great respect for them. He even told us, in effect, that the large States always would control this question as to the number of members. It has been asserted, too, that in no case should the Senate alter the number of representatives proposed by the House, because such an alteration would be unparliamentary and unusual; and although, on a former occasion, I met this objection by reasoning which I do not now purpose to repeat, yet I must recall the attention of the Senate to the records of Congress, which I then exhibited, to prove that the Senate has, at least, in one of the four apportionments which have been made, changed not only the number of the House, but even the ratio proposed by the House.

On the 2d day of December, 1811, in this body, Mr. Bayard moved to strike out the ratio of 37,000, as fixed by the bill from the House of Representatives, and it was determined in the affirmative—yeas 18, nays 16. Mr. Smith, of Maryland, moved to insert 40,000, in lieu of the number stricken out, which motion was negatived—yeas 13, nays 21. Mr. Bayard then moved to insert 35,000 in the blank of the bill, and it was determined in the affirmative—yeas 22, nays 12. Yeas.—Messrs. Bayard, Bradley, Brent, Crawford, Cutts, Dana, Gorman, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Leib, Lloyd, Reed, Robinson, Smith, of Maryland, Smith, of New York, Tait, Varnum. Nays.—Messrs. Anderson, Bibb, Campbell, of Ohio, Campbell, of Tennessee, Condict, Franklin, Gaillard, Lambert, Pope, Taylor, Turner, Worthington. The effect of the Senate's amendment, then, was to change the ratio from 37,000 to 35,000, and to increase the whole number of representatives eleven members—that is, from 170 to 181 members.

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The bill, as thus amended, passed the Senate on the 3d of December. On the 5th, the vote in the House on this amendment stood—yeas 65, nays 64. The Speaker voting in the negative, the motion to concur was lost. A conference was then ordered, and Messrs. Randolph, La-chock, and Condict were appointed managers on the part of the House. On the 6th of December, the Senate insisted on their amendment—yeas 21, nays 13. A conference was agreed to, and Messrs. Bayard, Leib, and Var-um were appointed managers on the part of the Senate. On the 10th December, Mr. Bayard reported that the managers could not agree, and recommended that the Senate adhere to their amendment. On the 11th December, the Senate determined to adhere—yeas 18, nays 16. In the House, after an unsuccessful effort on the part of Mr. Randolph to prevail on it to adhere to its former vote, the amendment was carried, and the bill, thus adding eleven members to the number of representatives, was passed by Congress, and approved by the President. It appears, therefore, that we have precedent in point for the increase of the number from 240 to 251; and although that number does not form, as the gentleman from Virginia supposed, my exact *beau idéal* of the number to constitute a House, yet it is free from all the strong objections which exist against the number 240. Entertaining as much respect for my fellow-laborers in the other branch of Congress as man can, still I insist that the argument of the honorable gentleman from Pennsylvania, which denies to this Senate the power to check the legislation of the co-ordinate branch on this subject, would prostrate its authority, is repugnant to the rights of the States represented here, might lead to an effectual and most dangerous consolidation of the Government, and is unwarranted by the past usages of Congress. Repudiating and protesting against it, as wholly inconsistent with my duty as one of the representatives of a State whose citizens, by the iniquitous operation of the principle of the bill, *ab urbe condita*, have not been so fully represented in the other branch of the National Legislature as the very slaves of Georgia, I proceed, in further answer to the gentleman from Pennsylvania, to demonstrate the injustice and unconstitutionality of this bill, as well as the propriety and necessity of adopting this amendment.

The bill assumes the number of the House to be 240, and at the same time arbitrarily assumes the ratio of representation to be 47,700. There is no proportion between the two numbers, either when compared with the aggregate federal population of the Union, or with the respective federal numbers of the several States. It is therefore unequal and unjust in its operation. It neither apportions representation among the several States, according to exact mathematical justice, nor according to the only practical rule of distributing it by the nearest approximation to exact justice. It is therefore unconstitutional.

Take the ratio in the bill if you desire to yield to the wishes of the House on that subject. State the proportion—as 47,700, the number established in the bill to form a constituency for each member, is to one representative, so is each State's share of federal population to its share of the House. This gives the following results:

Statement, showing the number of representatives, under the fifth census, of the several States, at the ratio of 47,700.

No.	Fraction.	No.	Fraction.
Maine, 8	17,833	Pennsylvania, 28	12,472
N. Hampshire, 5	30,826*	Delaware, 1	27,732*
Massachusetts, 12	38,007*	Maryland, 8	24,243*
Rhode Island, 2	1,799	Virginia, 21	21,803
Connecticut, 6	11,465	N. Carolina, 13	19,647
Vermont, 5	42,147*	S. Carolina, 9	25,725*
New York, 40	5,101	Georgia, 9	511
New Jersey, 6	33,722*	Kentucky, 13	1,732

Tennessee, 13	5,163	Illinois, 3	14,047
Ohio, 19	29,582*	Louisiana, 3	28,804*
Indiana, 7	9,130	Missouri, 2	35,019*
Mississippi, 2	14,958	Alabama, 5	24,008*

475,478

* Fractions above a moiety.

Here, then, are eleven States with fractions above one-half the ratio. Are those States represented by the bill according to their exact mathematical right? Are they so represented as to approximate as near as may be to their exact share of the House?

On obvious principles, it would seem that the nearest approach to justice, which can be made, is to give to each of those which have remainders exceeding half the ratio an additional member. But it is objected, this would make the House consist of 251 members, instead of 240, the number proposed by the bill.

Then the question recurs, why should the number of the House be 240, rather than 251, when the ratio is 47,700? The aggregate population of the whole Union in federal numbers is estimated at 11,928,731. If to ascertain what number of people each member in a House of 240 should represent, we state the proportion—as 240 representatives are to 1, so is 11,928,731 to 49,700—we find that the ratio assumed by the House is 2,000 below the true ratio of representation, or the number of people who should form a constituency for each member. So, if to ascertain what number of members the House should consist of when the ratio is fixed at 47,700, we state the proportion, as 47,700 is to 1, so is 11,928,731 to 250 $\frac{2731}{47700}$, we find that the number of the House assumed by the bill is more than ten and not quite eleven members below the true number which that ratio requires. Some States then have lost those members. Which of the States are entitled to them? Does that nearest possible approximation to exact right, which we all agree the spirit of the constitution requires, demand of us to give those members (which the unjust rule established by the bill has taken away from the House) to the States having remainders above half the ratio, or to the thirteen States having remainders under it? All the remainders, added together, make 475,478—of these, 338,700 belong to eleven States, which complain that you have deprived them of representatives by diminishing the number of the House eleven members below that number which bears a nearer proportion to the assumed ratio than 240. The remainders of the other thirteen States, added together, make only 136,738. The eleven then have the best claim to these members. But the bill gives those members to none of the States. Is it more equitable to refuse them to all, or to give them to those who can show the best title to them? Conscious of their want of all claim to them, most of the thirteen States answer, let none of us have them—destroy them! The other eleven States, clinging to them as the true mother to her offspring, deprecate their destruction, and demand them from your justice.

But the House of 240 members bears no just proportion to the ratio of 47,700, when compared not only with the aggregate population of the Union, but with the separate population of the several States.

To prove this, I will here meet that part of the argument of the gentleman from Pennsylvania, in which he undertook to exhibit the inequality of the amendment, by the examples of the States of Pennsylvania and Delaware, and of New York and Delaware. If, says he, Delaware be allowed two members, (as she will be, if the House consists of 251 members,) then Pennsylvania ought to have 35; but the amendment, when the House is 251, gives Pennsylvania but 28. So, he argues the inequality produced by our amendment, between Delaware and Pennsylvania, is the difference between 28 and 35, or seven representatives. But the gentleman looked only at one

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side of the picture. Reverse it, and give Delaware but one, as the bill he advocates does, and then Pennsylvania is entitled to but 17! Because 75,432, the federative population of Delaware, is to 1, as 1,348,072, the federative population of Pennsylvania, is to 17. Therefore the inequality produced by the bill which makes the House 240, and gives Pennsylvania 28, while it gives Delaware but 1, is the difference between 17 and 28, or 11 representatives. The inequality produced by the bill, therefore, unfortunately for the gentleman's argument, is greater than that produced by the amendment in the case stated, by the exact difference between eleven representatives and seven representatives. In other words, the amendment approaches nearer to the exact mathematical rights of each of these States, (which never can be exactly adjusted, because of the necessity of comparing each of them with the other States,) by four times the whole representation now allowed to Delaware.

The gentleman's other reference to New York and Delaware is equally unfortunate for him, and equally illustrates the superior justice of the amendment. He urged upon us the complaint, that if Delaware be allowed two representatives, New York should have fifty—because, said he, as 75,432 is to 2, so is 1,918,553 (the federative population of New York) to 50. But to the other side of the question, he forbore to look. Did it occur to him that by the same rule, if Delaware be allowed but one, New York should have but 25? Such is the mathematical truth. Yet the bill gives New York forty—that is, fifteen more than she should have when Delaware has but one, while the amendment only gives her ten less than she should have, when Delaware has two. The inequality produced by the bill, in the case stated, is therefore greater than that effected by the amendment, by five times the whole representation allowed to the people of the State of Delaware. Now these are but a few of the "minute details" to which the gentleman referred; but in this very case the people of New York, who desire no injustice against us, I trust would acknowledge the right of a citizen of Delaware to complain that the oppression of the bill on him was such, that by its operation the vote of the representative of 75,432 people in Delaware is neutralized by the representative of any 47,827 people in New York!! Does not the gentleman from Pennsylvania himself perceive that, by the bill he advocates, a representative is allowed to every 48,133 of the population of his own State, while we are allowed but one for 75,432 people in mine?

Keeping steadily in view the main point to be decided, whether the number of the House should be confined to 240 members, while the ratio is 47,700, I will request the gentleman to compare by his own rule the claim of Delaware to two members with that of any other State in the Union which shall stand up here and say she ought to have but one. If Delaware should have but one, Virginia should have but thirteen—that is, eight less than the number given by the bill, which allows but 240 members. If Delaware shall have two, as she will have if 251 members be allowed, Virginia should have 27—that is, six more than the number given by the amendment. And so each of the following States should have the numbers I will mention, on the supposition that Delaware has but one:

Maine 5, that is, 3 less than [her number in the bill.	Virginia, 13, that is, 8 less.
New Hampshire, 3, 2 less.	N. Carolina, 8, 5 "
Vermont, 3, 2 "	S. Carolina, 6, 3 "
Massachusetts, 8, 4 "	Georgia, 5, 4 "
Rhode Island, 1, 1 "	Alabama, 3, 2 "
Connecticut, 3, 3 "	Mississippi, 1, 1 "
New York, 25, 15 "	Louisiana, 2, 1 "
Pennsylvania, 17, 11 "	Tennessee, 8, 5 "
New Jersey, 4, 2 "	Kentucky, 8, 5 "
Maryland, 5, 3 "	Ohio, 12, 7 "
	Indiana, 4, 3 "

Illinois, 2,	1 less.	Missouri, 1,	1 less.
		147	92 less.
Add one for Delaware,		1	
		148	
		92 less than the	
number given by the bill for the House.		240	

Here, then, is the inequality produced by the bill. Let us now see the statement which the gentleman from Pennsylvania said would show the "monstrous inequality" of the amendment:

If, says he, Delaware have two, then		Maine should have 10, that is		North Carolina, 16, that is	
2 more than is given her		by the amendment.		3 more.	
*N. Hamp. 7, that is 1 more.		*S. Carolina, 12, " 2 "		Georgia, 11, " 2 "	
*Vermont, 7, " 1 "		*Alabama, 1, " 0 "		*Mississippi, 2, " 0 "	
*Massa. 16, " 3 "		*Louisiana, 4, " 0 "		*Tennessee, 17, " 4 "	
R. Island, 2, " 0 "		*Kentucky, 17, " 4 "		*Ohio, 24, " 4 "	
Conn. 7, " 1 "		*Indiana, 9, " 2 "		*Illinois, 4, " 1 "	
N. York, 50, " 10 "		*Mary'd, 10, " 1 "		*Missouri, 3, " 0 "	
*N. Jersey, 8, " 1 "					
Penn'a, 35, " 7 "					
*Virginia, 27, " 6 "					
				304	55
Add for Delaware,				2	
				306	
				55 more.	

251 the House.

We see, then, that 55 (not 62, the number mentioned by the gentleman) is the number of representatives that should be added to the House of 251 if Delaware be entitled to two, in order that she may have no more than her exact right. But it has been shown that 92 is the number that should be taken from the House of 240 if Delaware be entitled to but one, in order that she may have no less than her exact right. The inequality effected by the bill is, therefore, greater than that "monstrous inequality" produced by the amendment, by the difference between 92 and 55, that is, 37 representatives, or 37 times the whole representation allowed to the State by the bill.

There are other States, to each of which gross injustice is done by the arbitrary assumption of a House of 240 members, while the ratio stands at 47,700—for instance, Vermont, New Hampshire, New Jersey, Maryland, South Carolina, Ohio, Missouri, Louisiana, and Massachusetts. Take the population of each of these States in turn, and severally compare their rights with those of all the other States. It will be found, by the same process which the gentleman from Pennsylvania has applied to Delaware, that, by destroying the proportion between the ratio of 47,700 and the number of the House, which is reduced to 240, much greater inequality is produced between the representation of each of those States, and that of every other State, than is effected by the amendment. Thus, if Vermont, with a population of 280,657, be entitled to only 5 members, (as she is, by reducing the House to 240, while the ratio stands at 47,700,) then New York should have but 34; yet the bill gives her 40. If, on the other hand, to demonstrate the degree of inequality produced by a House of 250, or 251, agreeably to the principles of the amendment, Vermont be allowed 6 members, then New York, with a population of 1,918,553, should have barely 41—and the amendment gives her 40. In this case, therefore, the inequality which is produced by a House of only 240 members, while the ratio stands immovable at 47,700, is to the inequality produced by a House of 251

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members, as six to one; or, in other words, more than the whole representation of Vermont. So, too, take Missouri, with her population of 130,419, having only two members, in consequence of this unjust reduction of the number of the House, while the ratio stands fixed at 47,700. Her population bears the same proportion to two members that New York's bears to 29; that is, 11 less than New York's number in the bill. On the other hand, if Missouri be allowed three, as she will be if the House be increased to 251, while the ratio remains the same, her population will bear the same proportion to 3 as New York's will to 44; that is, four more than is given her by the amendment. In this case, therefore, the inequality of the bill is greater than that of the amendment, as 11 is greater than 4. In other words, the difference is seven members, which is more than thrice the whole representation allowed Missouri in the bill.

By the same mode of proof, it will be found (as in the case of Delaware) that both Vermont and Missouri have more right to another member, than any other State in the Union has to confine them to the number fixed in the bill, by arbitrarily determining that the number of the House shall bear no proportion to the ratio assumed. By the same reasoning, each of the States of New Hampshire, New Jersey, Maryland, South Carolina, Louisiana, Massachusetts, Alabama, and Ohio, will furnish a striking example to show that the House should not be fixed at 240, while the ratio remains at 47,700. I leave others to work out the process in each case.

I consider it as mathematically certain that the apportionment in the bill is false, and that the error consists in refusing to apply the rules of proportion to the number of the House, and the divisor assumed. It is certain that this number of 240 produces, in every instance, greater inequality, while this ratio stands, than a House of 251 members, composed on the principles stated in the report; and that this inequality will be demonstrated by every view which can be taken of the subject.

And here suffer me to remark that it is a matter of little importance whether the number be 250 or 251, while you arbitrarily refuse to change the ratio, under the pretence that the other House ought to fix it. The exact ratio for a House of 251 is 47,524; the exact ratio for a House of 250 is 47,715. By fastening upon us, under a pretext, an arbitrary ratio, you furnish room for those who either do not understand, or will not examine the subject, to cavil about the want of exact proportion between the ratio and the number of the House; and you throw a mist across the vision of those whose duty and inclination it may be to investigate the topic hereafter. But that may be dispelled by the consideration, that the difficulty, in this respect, of which some seek to avail themselves, arises entirely out of that inflexible determination which, instead of seeking a number of the House that can be produced with perfect accuracy by the aid of major fractions, persists in embarrassing the question, by adhering to the number of representatives which can be produced by the ratio of 47,700. The result of applying that ratio to the population of each State, and allowing for major fractions, is a House of 251, which, we have seen, is a fraction above the number produced by dividing the population of the Union by 47,700, and is the precise number produced by the application of 47,524 to the population of the Union. With what countenance can any one, however, pretend that this House of 251 is not a nearer approach to exact justice, in every respect, than the House of 240? It will often happen, in the application of the rule, that the House produced by it will either exceed, or fall short of, (by one,) that precise number which bears an exact mathematical proportion to the ratio, or the population of the Union. Those who are scrupulous about the result of so minute a detail, may at all times easily relieve themselves by suffering the ratio to be changed, and, conse-

quently, the number of the House increased one or two members. Look at the operation of a House of 256, or 246, or 241, to illustrate this. By the printed statements which are before us, it will be seen that the veriest caviller could find no such objection to the rule, when applied to either of those numbers. The same is true of many other numbers. But if you say the ratio shall be 47,700 exactly, then you must have a number for the House above 250, and below 251; and, as you cannot divide a representative, you must give some one State a little more, or a little less, than her exact mathematical right. Such is the situation of Alabama, when the House is 250, or 251. But would any man, merely because he had fixed a ratio which prevented him from doing her exact justice, refuse her a representative, to which, after the other ten, she is better entitled than any other State, or, cavilling on that isolated point, make an argument out of it, to overthrow the rights of the other ten, which are each clearly entitled to an additional representative? As a more beautiful illustration of the rule, I would prefer, in the outset, any one of the numbers 256, 246, or 241, to either 240, or 251; but there is no valid objection to any number which may be demanded as the proper number of the House.

But the objection is made, notwithstanding the manifest superiority of the amendment over the bill, in their respective approaches to perfect justice, that "fractions" are represented by the amendment. It is said that to represent fractions is contrary to all former usage. If by this it be intended that the amendment proposes to give to any one State a representation which is not the nearest possible approximation to her exact mathematical right, whether that approximation is to be determined by reference to the aggregate population of all the States, or to the separate population of every State, we have already seen that the position has been disproved. If by it any thing less than that position is intended, I answer, that it is of no value as an objection; because the constitution has prescribed no process to attain the results which it directs. Its language refers only to the end, and not to the particular means by which that end is to be attained. "Representatives and direct taxes shall be apportioned among the several States according to their respective numbers." The object is apportionment according to numbers; and the numbers to be used in the process are those of the respective States. The process in which they are to be employed, is not specified. Apportioning is any mode of distribution which will best do justice to all the States, whether by a fixed ratio of 47,700, or by a compound ratio of two, or twenty given numbers. The first aim should be perfect justice. When that fails, (as it always will,) the next thing to it must be sought for, and it is perfectly immaterial by what rule it is to be had—whether with or without fractions.

The constitution here speaks of representatives and direct taxes, *eodem flatu*; and although, as I have said, it prescribes no rule for the apportionment of either, yet it does direct an apportionment of both to be made in some way, according to "the respective numbers of the States." There never was an apportionment of direct taxes under this clause, which proceeded on that principle of discarding fractions which is contained in the bill. Such an apportionment of the tax would be unconstitutional. Thus New York's population being 1,918,553, wants about 70,000 people of being one-sixth of the aggregate population of the Union, which is 11,928,731. Could you constitutionally apportion a direct tax at this time, so as to compel her to pay one-sixth of it? No man will pretend it. Should you attempt it, she would probably soon give you a practical illustration of the doctrine of nullification. With a strong arm, in a righteous cause, she would defy such an attempt to oppress her; and you have no tribunal of justice, which would uphold you in the attempt. You

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could not, in such a struggle, look a citizen of New York in the face, and maintain that your claim on her was honest. But the bill gives her one full sixth part of the whole representation; for, while it assigns her 40 members, which is her full share of a House of 251 representatives, it cuts off eleven representatives from other States, and thus reduces the whole number to 240, under the pretext of refusing to represent fractions. Taxation and representation, then, do not go together. To meet this argument, it has been said that a representative is not divisible, but that taxes are. That does not answer the objection. The representation and taxation must be made on some principle which can be equally applied to both. If the former cannot be made to bend to any rule, by which the latter has been apportioned, then the latter must be made to bend to the rule used for the former. It would be very easy to apportion a tax on the principle of the bill, and direct that New York should pay one-sixth of it, and that each of the other States should pay according to their representation in this bill. But we all agree that such a thing never has been done, that it would be unconstitutional, and intolerable. Why so? You answer, because that would be apportioning the tax according to the representation, and not according to the numbers of the several States. This is the why and wherefore; and there is no other reason for the unconstitutionality of such a bill. Why, then, is this bill constitutional? Is not the clause which directs the tax to be assessed according to numbers, equally explicit, that representatives shall be apportioned on the same principle? If, therefore, the one be unconstitutional, so is the other.

Here, then, is our answer to the remark of the gentleman from Pennsylvania, that "to represent fractions is contrary to the usage of the Government." The Government has known no other usage, in apportioning direct taxes according to numbers, than to levy them on the fractions, as the gentleman is pleased to call them, as well as on the masses produced by cutting up the States with the aid of fixed ratios; and now to depart from that principle in the case of representatives, is contrary to a usage quite as long established as any to which he has referred us.

But again: there never was an apportionment of representatives which did not in fact (though not *eo nomine*) give representatives for fractions. To prove this, I call the attention of the Senate to the statements which I submitted on a former occasion, and which they have ordered to be printed for their use.

No. 1.

The bill of 1792, which Washington did approve, had a ratio; yet, in point of fact, fractions were represented by it. The following statement shows the representation given by that bill; the fractions represented being marked thus *. The population of the Union, which was 3,615,920, was, to 105, the number of the House, as each State's population to the answer here given:

New Hampshire,	4.11	Virginia,	20.30*
Vermont,	2.20	N. Carolina,	10.26
Massachusetts,	13.76*	S. Carolina,	5.98*
Rhode Island,	1.98*	Georgia,	2.05
Connecticut,	6.88*		
New York,	9.62*		98.
New Jersey,	5.20		* 7 fractions.
Pennsylvania,	12.57*		
Delaware,	1.61		105.
Maryland,	8.08		

No. 2.

The act of 1802 gave representation for the fractions which are marked *. As 4,897,278, the whole population, is to 141, the number of the House, so is each State's share of population, at that time, to the following results:

New Hampshire,	5.29	5	North Carolina,	12.23	12
Vermont,	4.44	4	South Carolina,	8.26	8
Massachusetts,	*16.54	17	Georgia,	*3.99	4
Rhode Island,	*1.98	2	Kentucky,	*5.89	6
Connecticut,	7.21	7	Tennessee,	*2.88	3
New York,	*16.63	17			
New Jersey,	*5.93	6			131.
Pennsylvania,	*17.32	18			141.
Delaware,	1.78	1			
Maryland,	*8.80	9			
Virginia,	*21.51	22			

President Jefferson approved this bill.

No. 3.

The act of 1811 was the bill which the Senate amended, by changing the ratio assumed by the House, and increasing the number of members proposed by the House. The number of the House was 181; the population of the Union, 6,654,255. Each State's proportion was as follows, the fractions represented being marked *:

New Hampshire,	*5.83	6	N. Carolina,	13.54	13
Vermont,	*5.92	6	S. Carolina,	9.15	9
Massachusetts,	20.69	20	Kentucky,	10.18	10
Rhode Island,	2.09	2	Tennessee,	6.63	6
Connecticut,	7.12	7	Ohio,	6.27	6
New York,	*25.92	27	Georgia,	*5.73	6
New Jersey,	6.56	6			
Pennsylvania,	*22.26	23			173.
Delaware,	*1.93	2			* 8 fractions.
Maryland,	9.13	9			
Virginia,	*22.23	23			181.

This bill was approved by President Madison.

The bill of 1822 also gave representation for the fractions marked *. The House was 212, (Alabama was afterwards, by special act, entitled to another,) the population of the Union being 8,969,814. Each State's share of the House was as follows:

Maine,	7.05	7	Georgia,	*6.64	7
New Hampshire,	*5.77	6	Alabama,	2.61	2
Vermont,	5.57	5	Mississippi,	1.47	1
Massachusetts,	*12.36	13	Louisiana,	*2.97	3
Rhode Island,	1.96	2	Tennessee,	9.23	9
Connecticut,	6.50	6	Kentucky,	12.13	12
New York,	*32.35	34	Ohio,	*13.74	14
New Jersey,	6.48	6	Indiana,	3.47	3
Pennsylvania,	*24.80	26	Illinois,	1.29	1
Delaware,	1.67	1	Missouri,	1.47	1
Maryland,	*8.60	9			
Virginia,	*21.14	22			202.
North Carolina,	13.16	13			*10 fractions.
South Carolina,	9.43	9			
					212.

President Monroe approved this bill.

And now, to meet the objection of those who can give no other answer to the amendment than this unmeaning cry, that "it proposes to give representation for fractions," I submit a statement to prove that the very bill they advocate proposes to give representation for fractions, as well as all the laws that have preceded it.

A statement of the representation of each State, according to the rule of proportion—as 11,928,731, the whole population in federal numbers, is to 240, so is each State's share of population to her share of the House.

8.036	Maine,	*27.122	Pennsylvania,
5.418	New Hampshire,	1.517	Delaware,
5.646	Vermont,	8.165	Maryland,
12.281	Massachusetts,	*20.592	Virginia,
*1.955	Rhode Island,	*12.8	North Carolina,
*5.998	Connecticut,	9.15	South Carolina,
*38.599	New York,	*8.9	Georgia,
6.434	New Jersey,	5.2	Alabama,

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2.21	Mississippi,	3.1	Illinois,
3.4	Louisiana,	2.6	Missouri,
*12.5	Tennessee,		
*12.10	Kentucky,	228.	
*18.7	Ohio,	*12 fractions.	
*6.9	Indiana,	240.	

And to exhibit the data from which all these calculations have been made, I refer to another statement on file, which I formerly submitted to the Senate, and which they are ordered to be printed for their use, showing the representative number of the people of the United States at each census, the ratio of representation, and the fractions remaining for each State by the operation of the different ratios.

If gentlemen will examine these statements, with a view to ascertain the fractions which have actually been represented by the bills which have passed, they will perceive that these fractions have been most unjustly represented. Thus, in every bill which has met with the Executive sanction from 1792 to this day, smaller fractions have been, in effect, represented, while larger ones have been entirely overlooked or disregarded.

Take a single instance among the many which present themselves:

Georgia's unrepresented fraction in 1792 was	.05
represented do in 1800	.99
represented do in 1810	.73
represented do in 1820	.64
represented do in 1830	.90

3.31

For which 3.31 she has been allowed four representatives.

Delaware's unrepresented fraction in 1792 was	.61
unrepresented do in 1800	.78
unrepresented do in 1810	.93
represented do in 1820	.67
unrepresented do in 1830	.52

3.51

For which 3.51 she has been allowed but one representative in 40 years. During at least 30 of these 40 years, the free white citizens of Delaware have not been so fully represented in the other House as the slaves of Georgia, in consequence of this unjust mode of apportionment.

Thus, the federative population of Delaware was—	
in 1792,	55,540
in 1800,	61,812
in 1820,	70,943
in 1830,	75,432

263,727—three-fifths of which being 158,237, would, if they had been slaves in Georgia, have been represented.

But the representation allowed them has been—
in the year 1792, one for 33,000
in the year 1802, one for 33,600
in the year 1820, one for 40,000
and it is proposed to give, in 1832, one for 47,700

153,700
158,237

4,537—less

than three-fifths.

In 1810 two representatives were allowed for 71,004. So, too, by reference to the statement, it appears that New York has, by this bill, 40 representatives, when she is entitled to but 38.59, while Delaware has but one, when she is entitled, by that rule, to 1.517; Vermont has five, when she is entitled to 5.646; and Missouri has but two, when she is entitled to 2.6. If the rule adopted to

obtain these results be the correct one, then it not only appears that the fractions have been always represented, but always most unjustly represented, and the bill proposes to continue this injustice.

What is the rule, and why is it the true one? It states the proportion—as the population of the Union is to the proposed number of the House, so is each State's population to its share of the House. By the rule as thus stated, the number of the House is assumed, not sought for by calculation. In another shape, the rule is, as the ratio or number requisite for the constituency for one member, is to one member, so is the population of each State to its share of the House, and so is the population of the whole Union to the whole number of representatives. By this statement of the rule, the ratio is assumed—not the number of the House. The rule may be stated simply thus: assume a ratio, divide the population of each State by it, divide the remainders by one-half the ratio, and add to the whole numbers one for each of the remainders exceeding half the ratio. Thus, if 47,700 be assumed as the ratio, it gives 240 whole numbers, when applied as a divisor to the population of each State, and leaves 11 remainders exceeding half of 47,700. It appears, then, that the results proposed by the amendment are attained by a rule which is never subject to the objection made here by my honorable friend from New Jersey, [Mr. FÄLINGHUYSEN,] and repeated by the gentleman from Pennsylvania. That objection was, that the amendment exacted, as the primary term of its process of calculation, the aggregate population of all the States. The gentleman, [Mr. DALLAS,] therefore, denounced it as a palpable feature of that consolidation which the instrument repudiates in every article, and it furnished to his mind a proof that the amendment could not be reconciled to the constitution. As auxiliary to this, we were told by him, also, that the amendment was proved to be wrong, because the agreed number of the representative body was the second term of the calculation, and that “without it the results of the amendment could not be produced.” There never was a greater error, and the gentleman must by this time perceive it. All the results of the amendment are produced by simply assuming any given ratio, and dividing the population of each State by that ratio. So that, without using either of the terms to which he objects, on the strange supposition that they are tainted with consolidation, nay, without even knowing what the population of the Union, or the whole number of the House, is, the rule sustains the whole amendment. The truth is, that this objection originated in a misunderstanding of the text of the biographer of Washington, whose observations on the veto message of April 5th, 1792, were read to us by the gentleman from New Jersey; and other gentlemen, seeing that, in general, the very same result might be produced by using the terms objected to, thought there might be something wrong in the process on that account. These terms were used as fair standards in the absence of others to demonstrate the injustice done to the States; and, though it was known there was a little sound in the suggestion, that, because the population of the Union was one of the terms used in a rule to ascertain what divisor should be assumed when the number of the House was fixed, yet it was supposed that all would agree that it was without substance, when they saw the object for which it was used. If the whole number of the House be fixed merely to comply with a whim, we then say, you ought not to assume an arbitrary ratio, but search for one by some mathematical process. Therefore, we say, if, for a population of 11,928,731, 240 be fixed upon as the number of the House for the whole Union, the proper ratio or constituency for each member ought to be 1-240th of 11,928,731, or 49,700, and not 47,700. We used this process to prove that the ratio was wrong, and thus demonstrated its injustice by

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showing that the bill was made up by an arbitrary assumption of both ends of the proportion. We said, also, that, if 47,700 were a proper ratio, and must be adhered to, because that was the *beau ideal* of a constituency for every member, then, because that was nearly 1-251 of 11,928,731, the House ought to be 251, rather than 240. But we gain all our results without the use of either of these terms, and by the very same process which is used in the bill, save that we represent what the gentleman calls major fractions, and he refuses to do so.

The fact is, that the consolidating process is the very one used in the bill. Totally disregarding the rights of the States which may be injured by it, it fastens upon an arbitrary number, to which, as the bed of Procrustes, it orders that every member of the confederacy shall be bound down and proportioned exactly. All that is too long is to be cut off, if it do not precisely suit the tyrannical standard which is adopted; all that is too short and cannot be stretched out long enough by the aid of new returns of population, must die the death. It thus cuts off 475,000 of the people of this Union from all representation, and then consolidates the residue into one mass, which is divided by 47,700, to ascertain the whole number of representatives. It is the result of the most latitudinarian of all the constitutional doctrines that have been broached: for it cannot profess to represent the States according to their numbers, either exactly, or as near as may be; and the gentleman from Pennsylvania, by denying that construction which admits representation on the most equitable terms, seemed to me virtually to acknowledge that it did not profess to do so. It is inconsistent with the best received doctrines of State rights, and essentially affects the interests of those States, the population of which falls below half a million, which are, in nine cases out of ten, made the victims of this consolidating principle.

To refute this last position, the gentleman from Pennsylvania undertook to make a statement exhibiting the unrepresented fractions of five large States, and five small ones. He selected those two of the smaller States which have several times accidentally had representatives for fractions, and joined them to three of those States upon which injustice has always been practised. Still, at this disadvantage, his calculation was wrong, by the very mode of ascertaining these fractions to which he referred.

Those of Delaware, from 1790 to this date,
have been - - - - - 111,031
Those of Vermont - - - - - 122,608
Those of New Jersey, - - - - - 122,246

355,885

Those of Pennsylvania and New York combined, only - - - - - 78,733

277,152

So that Vermont, New Jersey, and Delaware, have had, in the period he referred to, 277,152 more of unrepresented population than New York and Pennsylvania combined, although the latter have four times the whole population of the three former. Delaware alone has had 32,298 more of these unrepresented fractions in the forty years, than all New York and Pennsylvania, during the same time, whose joint population exceeds hers more than three millions, being more than 43 times as great as hers. But even this inequality thus presented, gross as it appears, is not so manifest as in the statement before presented, from which it is clear that these States have constantly had representatives for fractions less than those of Delaware, Vermont, and others, which fractions are produced by the operation of the true ratios in each case, while the fractions to which the attention of the gentleman has alone been directed, have been those produced by the operation of false ratios alone—that is, ratios bear-

ing no proportion to the given numbers of the House. Thus it appears, by applying the true ratio to the bill, that New York has one representative for a fraction of 5-10, and Pennsylvania one for a fraction of 1-10—while Vermont, Delaware, and Missouri, each with larger fractions, have no representative for them. And, what is still worse, New York, by the aid of this false ratio, has not only one representative for 5-10, but another representative for nothing—that is, one mathematical or metaphysical representative, without a man, woman, or child in the State to form a constituency for him.

Further to illustrate the general position, that the effect of the principle in the bill is to accumulate representation on the larger, at the expense of the smaller States, take the aggregate population of any given number of the former, and compare its representation with that allowed to the rest. Thus—

New York contains	-	-	1,918,553
Pennsylvania	-	-	1,348,072
Virginia	-	-	1,023,503
Ohio	-	-	935,884
Kentucky	-	-	621,832

Aggregate of five States	-	-	5,847,844
Aggregate of the other nineteen States	-	-	6,080,786

Excess of the nineteen States	-	-	232,942
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The proportion of a House of 240 members, for the five large States, is - - - - - 118
For the nineteen States - - - - - 122
But the bill from the House gives the five large States 121
And the nineteen States - - - - - 119

But the gentleman from Pennsylvania says that the constitution requires what he terms Washington's "one common divisor"—one ratio forming a constituency, which he thinks means an "entirety." His reference to the veto message of Washington in 1792, is unfortunate, as the report of the committee has shown. Washington required no "one common divisor," in this sense, to make a constitutional bill. But he did require either that, or some "proportion;" and not seeing that proportion in the bill of 1792, he assigned it, as a court often does in a judicial decision, as an objection concurrent with, and strongly illustrative of the main position in the case. Following out this idea of an "entirety," we have been told that it was impossible to determine legally, mathematically, or metaphysically, what fractions were. The gentleman could hardly conceive of their existence. Perhaps metaphysics have already had too much to do with this question; but I will take the trouble to deny the doctrine of the gentleman from Pennsylvania, that it is impossible to determine what fractions are, legally and mathematically. Whatever metaphysical subtlety arising out of this notion of "entireties," may be invented to prove that 47,699 freemen in any of these States are not better entitled to be represented in the other House, than any other 47,700 in the Union have to deprive them of their representation there, it is certain that, mathematically, they approach so near to the entirety, that justice demands of us to consider them such, rather than to throw them altogether out of the number of people represented, and thus reduce them to a nonentity. Legally, they are compelled to bear arms for the country, to obey all its laws, to pay their full share of all taxes. Constitutionally, they are, by the second section of the fourth article, no matter in what States they may reside, "entitled to all the privileges and immunities of citizens in the several States." While the constitution guaranties to them equality of rights as near as may be, it is worth while to consider that the right of being represented in that body, where their best interests as citizens are discussed and decided, is one of the most important. They could hardly name a more

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valuable immunity than exemption from that slavish condition in which the right of representation, as near as may be, according to taxation, is denied to them. Now, one man in New York will, under the provisions of this bill, give a vote at the polls, which is to have nearly as much influence in electing a member of the other House, as the votes of two men in Delaware. Happily, however, the idea of representing nothing but an entirety—that is, nothing less than the ratio, however imposing it may at first appear, is not to be found in the constitution.

The gentleman thinks he can discover something like it lurking there, in the fact that the constitution itself, which apportioned representatives for 1789, fixed a minimum of representation, by the provision that "the number of representatives shall not exceed one for every thirty thousand." He supposes that as the framers of the constitution fixed a ratio below which we should never go, therefore we must always establish some fixed ratio, and disregard the consequences. In making that provision, the convention did not intend to do any thing more than to provide against a too numerous representation of the people, the evils of which were so awfully visible in the very first movements of revolutionary France. They might not have concurred with Sir James McIntosh, that an assembly of a hundred Newtons would constitute a mob; but they certainly considered it necessary, for obvious causes, to limit the number of representatives to the real wants of the nation. How could this be done, otherwise than as they provided? At the time, there had been no census or "actual enumeration" of the people, to enable them to say what should be the representation of the States, or what numbers they should prescribe for each or all of them, as the maximum or highest number that ought to sit in the House at that time. Nor would it have been wise to have limited the number of representatives which should ever sit in council on the affairs of the country, even then increasing in a proportion before unknown in the annals of the world. Adapting, therefore, the representation to the population forever, and, at the same time, guarding against the possible organization of the legislative power, on such principles as have stood among the main causes of the ruin of most other republics, they simply directed that the number of representatives should not "exceed one for every thirty thousand." They fixed this minimum ratio merely because they could accomplish their object then by no other means; but nothing was further from their thoughts than to direct representation to be ascertained by the operation of arbitrary ratios, which neither exactly nor nearly apportion it to numbers, nor secure the privileges of citizens in all the States alike. The same clause is misunderstood in another sense. It does not mean that fractions below 30,000, according to the understanding of the gentleman from Pennsylvania, shall not be represented; but, while it provides that each State, under all circumstances, shall have one representative, it does also ordain that the whole population of that State, taken together, shall not have more representatives than at the rate of one for every thirty thousand. The amendment expressly provides the same thing, *in totidem verbis*, with the constitution, and is a literal compliance with it in every sense. Delaware, for example, has two representatives, and that is not exceeding one for every thirty thousand, but only two for 75,434.

But the bill of 1792, which President Washington disapproved on the 5th of April in that year, did give Delaware two representatives for 55,000 people. In about ten lines, it violated the constitution in eight different instances, by giving to eight different States a representation which, in each case, did exceed one for every thirty thousand. Nothing like this is proposed by the amendment. All the argument which the honorable gentleman has drawn from this veto of Washington, is so fully answered in the report of the select committee which introduced

the amendment, that I will only add to what has been said on that subject, that it is inconceivable to me that the President should have intended to make, what is called here the representation of fractions, his objection to that bill, when I see that he has not said a word about fractions. If he had thought so, how easy would it have been to have stated it as the point of his objection; and if he had said so, how inconsistent would the conduct of the father of his country have appeared, when, as we have already seen, the very bill which he soon after signed, did, in fact, also give representatives for fractions. Feeling as much veneration and respect for all his opinions, as any man, I would rescue him from the imputation of inconsistency, rather than adopt a construction of his message which would have the slightest tendency to fix it upon him. Yet, if even he had given an opinion hostile to the constitution, I should have been constrained to adhere to the latter. Happily, I am relieved from any such embarrassment.

The gentleman from Virginia, [Mr. TAZEWELL,] though he did not contend for such a construction of that clause, rested a part of his objection to the amendment on another—"Each State shall have at least one representative." The whole sentence together reads thus: "The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative." It was apprehended at the time that some one of the States possibly might, either then or at some future period, have less than thirty thousand people. In that event only, says the gentleman, did they provide for representation of a fraction. The answer is, that, by this provision, they did order a certain fraction to be represented; and by no provision have they directed that fractions shall not be represented, except in the single case when, by doing so, a representation is given of more than one for every thirty thousand, which is not the case of any State as provided for in the amendment.

The Senator from Pennsylvania, also, objects to the rule adopted in the amendment, because, as he says, it is complex, and not obvious to the mind. It has been stated, over and over again, to be nothing more than the common rule of three, or of practice, as the gentleman from Virginia has called it, or of fellowship, as others call it. I thought it could not puzzle a Philadelphia lawyer to work it out, although the honorable gentleman denounced it so strongly for its mathematical intricacy. In truth, it is much more obvious to the common mind, as a principle of justice, than the rule of arbitrary ratios; and I willingly risk its success on the unbiassed judgment of the people, whose sense of right will induce them to adopt it in preference to that system which, to say the least of it, is, to a great extent, anti-republican, unjust, and most unequal; and which has been denounced, in a recent letter from a gentleman in New York, who stands among the most distinguished jurists this country has produced, as unconstitutional, and absolutely intolerable in its operation.

Sir, the gentleman from Pennsylvania has said that the mode of apportionment proposed by the bill has been submitted to without a murmur for forty years; that it has now become like those settled institutions of the country, to all of which the citizens of Pennsylvania are so much attached, and for the preservation and maintenance of which, in their own very "peculiar way," they are contending, have contended, and always will contend. But, sir, let me tell him, it yet remains to be shown that her patriotic people have ever, knowingly, sanctioned deliberate injustice or downright usurpation, no matter through how many ages it may have withstood resistance, and defied the claims of justice. If the people of this country should now generally examine this subject, they would no more tolerate the principles of this bill, than they did the long-continued tyranny of the English monarchs, which, in 1776, was, at least as much as this, one of

the "settled institutions of the country." And, so far from its being true that those who have been oppressed by this contrivance have submitted without a murmur, I believe that, at each succeeding apportionment, the complaints of the injured States have been uttered, not in threats or denunciations, but in the tone of firm, manly, and respectful opposition. We will go no further now, sir, than those who went before us. But it shall be our task to lay before our country the justice of our claim, relying with perfect confidence upon the honesty and good faith of our countrymen to right us, when they shall learn we have been wronged.

My friend, the eloquent and able Senator from Ohio, [Mr. EWING,] despising the petty advantage which might be gained by a large State over a small one by the trickery of this bill, has, by his steady opposition to it, endeared to us more than ever the magnanimous people of that great and greatly growing member of our confederacy, whom he so honorably represents, while he has strengthened our confidence in the justice of our countrymen. Hitherto, our complaints have been heard in vain; indeed, the inducement to make them was never before so great. Through all the earlier stages of our Union the cause of complaint was much less, because the difference in the population of the respective States was comparatively inconsiderable. But as that difference has increased, so has the injustice; and the complaint of those who have been wronged by its increasing operation. In time this evil will become so intolerable, that it must be changed, or the rights of the smaller States must be substantially abandoned. In the perfect conviction that this change must come, and in the belief that the old mode of apportionment will, at some future period of our history, be denounced as one of the strangest illusions that ever misled our countrymen, a defeat, at this moment, would neither increase my confidence in the justice of former decisions on this subject, nor diminish my hopes of a correct determination hereafter.

Mr. DICKERSON said, that although he would not oppose the amendment which proposed a House of Representatives of 256, as that had advantages that recommended it, yet he preferred to take the bill as sent to them, and apply to it the principle of giving representatives for the aggregate fraction to the States having the larger fractions, as it was making the least alteration in the bill that could be made with justice to the States left without their proper share of representatives; and which is carrying out, in practice, the basis of the calculation upon which the bill originated in the House of Representatives, which was for a House of 250. Although, in the process of the calculation, by rejecting fractions, they reduced it down to 240, the first basis was adopted on just principles, and should have been adhered to; but it was changed from 250 to 240, and it is found that a part of the States have their share of a House of 250, and a part of 240. It cannot for a moment be pretended, said Mr. D., that this is an apportionment of representatives among the States according to their numbers respectively; whatever may be right, this must be wrong. It is not enough that the calculation should begin upon just principles, it must end upon just principles.

The common divisor of 47,700 given in the bill proves that a House of 250 representatives was the basis of the calculation: strictly the common divisor should be 47,715—as 47,715 : 1 :: 11,928,935 : 250. If this common divisor was precisely an aliquot part of the population of each State respectively, as if Maine consisted of 381,720, New Hampshire of 806,290, Massachusetts of 620,295, being eight times, six times, and thirteen times the amount of the divisor, respectively, and so of the rest, there would be no difficulty in the case, the process of the calculation would end in giving a House of 250. It so happens, however, that, in the calculation, the fractions in the aggregate

amount to 477,335, which, divided by 47,715, gives 10 as the representatives of these fractions rejected by the bill. If this aggregate unrepresented fraction be taken from 11,928,935, it leaves 11,451,600 as the represented population of the United States; but this represented population by the ratio assumed can have no more than 240 representatives; yet several of the States have their full proportion of a House of 250. All they can have, however, over and above their proper proportion of 240, must be in consequence of the fractions; and it will be found that eleven representatives under the bill rest upon fractions. To test this, take the aggregate fraction from the whole population, and there will be left 11,451,600, which, divided by 47,715, will give 240 as a new basis of calculation; then, as the whole population, 11,928,935 : 240 :: 1,918,553, the population of New York, to 38 and a fraction—New York, therefore, can have no more than 38 representatives in a House of 240; but by the bill she has forty representatives—thirty-eight as her share of the represented population of 11,451,600, and two as her share of the aggregate fraction, or unrepresented population of 477,335. Nine other States have each one representative resting upon this aggregate fraction.

Take 240 as the basis of calculation; then, as the whole population, 11,928,935, is to the whole representation, 240, so is the whole population of any State to its share of representatives—divide the two first terms by 240, and we have two equivalent terms, 49,707 and 1. It will then be as 49,707 is to 1, so is the population of any State to its share of representatives. This rule applied to the States having more than their share of a House of Representatives of 240 will give the following results:

New York	as 49,707 : 1 :: 1,918,553 : 38 with a fraction of 53-61	47-00
Rhode Island	- - - 97,194 : 1	47-00
Connecticut	- - - 247,055 : 5	47-00
Pennsylvania	- - - 1,348,072 : 27	3-24
Virginia	- - - 1,023,803 : 20	3-24
North Carolina	- - - 637,747 : 12	47-26
Georgia	- - - 427,811 : 8	31-75
Kentucky	- - - 521,832 : 12	25-74
Tennessee	- - - 627,203 : 12	28-38
Indiana	- - - 343,030 : 6	25-66

Making the representatives of these States amount to no more than 141, while by the bill they have 152—that is, 141 as their share of the representatives of the represented population of 11,451,600, and eleven in consequence of the fractions amounting in the aggregate to 477,335. This calculation would give them their proper share of a House of 240, while the bill gives them their proper share of a House of 250, which in fact is to consist of but 240.

If these eleven representatives be taken from the House of 240, it will reduce it to 229. If this number be taken as a new basis of calculation, it will, by the process of rejecting all the fractions, reduce the House to 218 or 219. And if this system be followed up, it will end in giving to each State one representative, as secured by the constitution.

It is therefore impossible, by any process of calculation in which the fractions are rejected, to form a House of Representatives on just principles, or to form a House, some of the representatives of which shall not rest directly or indirectly upon fractions, unless, indeed, the common divisor should be an aliquot part of the population of every State. The House must consist of the number assumed as the basis of calculation; that can only be in this case by retaining the ten representatives of the aggregate fraction as absolutely necessary to make up the House of 250, without which eleven representatives under the bill are left, without the slightest pretensions in justice to their places. But how are these ten representatives of the aggregate fraction to be distributed? Georgia, no doubt, would recommend that we should raffle for them, as that is the mode in which she disposes of her surplus lands; Kentucky would probably recommend that they should be disposed of by lottery, as this is her mode of electing her

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Governor from a number of candidates having the highest, and an equal number of votes; in which case, the question is decided by lot, as the Legislature may direct—the legislators no doubt being the managers of the lottery. Neither raffle nor lottery, however, would be a just rule in distributing these representatives, as the fractions of the States are unequal. To give them to the States having the largest portions of this aggregate fraction would be the nearest possible approach to justice, and to the principles of the constitution; and the rule would apply with equal justice to the large as well as the small States.

The Senator from Pennsylvania [Mr. DALLAS] says that the constitution does not warrant us in taking into the calculation the aggregate population of the United States; that the constitution says nothing about this aggregate population; that it is the duty of Congress to ascertain the proper number of representatives of which their House shall consist, to fix the ratio, and by a common divisor to apportion the representatives among the several States according to their federal numbers. He considers a recurrence to the aggregate population of the United States, in the calculation, as a palpable attempt at consolidation—a dangerous infringement of the constitution. He, in effect, denies the principle that, as the whole population of the United States is to the whole number of representatives, so must be the whole population of any State to its share of such representatives. He is the first Senator who has disputed or doubted this principle: hitherto it has been considered as incontestably just.

The number of which the House shall consist may be fixed by any arbitrary rule, but in that case the common divisor cannot be arbitrary. If the House of Representatives had said that their body should consist of 240 members, and that 70,000 should be the common divisor by which they should be apportioned among the States, the absurdity of the thing would have been but apparent from the first attempt at apportionment. They sent us 47,700 as a common divisor, and the first step in the process of calculation shows this to be a proper divisor for a House of 250, and not for one of 240. The Senator from Pennsylvania is in favor of applying the common divisor of 47,700, as sent to us by the House of Representatives. But how was this obtained? By dividing the whole population by 250; then your common divisor is the two hundred and fiftieth part of the whole population.

As the whole population is to the whole representation, so is the population of any State to its share of the representation. This is strictly the principle upon which the share of any State is ascertained. In this case we multiply the second and third terms together, and divide by the first; but as the first and second terms are to be repeated for every operation, we find it convenient to adopt equivalent terms, that may be more easily managed, and this is done by dividing them by the same number; if we divide them both by 250, we obtain two equivalent terms, 47,715 and 1, the first representing the whole population, and the second the whole representation—the one a common divisor, the other a common multiplier. It will then be as 47,715 is to 1, so is the whole population of any State to its share of the representation; as multiplying by one makes no alteration, it is dispensed with, and, by dividing the third term by the first, we obtain the fourth proportional—such is the process of calculation for every State; and the common divisor represents the whole population, and unity the whole representation, in every case. In these calculations we cannot lose sight for a moment of the aggregate population of the United States; and, although the constitution says nothing of this aggregate population, it is impossible to proceed a single step in the apportionment, without regarding it as the first element in the calculation. In resisting this new doctrine

of the Senator from Pennsylvania, I have been induced to repeat a part of what I have before said upon the principle of the apportionment.

When this subject was last under consideration, the Senator from Virginia, [Mr. TAZEWELL,] devising and intending to support the unjust provisions of the bill by metaphysical subtleties and the abstruse principles of mathematics, warned the Senate to beware of any attempts on the part of those opposed to the bill to carry their points by similar subtleties and abstrusities; and he did distinctly insinuate his suspicions that I should resort to the differential calculus for that purpose.

Now, I am entirely innocent of any such designs, and, if I had them, I want the science to make any application of this calculus to the subject of this apportionment. In fact, I know very little of the differential calculus, and less of the integral.

Fortunately for us, a knowledge of this calculus is by no means necessary to our purpose; common arithmetic, addition, subtraction, multiplication, and division, are sufficient to enable us to prove, beyond all doubt, that the bill deprives a part of the States of ten representatives, which fairly belong to them; or that it gives to other States eleven representatives to which they have no just claim. But, sir, it is the Senator from Virginia who is endeavoring to avail himself of the principles of this calculus, to sustain the unjust principles of this bill, by making use of ten fractional representatives, which he seems to consider as infinitesimal, evanescent quantities, until the favored States obtain their full proportion of a House of 250; and then causing them to vanish from the equation, as being no longer necessary to his purpose. The Senator from Pennsylvania considers these fractions as ideal; of course, their representatives must be ideal, and can the more easily be made to vanish; but ideal, or evanescent as they may be, they must stand up to be counted as a part of a House of 250 before they vanish, and leave a House of but 240.

The learned Bishop Berkeley had but a mean opinion of infinitely small and evanescent quantities, by means of which Newton and Leibnitz extended the bounds of science, and opened a new world to the mathematician and philosopher: and in derision he called them the ghosts of departed ratios. Had he called them the ratios of departed magnitudes, he would have come much nearer to the truth.

The beauty of the analysis of infinitely small quantities is, that, as ratios, they may be all-powerful; as magnitudes under certain circumstances, of no account; so that, after giving the most important results as ratios, if in the process of calculation they are found inconvenient or unaccommodating as magnitudes, they are made to vanish from the equation, and that without impairing the truth of the solutions obtained. So the Senator from Virginia, not willing to give these ten fractional representatives to the injured States, rejects them. These quasi-representatives, these infinitesimal, evanescent representatives, these ideal representatives, these ghosts of representatives, after being counted in order to give the favored States their full proportion of a House of 250, are dismissed the service. But here the parallel ends; the principles of the differential calculus do not serve the purposes of the Senator; for, by causing these ten representatives to disappear, he destroys his whole equation; when these ten ghosts of representatives vanish, they carry off with them eleven others, which were created by their aid, and which cannot exist without their support.

If the Senator from Virginia will consider the whole population and the whole representation as constant quantities, which they are, and the population of the States respectively as the increasing or decreasing, the variable or flowing quantities, and give to those having the larger fractions those ten representatives, as the pro-

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per corrections to these flowing quantities, or fluents, he will occupy the whole space, fill up the area, and obtain a complete House of 250, if not upon the principles of the integral calculus, at least upon the principles of arithmetic, upon the principles of justice, and upon the principles of the constitution.

As to constituting a House of 251, I have but an observation or two to make: the basis of calculation adopted in passing the bill was 250; by applying a common divisor, and rejecting the fractions, it was reduced to 240; by giving the ten rejected representatives to the States having the larger fractions, the original basis of the calculation is restored: but it turns out that eleven of the States have fractions greater than a moiety of the common divisor. The probability was, that there should have been as many fractions above as under the common divisor; this is the case in the calculation for a House of 256; as many are gained as lost by fractions, which gives this number a decided advantage, and which I should prefer, but that is too large. As the number 251 is adding but a single member to the House of 250, proposed as the original basis of the calculation, it can create no inconvenience, and I trust will meet with no serious opposition.*

Mr. HILL said, although the passage of the amendment proposed by the committee would be advantageous to the State which I have the honor in part to represent, and will give her an additional member in the House of Representatives, my oath to support the constitution of the United States forbids my vote for this bill. It is for me a sufficient objection that the proposition involves an arbitrary principle—that it applies a different rule to one State from that applied to another State—that, in the language of Washington's veto of 1792, it furnishes "no proportion or divisor, which, applied to the respective numbers of the States, will yield the number and allotment of representatives proposed by the bill."

In three lines, Washington has presented a more conclusive argument against the amendment, than has been furnished in the whole course of a long and protracted debate on the other side; and his foundation has not been shaken even by the elaborate, and ingenious, and plausible report of the committee.

I have often remarked that professional advocates, it is to be presumed from the best motives in the world, acquire the habit of laboring most intensely on the weakest points; that they leave those, whose opinions are to be affected by their arguments, to be a long time in arriving at a plain conclusion, which good common sense would lay hold of at the first blush. This habit of laboring the weaker points probably results from the fact that the advocate engaged in a suit where his client has not a single strong point, is often forced by the strong law of necessity to substitute fallacy for fact. An excellent argument may be made, if the premises are only granted; and some there are who will not only assume true for false premises, but will likewise assume that these premises are admitted.

Permit me to say, sir, that a single hour's discussion in one of our common juries of intelligent farmers would have brought any twelve sensible men to unite on the question whether fractions ought or ought not to be represented in the House of Representatives. And they would have arrived at this result by the simplest process that can be imagined. They would have first asked themselves the question, whether all the sovereign States of the Union did not unite in a compact of Government for certain specified objects, on equal terms. This question

answered in the affirmative, the next would be, whether, in apportioning representatives among the States "according to their respective numbers," equality among the States did not require that one common divisor should be applied to each and every State; and that, whether the representative population was more or less, each State would be alike liable to lose or gain by the large or small fraction falling within that State. Could they, by any fair construction, do otherwise than answer these questions affirmatively? Any other construction—any project which shall apply more than a single divisor to fix the apportionment of representatives, is arbitrary; and if it shall not, in this instance, operate to do injustice, as a general rule, it must be bad. If the Senate shall adopt an arbitrary principle, under the pretext of making representation more equal, and of this equality there is strong reason to doubt, for if you will calculate how much the representation will be increased if you give to all the other States the same ratio that the bill of the committee gives to the State of Delaware, you will perceive a great inequality in this bill—if, I say, the Senate shall adopt an arbitrary principle, under the pretext that representation will be made more equal as to the relative population of the States, at what point shall we stop? If we give Delaware two representatives for her 75,417 representative population, while we give another State only one representative for every 50,000, may we not hereafter take different numbers for a divisor, so as to raise or depress the representation of any State agreeably to the wishes of a majority of Congress?

The most ingenious and refined subtlety may be covered by a veil so light as scarcely to be perceptible; so does the report of your committee cover the arbitrary principle which lurks in the bill. The merest fallacy may assume the appearance of an established fact; but it cannot be done in few words; it must be spread over a broad surface—hidden in the close columns of a newspaper, and, making a solid page of brevity, it cannot be easily detected by the general reader. But the simple truth of a plain proposition needs little labor or elucidation. The argument in this case is embraced in a nutshell.

The constitution says, "Representatives shall be apportioned among the several States according to their respective numbers." By the rule adopted in your report, to the State of Delaware you give two representatives for a representative population of 75,417. Apply the same rule to the State of New York, and, for her representative population of 1,918,553, she must have fifty representatives, with a fraction of 6,750 without a representative. Apply it to Pennsylvania, or any other State, and the result has the same inequality. It does not, in fact, apportion the representatives among the several States "according to their respective numbers," nor can it so apportion them, when the same divisor is not applied to all of the States. Apply the same rule to the population of the whole Union as this bill applies to the State of Delaware, and we shall have a House of Representatives consisting of 316 members, with a fraction remaining of 21,358.

If the divisor adopted in the bill which has passed the House of Representatives be not the best that could have been chosen; if it operates injuriously, by leaving large fractions to some of the small States; why have not all the Senators, representing small States, favored some proposition, on the long-established and true principles of apportionment, which will make the bill more just and equal? My proposition to take 44,000 as a divisor, would have given to all of the old States their present number of representatives; it would have added one to Vermont, and would not have increased the House of Representatives beyond what the present bill proposes. Yet that proposition was voted down, and voted down, too, I believe, by Senators from some of the small States. I

* If no more than ten representatives be given to the States having the larger fractions, Alabama could not receive one; giving her one must be considered as a concession, which could not have been made had it been opposed. Adding one representative to a House of 250 is changing the basis of calculation, making a new common divisor necessary, which would give results different from those obtained for a House of 250.

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I have discharged my duty to my State when I vote any proposition which shall give her the present representation on the only fair principle, or which, if her representation be reduced, shall give her a small fraction. I can never consent that the number of her representatives shall be increased by so palpable a violation of constitution as the application of one rule to her and the rule to the other States.

The question being then taken, the amendment was voted as, as follows:

YEAS.—Messrs. Bell, Benton, Buckner, Chambers, Dickerson, Ewing, Foot, Hayne, Holmes, Johnston, Knight, Miller, Moore, Prentiss, Robbins, Seymour, Bee, Smith, Sprague, Waggaman, Webster.—22.

AYS.—Messrs. Brown, Clay, Dallas, Dudley, Ellis, Frelinghuysen, Forsyth, Grundy, Hendricks, Hill, Kane, Mangum, Marcy, Robinson, Tazewell, Tipton, Johnston, Troup, Tyler, White, Wilkins.—22.

The numbers being equal, the VICE PRESIDENT said that, after having paid the utmost attention to the matter, he had come to the conclusion that the bill, as it came from the House, was unconstitutional, and he should therefore feel constrained, under a sense of the deep responsibility of his situation, to give his vote in favor of amendment. The amendment was therefore decided in the affirmative by the casting vote of the Chair.

Mr. WEBSTER remarked that the vote was decisive in opinion of the Senate in regard to the amendment. A Senator from Delaware, who was absent, [Mr. NAVES], was in favor of the amendment, and he was authorized to say that a Senator from Mississippi, [Mr. POINDEXTER], not in his seat when the question was taken, would have voted for the amendment.

Mr. HAYNE said he was in favor of fixing the number of House of Representatives, if possible, at 240, because it was the number which the House had adopted. But 41 would give more equality, and save the State of New York from a large fraction, he would move to fill the blank with that number. The effect of the application of number to the amendment would be to take one member from New York and give it to Vermont, and to transfer one member from Pennsylvania to Delaware.

Mr. BELL moved to fill the blank with the number 246. Mr. WEBSTER was indifferent as to the number which should be adopted here. If the House see fit to adopt the principle of the amendment, he was perfectly willing to take any number which they might prefer. He himself preferred 251, but he would go down to 241, or as low as 234, if the gentlemen from Virginia wish it. 134 would give another representative to Virginia, and he would vote for that number if the Senate from Virginia proposed it. He should move 251.

Mr. HAYNE said he should feel embarrassed in his position, if the question was first taken on the highest number proposed. He proposed the number nearest to that which the House had proposed, and hoped the question should be first taken on the lowest number.

Mr. MOORE objected to this suggestion, and spoke in favor of the highest number. He would prefer the bill as it came from the House to the amendment, if 241 was adopted, for number would throw a large fraction upon Alabama.

Mr. CHAMBERS was willing, he said, that the number should be fixed by the House of Representatives.

Mr. CLAYTON moved to fill the blank with 256, which, he said, gave all the old States from any positive number, and would not be too large a House.

After some further conversation, the question was taken on the highest number, 256, and decided in the negative, as follows:

YEAS.—Messrs. Bell, Benton, Clay, Clayton, Dickerson, Frelinghuysen, Hill, Holmes, Johnston, Moore, Poindexter, Prentiss, Robbins, Seymour, Silsbee, Sprague, Waggaman, Webster, Wilkins.—19.

NAYS.—Messrs. Brown, Chambers, Dudley, Ellis, Foot, Grundy, Hayne, Hendricks, Kane, King, Knight, Mangum, Marcy, Miller, Robinson, Smith, Tazewell, Tipton, Tomlinson, Troup, Tyler.—21.

The question was taken on filling the blank with 251, and agreed to—yeas 27, nays 14.

On motion of Mr. WEBSTER, the blanks were then filled so as to give each State the number of representatives to which it will be entitled in a House of 251 members, as follows:

Maine, 8; New Hampshire, 6; Vermont, 6; Massachusetts, 13; Rhode Island, 2; Connecticut, 6; New York, 40; New Jersey, 7; Pennsylvania, 28; Delaware, 2; Maryland, 9; Virginia, 21; North Carolina, 13; South Carolina, 10; Georgia, 9; Kentucky, 13; Tennessee, 13; Ohio, 20; Louisiana, 4; Indiana, 7; Alabama, 6; Missouri, 3; Mississippi, 2; Illinois, 3.

The amendments were then reported, and concurred in.

The question then being on ordering the amendments to be engrossed, and the bill to be read a third time, it was taken, and decided in the affirmative, as follows:

YEAS.—Messrs. Bell, Benton, Buckner, Chambers, Clayton, Dickerson, Ewing, Foot, Hayne, Holmes, Johnston, Knight, Miller, Moore, Poindexter, Prentiss, Robbins, Seymour, Silsbee, Smith, Sprague, Waggaman, Webster.—23.

NAYS.—Messrs. Brown, Clay, Dudley, Ellis, Frelinghuysen, Grundy, Hendricks, Hill, Kane, King, Mangum, Marcy, Robinson, Tazewell, Tipton, Tomlinson, Troup, Tyler, White, Wilkins.—20.

Mr. POINDEXTER introduced, on leave, a joint resolution for the employment of H. Greenough to execute a statue of Washington, in marble, to be placed in the rotundo.

THURSDAY, APRIL 26.

APPORTIONMENT BILL.

The apportionment bill was read a third time; and the question being on its passage,

Mr. POINDEXTER stated that he had been induced to vote for this bill, because he considered it to be preferable to that which came from the House. He looked on the Senate bill as preserving the federative principle, and as more nearly approaching to equity than the bill from the House. Still, although he had thus voted, he entertained some doubts as to the propriety of the amendment of the committee, and he begged to be distinctly understood as not pledging himself to any particular course, in case the House should refuse to sanction the principle, and should return the bill to the Senate. He reserved to himself the privilege of voting, after deeper reflection, as the convictions of his mind should direct him, without being in any way trammelled by the vote which he had given, and was now about to give.

The question on the passage of the bill was then put, and decided in the affirmative, as follows:

YEAS.—Messrs. Bell, Buckner, Chambers, Clayton, Dickerson, Ewing, Foot, Hayne, Holmes, Johnston, Knight, Miller, Moore, Poindexter, Prentiss, Robbins, Seymour, Silsbee, Smith, Webster.—20.

NAYS.—Messrs. Brown, Dallas, Dudley, Ellis, Hendricks, Hill, King, Mangum, Marcy, Robinson, Ruggles, Tazewell, Tipton, Tomlinson, Troup, Tyler, White, Wilkins.—18.

The Senate then proceeded to the consideration of executive business, and, when the doors were reopened, Adjourned.

FRIDAY, APRIL 27.

A resolution offered yesterday by Mr. FRELINGHUYSEN, instructing the Committee on the Library to purchase, for the Senate chamber, Rembrandt Peale's original painting

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Statue of Washington.—*Revolutionary Pension Bill.*

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of the portrait of General Washington, was taken up, and read a second time.

Mr. KING expressed a wish that the resolution should be modified so as to make it an instruction to the committee to inquire into the expediency of making the purchase, and to report to the Senate.

Mr. FRELINGHUYSEN stated that the instruction to purchase was not absolute, but left it to the committee to judge of the state of the painting, and the reasonableness of the price. He stated that the subject was, some years ago, before Congress; that the House had passed a resolution, which was not acted on in the Senate, for want of time. He thought it desirable now for the Senate to purchase it.

Mr. SMITH. Where will you put it?

Mr. FRELINGHUYSEN replied that there would be no great difficulty in finding a place for a picture four feet by two. He then read the flattering testimonials borne to the spirit and accuracy of the likeness, by Judges Marshall, Washington, Tilghman, Peters, and others, who were intimately acquainted with General Washington. He hoped that there would be no serious opposition, and modified his resolution so as to make it merely an inquiry into the expediency of purchasing.

Mr. SMITH concurred in every thing which had been said as to the excellence of the likeness. He had voted for the resolution formerly. But he knew of no place in the Senate chamber where the picture could be placed.

Mr. FRELINGHUYSEN. If the honorable Senator will give me his vote, I will find a place for the picture.

Mr. HAYNE added his tribute to the worth of the portrait.

The resolution, as modified, was then agreed to.

STATUE OF WASHINGTON.

On motion of Mr. POINDEXTER, the joint resolution introduced by him, authorizing the President to employ a suitable person to execute a full length pedestrian statue of General Washington, in marble, was read a second time.

Mr. SMITH considered that the cost of the statue would far exceed the appropriation of 5,000 dollars. The State of North Carolina had imported a statue of General Washington, which cost 10,000 dollars; and an agreement had been made with Mr. Persico, for two colossal statues, which were to cost 16,000 dollars.

After a few words from Messrs. POINDEXTER, WEBSTER, and KING, the resolution was, on motion of Mr. POINDEXTER, referred to the Committee on the Library.

REVOLUTIONARY PENSION BILL.

On motion of Mr. FOOT, the Senate then proceeded to consider the bill supplementary to an act for the relief of the surviving officers and soldiers of the revolution.

A motion had been made to amend the bill by extending its provisions to the officers and soldiers who had served in the West under Wayne, Clarke, Harmar, Hamtramck, and St. Clair; and the question pending was on a motion by Mr. WHITE to amend the amendment by enlarging its provisions so as to embrace any tribe of Indians who were in the service of the United States before the year 1792.

Mr. ROBINSON now moved to recommit the bill, with instructions to report a bill providing for the payment of all the pensions given by this bill, in lands, &c.

Messrs. FOOT, GRUNDY, BELL, MANGUM, HILL, and WHITE, addressed the committee, recapitulating arguments which had been before given in favor of, and against the bill.

Mr. HOLMES spoke to the immediate proposition to give lands instead of money to the pensioners. He reminded the supporters of the proposition that nearly all these individuals must be at least seventy years of age. At

that advanced period of life, would Congress consent to send the old soldier, hobbling with his cane, from Maine to Missouri, to cultivate his little tract of unimproved territory? He must either do this, or fall into the grasp of the speculator, who would wring his little recompense from him, and give him scarcely a quarter of its value. He thought that at least a little change should be given them to pay their toll at the gate through which they would soon have to pass, or to bribe

"The grim ferryman that poets tell of."

He further drew a distinction between the dangers of the revolutionary war, and those of Indian warfare. In the former, the soldiers fought with a halter round their necks; if successful, they are engaged in revolution; if unsuccessful, it was rebellion. In one case, ignominious death awaited defeat; while in the wars with the Indians there might be death, but it was death without dishonor.

Mr. EWING opposed the proposition of the Senator from Illinois, chiefly for the reason that it would not extend to the objects of their munificence the benefits which Congress designed by the bill to bestow upon them; that a large part of the gift, if made in land instead of money, must fall by the way, and never reach its proper destination.

Sir, said Mr. E., the surviving officers and soldiers of the revolution, who are intended to be embraced by this bill, are, all of them, very far in the decline of life. Those who are poor, and need this bounty, cannot, if it be given to them in land, remove to and improve it. Those who are not bowed down with poverty, but have some of the comforts of life about them where they are, will not remove. They will not, and they ought not, in their extreme old age, to abandon the homes which have become endeared to them, and their descendants who are around them, and seek a burial place in a distant land. Consequently, if land instead of money be given, it will not be occupied or retained by the soldier, but set to sale at whatever price it may command. It cannot bring the minimum price of the public lands which are constantly in the market—to get purchasers, they must sell for less than that price; thus, the nominal value of the gift would pass from the treasury of the nation, and less than that value reach its proper destination—the difference falling into the hands of speculators. I, therefore, said Mr. E., oppose the motion to recommit with these instructions.

But the merits of this bill, and of the amendments which have been proposed, to include the soldiers and rangers who fought in the Indian wars prior to 1795, are, on this motion, brought into discussion. I have already made known my purpose to support this bill; and there is no one more deeply impressed than I with the debt of gratitude which we owe to all who, in any manner, contributed to the achievement of our independence: but I do not at all detract from their merits, when I say that the courage and enterprise of those who fought our early battles against the savages of the West, were as great—their task as arduous, and the dangers they encountered as imminent. They fought against mighty odds—a feeble band against an overwhelming force. The chances of battle were great against them; and if captured, a death, not, it is true, of ignominy, but of torture, awaited them: and he who left his home to fight in its defence, looked back upon it with trepidation; for though he left it in safety to-day, he might return to-morrow and find it in ashes—its inmates massacred or led into captivity.

But, among those who fought the battles of the West, do I esteem the solitary rangers as first, for the merit and importance of their services, and most of all entitled to the gratitude of the frontier inhabitants. They went forth, not against a known and open, but a lurking and secret foe, in a country occupied by an enemy—a numerous, brave, and subtle enemy. They marched, not like the soldier, to the field of battle, shoulder to shoulder,

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Second Auditor and Comptroller.—Tariff.—Public Lands.

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h their companions in arms, fired by a common spirit, firm in the confidence of mutual support; but each, in the midst of dangers, self-dependent and self-aided, resting upon his own inherent courage and his own energies. I, perhaps, appreciate them the more, because my lot was cast, in very early life, in a situation which I, or rather those about me, knew and felt the benefit of their protection.

The earliest scenes of which my memory retains a trace, were in a small garrison on the frontier, just before the close of the war which terminated with the victory of York, and the treaty of Grenville. There was a line of forts, commencing at Marietta, and extending up the Muskingum river to a place called the round bottom. and of Indians eluded the vigilance of the rangers, who were too few in numbers for the protection of the extensive line of frontier which they had to guard. The last station was surprised and cut off. All but three persons were massacred. One only escaped, and that one saved the neighboring garrisons, one of which was surrounded, but, being on its guard, was not actually assailed.

I remember something of the general agitation, the vibrating feeling of excitement in which even the child, conscious of danger, instinctively participated. I remember, too, the joy which the regular but unfrequent arrival of the adventurous spy brought to the hearts and faces of those whom he guarded. And, sir, many a brave deed was braved, and many a deed of daring was achieved, these adventurous men, unseen of all but the actor, unnoticed in the annals of the times—deeds worthy to be wreathed to the brow of the proudest hero of ancient modern days. One I will narrate:

A young ranger upon a scout had exhausted his rations, being distant from a place where he could obtain a supply, went to a spring-lick where deer resort, and placed himself behind a blind near by, watching for game. In a short time, four Indians, armed with their rifles, came within shot, and stopped, without having discovered him. The resolution was instantly taken: he fired, and brought down his man, and sprang from his ambush and fled. The remaining Indians fired, but, in the hurry and agitation of the moment, fired without aim, and missed their mark. One of them, with a readiness of thought peculiar to his race, snatched up the rifle of his fallen comrade, took better aim, and fired. The ball passed between the body and arm of the ranger, and shivered his powder-horn to splinters, but he escaped untouched, outran his pursuers, and reached the settlement in safety. The author of this bold deed does not, it is true, like many of our companions in arms, desire the bounty, or need even the justice of his country. Brave and adventurous in youth, honored in age, he is now the Governor of Ohio.

Mr. BIBB gave a description of the dangers of the Indian warfare, and was succeeded by Mr. BUCKNER.

Mr. HAYNE then obtained the floor, and commenced a speech, in which he took a view not only of the present, but of the pension system generally. He went into a history of the system in this country, and contended that, from a correct and proper beginning, it had spread into an unconstitutional and dangerous extent. After speaking for some time, he gave way for a motion to adjourn; and

The Senate adjourned to Monday.

MONDAY, APRIL 30.

SECOND AUDITOR AND COMPTROLLER.

Mr. SMITH, from the Committee on Finance, to which he referred the resolution of the 30th of March last, respecting an inquiry to be made into the expediency of abolishing the offices of Second Auditor and Second Comptroller, made a report, which was ordered to be read.

[This report states that, in the opinion of the committee, the abolition of these offices would be inexpedient, and productive of injury to the public service.]

After transacting some minor business, the Senate went into the consideration of executive business, and continued with closed doors until the adjournment.

TUESDAY, MAY 1.

TARIFF.

Mr. DICKERSON, from the Committee on Manufactures, reported a bill to regulate the duties on imports; which was read, and ordered to a second reading.

PUBLIC LANDS.

Mr. KING called the attention of the Senate to the bill reported by the Committee on Manufactures, to appropriate, for a limited time, the proceeds of the public lands, and the report accompanying it, which had been laid on the table some days ago. He wished the Senate would now take up this bill for the purpose of referring it to the Committee on Public Lands. With this view, he moved to postpone the previous orders of the day, for the purpose of taking up this bill.

Mr. CLAY made a few remarks on the anomalous character of this proceeding. It appeared to him to be an extraordinary course. It had been usual, when any measure of importance was reported by a committee, to give the chairman of such committee an opportunity to give the views of the committee, and such explanations as were necessary for a full understanding of the measure. Now, here was one of the majority by whom the bill was laid on the table, moving to take it up, not for the purpose of explanation and exposition, but to refer it to another committee, before any elucidation of the details of the bill could be made. He referred to the singular history of this affair. When it was moved to refer the subject to the Committee on Manufactures, the members of that committee had protested, solemnly protested, against such reference, and had earnestly requested that it might be sent to the Committee on Public Lands, as the proper committee. No, said the gentlemen on the other side; you must take the subject into your hands; you must deliberate upon it, and present a project to Congress and the country. Reluctantly they consented to assume this duty. The labor was great, but they encountered it. Possessing but a partial knowledge of the subject, they did not feel disposed to go into this laborious investigation. But it was given to them by the Senate. They took it in hand, and went on with it as well as they could; spurred and hurried on from time to time, picking up their information in the best possible manner, they made their way, and determined, at last, to make the report which had gone forth to the world. Now, a motion was made to wrest the subject from those hands to which it had been committed by the vote of a majority of the Senate, and, without the presentment of a single objection to the details of the measure, or any counter project, to send it to the Committee on Public Lands. The Senate had, unquestionably, the power to send the subject to any committee; and he would bow with all deference to the decision of the Senate. But if the course now indicated were taken, and the subject, unheard, and without any explanation from the committee, were sent to the Committee on Public Lands, it would be a course without precedent, as far as his experience would enable him to judge. Still, the Senate had the power to give this direction, and he would bow to the decision of that body.

Mr. KING made an observation or two in defence of his motion. He said that he had merely proposed to take up what the Senator from Kentucky complained had not been done before. If the Senate should agree to take up the bill, he then intended to move its reference to the Committee on Public Lands. The Senator from Kentucky

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Appropriation Bill.—Tonnage, &c.—Newspaper Postage.

[MAY 3, 1832.]

vations on the character and tendency of the bill, which he commenced on Friday.

APPROPRIATION BILL.

On motion of Mr. SMITH, the Senate took up the message from the House, accompanying the general appropriation bill, and receded from those amendments to which the House had disagreed and insisted.

TONNAGE, &c.

The CHAIR laid before the Senate a communication from the Secretary of the Treasury, containing accounts of the exports and imports, tonnage, &c.

[This was the report to which Mr. HOLMES had referred in the earlier part of the day.]

On motion of Mr. HOLMES, 1,500 extra copies of this report were ordered to be printed for the use of the Senate.

THURSDAY, MAY 3.

Mr. HAYNE offered a resolution, of which he asked the present consideration, directing the Secretary of the Senate to cause to be prepared, for the use of the Senate, a comparative statement showing the rates of duties imposed by existing laws on the articles embraced in the draught of a bill submitted to the Senate by the Secretary of the Treasury, and also by the bill reported by the Committee on Manufactures.

Mr. CHAMBERS inquired what time would probably be consumed in the preparation of the statement.

Mr. HAYNE replied, not more than two or three days. The resolution was agreed to.

The Senate then took up the report made some days since, by the Committee on Finance, on the subject of the abolition of the offices of Second Auditor and Second Comptroller. It will be recollected that the report stated that it would be inexpedient and injurious to the public interests to abolish these offices. The motion to discharge the committee from the further consideration of the subject was agreed to.

The resolution offered yesterday by Mr. HOLMES, directing the Secretary of the Treasury to communicate to the Senate what collectors had failed to make quarterly returns of the tonnage, imports and exports, &c. according to the requisitions of the law, &c., coming up for consideration,

Mr. HOLMES stated that, since he had offered the resolution, the information to which it referred had been received from the Secretary of the Treasury. He had not been able to examine it to satisfy himself that it contained all the information called for; and as it had gone to the printer, he could not at that moment come to any conclusion on the subject. He would therefore move to lay the resolution on the table, until he should be able to decide whether he should call it up again or not.

The resolution was then laid on the table.

NEWSPAPER POSTAGE.

On motion of Mr. GRUNDY, the Senate then proceeded to take up the bill to establish certain post roads, and discontinue others.

After the various amendments to the bill had been gone through,

Mr. BIBB moved further to amend the bill, by inserting an additional section, as follows:

And be it further enacted, That, from and after the 1st day of July next, no postage shall be charged on newspapers, and that so much of any act or acts of the Congress of the United States as imposed a tax of postage on newspapers shall be, and the same is hereby, repealed from and after the day aforesaid.

Mr. BIBB then rose, and addressed the Senate in support of the proposition he had laid before them, demonstrating the vast importance and utility of the measure

contemplated, and the perfect ability of the Post Office Department to sustain itself in case of its being carried into effect. He was not one of those disposed either to increase the expense of that department, or to diminish its usefulness. He was for making the post office sustain itself from its own resources, without being a charge to the treasury, while, at the same time, its accommodations to the public, being carried to a liberal extent, should bear as lightly in the shape of a tax as the nature of the case would admit. The amendment he had just offered, he would undertake to say, would do more good, and diffuse valuable information over the United States to a greater extent than any proposition that had ever been laid before Congress, respecting this department of the Government. If it were true that the foundations of this Government rested on public opinion, the free circulation of cheap newspaper information throughout the whole Union was an object of the last importance. He considered the vital principles of the Government materially concerned in the success of the proposition, which looked to the dissemination of correct information in so cheap a form as to bring it within the reach of every individual in the community. If you will look at the papers printed in this city, said Mr. B., and the curtailed information which the nature of the case compels them to circulate, you will at once see the importance of the plan proposed. They publish, said Mr. B., an abstract of the proceedings of Congress in their daily papers, and the country papers are frequently struck off containing no part of those proceedings. He was informed that the cost of the postage on a daily newspaper amounted to five dollars per annum. Now this, added to the price of the paper, diminished the circulation to a very great extent. There was another disadvantage attending the present system. It was a melancholy fact that the presses of this country were pensioned to a certain extent, and, without Government patronage, daily papers could not be supported at the seat of Government. This showed the necessity of adopting the plan proposed; that, by a free and cheap circulation of newspaper intelligence, an impartial and independent press might be fostered and established on so firm a basis as to be wholly free from the influence of the Government. He spoke with no disrespect to the present Executive, nor did he apply his remarks to times present more than to times past. The evil had existed and would exist, and was consequent upon the preference of the public for country papers instead of daily, because of the vast expense of postage on the latter.

Mr. B. next went on to show the ability of the Post Office Department to sustain, from its own resources, the measure proposed.

If you look, said he, at the documents from the Post Office Department on the file of the Senate, you will find that it had a surplus fund up to 30th June, 1831, of \$210,412. The following calculation, then, may be safely relied on:

Increased surplus of revenue above expenditures, from 1st July, 1831, to 1st July, 1832, according to the report of \$75,000 for the half year,	\$150,000
Progressive increase of receipts, as per report,	140,228

Leaving a surplus on the 1st of July, 1832, of \$507,630

This is surplus which will be at the disposal of the department on the 1st of July, 1832, when the proposition under consideration is to take effect. But the routes proposed by this bill do not take effect until 1st January, 1833.

The question then recurs, said Mr. B., what will be the diminution of the revenue of the post office by taking off the tax on newspapers? From the report of the Postmaster General, it appears that the whole of the tax annually levied on the transmission of newspapers amounts to about two

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hundred thousand dollars, only one half of which accrues to the treasury of the post office, the other half being retained by the deputy postmasters for their fees. Now, if he [Mr. B.] had not egregiously erred, and the Postmaster General had not erred, then there will be, when this amendment goes into operation, a fund of half a million of dollars at the disposal of the department, leaving, after subtracting the tax of \$100,000 on newspapers, 400,000 dollars of the surplus fund yet undisposed of to maintain the increased expense of the new post routes by this bill, and enable the Postmaster General to extend the facilities of the public accommodation. There was no danger of trenching on the post office fund—there would not be the possible necessity of dispensing with a single route, or keeping down the usefulness of the department in the slightest degree. No gentleman, he presumed, would deny that the cheapening the price of newspapers, and facilitating their circulation, was a great object, conducing more to public utility than any other proposed in the bill. Is it of no importance that, living in a republican Government, with a constitution; one great article of which guarantees the freedom of the press, we should execute that article by doing every thing in our power to favor a free and independent press? It was true the liberty of the press might be abused, but in this, as in all other human affairs, we must take the bitter with the sweet, and not throw away the good because bad may accompany it. I am one of those, said Mr. B., who will take the freedom of the press, with all its licentiousness, rather than suffer the people to want for information, for I believe that it is only when not correctly informed that the people were liable to err.

Mr. GRUNDY regretted very much that the gentleman from Kentucky had made his proposition at this time. The subject had been before the Post Office Committee; had been much canvassed, and they had come to the conclusion that no proposition should be made to the Senate on the subject until it should be ascertained what amount of expenditure would be produced by the bill before them. It had been the intention of the committee to present this subject to the Senate at a proper time; and it was the opinion of some of its members that newspaper postage ought to be reduced, while others of the committee, whose opinions were entitled to some weight, thought there should be a reduction of the postage on letters also. But was it right to encumber this General Post Office bill, so voluminous in its details, with a separate and distinct proposition? Was not the plan of the gentleman from Kentucky of sufficient importance to be brought forward in a bill by itself? There was one thing that both he and the Senator from Kentucky concurred in. They both thought that the Post Office Department ought to sustain itself from its own resources. Now, said Mr. G., if you take off the revenue derived from the postage of newspapers, the bankruptcy of the department would be hazarded; for, taking into consideration the expenses created by the new routes established by the present bill, there would probably be no surplus income as at present. This proposition could not cost less than from one hundred thousand to two hundred thousand dollars. If you put it at the lowest rate, and make it a horse mail once a week, it will not cost less than one hundred thousand dollars; but was it expected that those accommodated by this amendment would be satisfied with a horse mail once a week? Mr. G. did not now intend to give any opinion with regard to the propriety of taking the postage entirely off from newspapers. He knew the importance of inculcating cheaply valuable information through the country, and the measure proposed might, in time, be safely adopted, but now, he believed, it was premature to attempt it. It was said that in England newspapers are transmitted free by the Government; but let it be remembered that every printer of a newspaper first puts down his money in the shape of a tax

on his paper, and in this way the Government is indemnified for the cost of transporting them by mail. The gentleman was mistaken in supposing there would be so large a surplus fund as sixty-two thousand dollars coming into the department the next year; for, at first, in consequence of the extraordinary expenditure created by the new routes, nearly the whole of it would be expended. According to the proposition of the gentleman from Kentucky, said Mr. G., we shall subtract from the revenue of the department the sum of one hundred thousand dollars by taking off the postage from newspapers; and by the new routes established by the bill, we have imposed on it an additional expense of one hundred thousand dollars. Here, then, is at once a difference of two hundred thousand dollars, and the income of the department is but sixty-two thousand dollars over the present expenses. There was another view of the subject. The principal part of these accommodations were extended to the new States, (and he believed it was the first bill that ever passed Congress in which the West had the advantage.) New England had but a small increase of post routes, and there was but little additional accommodation to the South, both these sections of country having been already provided for. Then, these new routes, being principally in the West, would be unproductive, because there was but little money in the part of the country through which they are to run. He hoped, under all the circumstances, the Senate would not prematurely adopt this amendment; that they would permit the subject to be first considered by the committee, and examined as to how and when it could safely be carried into effect. He would tell gentlemen distinctly, that, if the proposition was adopted now, the department would not be able to sustain itself for the next year. Mr. G. then asked for the yeas and nays on the question; which were ordered.

Mr. FOOT, foreseeing that this proposition would lead to discussion, and being desirous to take up the pension bill, moved to lay this bill on the table, but the motion was rejected—yeas 15, nays 16.

Mr. CLAYTON next addressed the Senate in support of the amendment. He considered the proposition as one of great importance, calculated to produce the most beneficial results; and he tendered his thanks to the Senator from Kentucky for having made it. In the few remarks he was about to make in support of the proposition, he should say but little in reference to that part of the discussion between the gentleman from Kentucky and the gentleman from Tennessee, which related to the ability of the department to sustain itself from its own resources, after the postage on newspapers should be abolished, because he did not deem that a matter of sufficient importance. Both gentlemen had said that the General Post Office ought to sustain itself from its own resources, without becoming in any degree a charge on the treasury. Now, this was the language of the Postmaster General himself, in his communication to the other House, and it appeared to be the sentiment throughout the country that this should be the case. But it was not true that the Post Office Department had sustained itself since Mr. Barry came into office. That it was not so, was susceptible of mathematical demonstration. There was in that department when Mr. McLean went out of office, a surplus fund of two hundred and eighty-nine thousand dollars, which was now reduced, as appeared by the report, to two hundred and ten thousand dollars; and this, said Mr. C., would have been all gone, had it not been for the assistance rendered the department by the treasury; for, if you will look at your appropriation bills, you will find that the sums appropriated for the salaries of the officers of the department from year to year would have absorbed more than that sum. It did not appear, then, from the documents, that the post office had sustained itself from its own resources. The danger that this diminution of the

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tax on the literature of the country, proposed by the Senator from Kentucky, will become a charge on the treasury, is urged as a strong objection, without any force. We are engaged now, said Mr. C., in plans for the reduction of the revenue down to the wants of the Government. We all agree that the revenue at present is more than is necessary; and we all agree that it ought to be reduced. Now it seems to be a question of peculiar propriety, while we are considering on what objects of general use the taxes can most advantageously be reduced, that we should take into consideration the tax on newspapers, from which the people derive their principal information relative to the progress of public affairs. It is a matter of no importance to me, while you draw money from me for support of the Government, whether you draw it in the form of a tax on newspapers, or any other article; but to the great mass of the people it is otherwise. This was a tax, said Mr. C., which fell unjustly on the poor man as well as the rich; for, in effect, the tax on newspapers was a tax of fifty per cent. on the value of the article. It operated more unjustly than the stamp duty in England on newspapers, to which the Senator from Tennessee referred, and which was so celebrated as one of the six acts that rendered the Castlereagh administration so unpopular. In England there was a certain duty on newspapers, and a certain duty on every advertisement inserted in them. He had a copy of the London Courier, containing a statement made by order of the House of Commons, from which the whole amount of the duties could be correctly ascertained.

[Mr. C. here read the statement, by which it appeared that the whole amount of duties levied in England on newspapers, pamphlets, and advertisements, was two million nine hundred and forty-seven thousand eight hundred and eighty-eight dollars.]

This, said Mr. C., is the whole amount of the tax on the press, imposed by one of the celebrated six acts of the Castlereagh administration, that had been denounced in the British House of Commons as one of the most tyrannical, most oppressive, and most destructive to the liberties of the press, since the act for the censorship of the press, which was abolished in 1694. It was, by Mr. Hume, in the House of Commons, lately denounced as not less tyrannical than those ordinances for which Charles X was hurled from his throne. You see, said Mr. C., the amount of tax; and is it not strange that a people groaning under so intolerable a load of taxation, should have complained of a tax of only three millions, comparatively so trifling, considering the number and amount of the burdens imposed on them? Mr. C. observed that, of the whole sum of nearly three millions of dollars raised in England, only about five hundred thousand pounds were obtained by the stamp tax on newspapers alone; and to show the gentleman from Tennessee what little merit there was in the example which had been referred to by that gentleman, he invited his attention to the odium with which that example had ever been regarded, small as the tax appeared when compared with other taxes there, and to the bitter hostility with which it was constantly assailed in England by every real friend to the freedom of the press in that country.

[Mr. C. then proceeded to comment on the injustice and inequality of the tax in this country, in proportion to the value of the article, giving his objections to the imposition of a tax, only one half of which went into the revenue, while the other half went to compensate the deputy postmasters for collecting it. It was onerous on the literature of the country, he said, if we consider the amount of the tax, deemed so trifling by the Senator from Tennessee; but, as regarded the principle, he would much prefer the British plan of taxation.]

It had been recently proposed in England to adopt our system, and tax the postage on each newspaper; but the measure, which was really advocated by no party, was

opposed by those who stood up for the liberty of the press, as oppressive and impolitic, and was finally rejected. [Mr. C. then read from one of the English reviews an article on the subject, in which the writer, after exposing the oppression and injustice of the existing tax, ends by recommending an ad valorem duty on every newspaper issued from the press.] This, said Mr. C., was considered there as the most equitable system of taxation; but the very one to which we adhere, and which never was justified, except for the exigencies of war, is viewed in England as the most obnoxious of all.

Mr. C. held it as essentially necessary for the preservation of a free press that it should be free from the shackles of Executive influence and Executive patronage. Place, said he, by the adoption of the amendment before you, the whole press of the country on the same footing, and the most effectual measures are taken to remedy and prevent the evil. It could not be denied that a pensioned press was supported throughout the country, and pledged to sustain the party in power. Such were the declarations of the Senator from Kentucky, who belonged to that party. He would take them on his assertions, and put it to the Senate whether it was not time to arrest the abuse. He would not consume the time of the Senate by reading the celebrated report of the Retrenchment Committee, in which the subsidizing of the press is so strongly reprobated, but he would merely ask gentlemen's attention to it, and call upon them to adopt the amendment as the most effectual mode of suppressing the abuses the report complained of. The gentleman from Kentucky had said, that, owing to the heavy tax on the postage of newspapers, a press could not be sustained here, at the seat of Government, without the patronage of the Government. This, indeed, was a melancholy truth, and it was equally true that a press always would be sustained here by that very patronage. In the recess of Congress, those who have the franking privilege will, at all times, as they always have, exercise it for the purpose of keeping themselves in power. It is not to be doubted, that, last summer, thousands and tens of thousands of the Globe were franked all over the country; and did not that give to that paper an advantage over all others? Nine thousand postmasters are now scattered throughout the Union, each of whom has the privilege of sending without charge any newspapers which sustain in power those at whose will and pleasure these post offices are held. How many secretaries, auditors, comptrollers, and officers in the post office here, exercise this franking privilege, every year, to keep themselves in power? In England, the crown is exempt from taxation; but the privilege is odious there. Destroy the monopoly which is here enjoyed by the pensioned press, by putting all the papers of the country on an equal footing, and you will do more to remedy the evil than you can do in any other way. Mr. C. had before referred to the unpopularity of Lord Castlereagh's administration; and he knew no better cause for his lordship's cutting his own throat, than the just odium consequent upon the celebrated "six acts" of 1819, of which that to tax the press is one; and he would now refer to what was said in Parliament, in debate, by Mr. Banks, one of its supporters.

As a specimen of the mode of argument by which that bill was sustained, I give you his words:

"It was the duty of Parliament—a pressing and imperative duty—to lay the axe at the root of the evil, to suppress the press—he meant the abuse of the press—an abuse which, if not suppressed, would, ere long, overthrow every establishment in the country. One great source of the evil was the extent to which the general education of the lower classes had been carried, and which certainly tended to the establishment of a state of society not contemplated in former times. To enlarge the understanding of the people—to give them capacities for the reception of knowledge, was worse than use-

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less, unless especial care was taken what kind of knowledge was communicated to them."

Proceeding to point out erroneous knowledge as the evil resulting from the liberty of the press, he says:

"This is the mischief, and it behooves the Legislature to take great care what issues from the press, at a period when the people at large were so capable of comprehending the information, salutary or pernicious, that was imparted to them. The existing situation of things had never before been known in any age or country."

Now, said Mr. C., there was nothing parallel to this in this country, and the only question was, on what principle the tax on newspapers, so heavy at it was, could be justified, unless it was for the exigencies incident to a state of war, in which case, he admitted, extraordinary taxes must be levied. All agreed that our revenue is more than is wanted; and will you, said he, establish the principle that it is right to draw revenue from such a source, unless for the emergencies of the Government? Look to the principle involved, said he, for the day may come when more dangers will result from it than from the celebrated stamp tax before referred to. Let us look at things as they exist, and see the connexion between the post office and the press, and how that department possesses the power to control and corrupt it. Without calling the attention of the Senate to any particular case, it was sufficient for his purpose to point out in what way the department possessed this power. First, by appointing printers to office. This was not now unfashionable, though contrary to the principles of the Jeffersonian school. He found, in looking into the memoirs of that great man, that, on the 14th May, 1801, in a letter to Mr. Macon, he says: "A very early recommendation had been given to the Postmaster General to employ no printer in any of his offices;" and he elsewhere directs that no printer shall have any connexion with the post office—"not even so much as to carry the mail." That was the Jeffersonian creed. The department then had this power of appointing printers to office. Other gentlemen could tell how many printers had received appointments; he could not, and he did not wish to meddle with the question; it was enough that the department had the power. Secondly, the department could give great advantages to its friends over its foes in a variety of ways. The chief of the department makes all mail contracts, after publicly advertising the contracts to the lowest bidder. Now, if you will look at the report of the committee of the Senate of the last session, you will find that there were no less than eighty-three contracts, in which the worst bids for the Government were accepted.

It might be worth while for one anxious to learn how the department possessed the power to do mischief, to look at the reports of the select committee of the Senate last year, stating the facts they obtained before they resisted in their inquiry, under the pretext that they could disclose impeachable matter, and inquire why A or B were preferred to C or D. In a great majority of cases, says the department, the "lowest bids were refused, because the parties making them were not sufficiently known, or sufficiently recommended." But I will put it to the Senate, if there is a better mode of favoring favorites than this. An allegation of that kind is one that can always easily be made, and hardly be put down. A man may have fifty letters from the most respectable persons, and yet be told that he is not sufficiently known or recommended. The department may also grant extra pay to favorite contractors. Mr. C. then referred to another mode in which the department was liable to commit abuses. There was no detail given, nor ever had been, of the incidental expenses of that department. You have, said he, their "contingent expenses," for which you make annual appropriations; but their "incidental expenses" were not defrayed out of appropriations, but out

of the funds of the department, and were never known. But last year, the committee did get some information with respect to them. They heard that they varied from thirty thousand to one hundred thousand dollars. Mr. C. then read from the report showing what the incidental expenses of the department were; and went on to show how the department had it in its power to make an improper use of this fund. By looking at this statement, it would be found that thousands were paid away to agents employed by the department in riding through the Union, for what purpose he knew not, nor had the committee any information on the subject. But there was another way in which some of this money had been expended. He recollected seeing it stated, last summer, that a printer named Shadrach Penn had been sending two or three bushels of documents through the Western country, in defence of the Post Office Department; and, on looking at the report, he found that the man had not been working for nothing; he had been paid, out of this incidental fund, about twelve thousand dollars; and for what? They say for printing blanks for the department—may be so. It might all be right; for he did not pretend to say that the matter was not susceptible of satisfactory explanation; though it is said this man edits a paper in Louisville, Kentucky, strongly supporting the hand that feeds him: he had merely called the attention of the Senate to this and the like cases, to show that this department possessed the power to subsidize and pension the press more than any other department in the Government. While there were constant struggles in our legislative halls to control and prevent the expenditures of money, the Post Office Department had the power to make these incidental expenditures without control, and without being subject to any check whatever. Mr. C. then entered into various arguments in support of the amendment, showing the benefits that would result from the free and cheap circulation of intelligence, and the abuses that would be corrected by taking away the power of giving a favored paper the advantage in its circulation. By adopting the amendment of the Senator from Kentucky, all the papers would be put on one footing, and the press which is acting on principle will be as fairly sustained as the press that is pensioned. He had referred to Mr. Jefferson; and so long as his doctrines were considered as orthodox, they would sustain the gentleman from Kentucky in the measure he had proposed. There were party considerations which he would not enter into; but there were others, not connected with party, that he felt it his duty to call to the attention of the Senate. Mr. C. here enlarged on the unequal operation of the tax on newspapers, favoring large cities, to the prejudice of the smaller towns and villages; and showed that the farmers, the yeomanry of the country, were the people, above all others, that the Legislature ought to be the most anxious to enlighten. He referred to the message of President Washington, strongly recommending a measure similar to the one under consideration; and reviewed the calculations and estimates made by Messrs. BRAN and GAUDET, in order to show that the funds of the department ought to be sufficient to sustain it, though he admitted that it had been so administered as to sink the available funds greatly below their amount on the 4th of March, 1829, and below what they would be under a different management of those funds. At present, the department was a charge on the treasury, and it would be so while appropriations to the amount of eighty thousand dollars were to be had for the asking, as was the case last year. Under these circumstances, the pretext for defeating this most salutary measure was not to be regarded as of any weight. The only question ought to be whether the press of the country was a proper subject of taxation in this form, and at this period, when an extensive reduction of the revenue was determined upon. General Washington, even while earnestly recommending measures for the

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increase of the revenue, had pressed upon Congress the abolition of the postage.

Mr. FOOT then submitted the following amendment:

And that the following rates of postage shall be charged upon a single letter or sheet, not exceeding 40 miles 8 cts.

Over 40, not exceeding	90	10
80, do	150	12½
150, do	300	17
300, do	500	20
500,		25

in lieu of the present rates of postage, being the same rates of postage as existed by law prior to the year 1816.

Mr. F. said he would make but one remark in relation to the proposition he had submitted. It would be recollected that the rates of postage on letters were raised to the present amount. It was his object to reduce them now to what they stood at that time. The present rates, he said, were war rates; for they had been raised to their present height to help out the expenses growing out of the war; and as there was now no reason for retaining this high tax, he thought a part of it ought to be taken off. The tax on letters, he said, operated as heavily as the tax on newspapers. It was peculiarly severe on the people in the section of the country he came from, who corresponded to a considerable extent with their relatives, so many of whom had emigrated to the Western country.

FRIDAY, MAY 4.

FRENCH COLLEGE.

Mr. BENTON moved to postpone the previous orders, and take up the bill to grant a township of land to the French college at St. Louis; which was agreed to.}

Mr. POINDEXTER objected to the bill, because it went to sustain a French establishment; and it had been the policy of Mr. Jefferson, and it was a wise policy, to endeavor to amalgamate the French population in language, habits, and laws, with the population of American origin. He did not therefore see the propriety of granting lands to a foreign establishment, by means of which that policy would be thwarted.

On his motion, the bill was then laid on the table.

TARIFF AND PUBLIC LANDS.

Mr. DICKERSON gave notice that the Committee on Manufactures having reported on all the great subjects referred to them, and having given full time for the Senate to examine their several reports, he should ask the Senate, on Tuesday next, to enter into the consideration of the bill to divide the proceeds of the public lands, or the other bills, whichever the Senate might deem most advisable.

Mr. KING asked if the Senator from New Jersey proposed to take up the bill relative to the public lands with a view to refer it to the Committee on Public Lands.

Mr. DICKERSON said it was not his intention to make such a motion. He would be happy to have the views of the Committee on Public Lands upon the subject, and he hoped that the members of that committee would favor the Senate with them in some form.

Mr. KING replied that, in such a case, he should embrace the first opportunity to move that the bill be taken up, and referred to the Committee on Public Lands; in order that a fair report might be made on the subject. He hoped such an opportunity would offer before Tuesday.

Mr. CLAY said that there had been many important duties confided to the Committee on Manufactures. They were duties of an arduous character, not sought for by the committee, and entered upon by them with great reluctance. At the order of the Senate, however, they had gone into the consideration of the several subjects, and had reported bills on three important points. Above five, nearly six months had now elapsed of the session, and no

one of the subjects which had so generally and deeply agitated the country had yet been disposed of; indeed, there seemed to be nothing like even an approximation to a conclusion. The committee having discharged their onerous duties, and relieved themselves of their responsibility, he was glad to hear the chairman express his willingness to take up any one of the bills for discussion. He hoped that one of them would be taken up, discussed, and gone through, in order to quiet, as far as possible, as far as a decision of that body could quiet, the disturbed feeling of the country. He was willing to take up either of the subjects. So was the chairman, and so was every member of the committee: and it had been stated that if there was a disposition on the part of the Senate, the lands bill would be taken up. Nothing had as yet been done in the way of examination of that bill. The Senate, in its corporate capacity, had not acted on it, or even looked into it. Yet the gentleman from Alabama took fire at the suggestion of the chairman, and stated his desire to have a fair report on the subject. What was this but to impute unfairness to what had not been examined? To whom was the report unfair? In what was it unfair? Was it unfair to the new States? Was it unfair to the old States? To whom was it unfair? It was always easier to make than to substantiate accusation. He wished the Senator from Alabama would point out where the report was unfair. If he could do that, then there would be just reason for complaint. But against this indiscriminating warfare on a measure which had been reported on the responsibility of a committee of the Senate, he must enter his solemn protest.

He wished to see the bill relative to the tariff reported by the Committee on Manufactures, by the side of the draught communicated by the Executive Department. He desired, he ardently wished, and, were it proper to say so, he would challenge a comparison between the two projects. In reference to the lands bill, he did not see that, for the purpose of having the views of the Committee on Public Lands, it was necessary to refer it to them in a formal manner. He had no recollection of such a course in parliamentary history, where a bill reported by a standing committee was thus taken out of their hands, and referred to a different committee—and for what? That the other committee might present different and opposite views of the subject. What then would follow? If this second committee presented other views, the subject might be sent to a third committee. What did gentlemen intend to do? What course did they mean to pursue as to the disposal of this great national property? The Committee on Public Lands were fully competent to present their views on the subject. Did they wish to reduce the price of public lands? Let them propose it. Did they wish to surrender them to the States? Let them propose it. These propositions would be in no way incompatible with the consideration of the report. If they desired to amend the bill, let them prepare their amendment, and lay it on the table; let be printed and seen. If they had an argumentative report, let it be prepared, exhibited, and circulated. He was willing to vote for the printing of 10,000, 20,000, any number of such a document, when it should be presented. But he could not sit still in his place, and hear the reiteration, again and again, that the Committee on Manufactures had presented an unfair report.

Mr. KING moved that the Senate now take up the bill, in order to refer it to the Committee on Public Lands, but the motion was negatived—yeas 17, nays 21.

POSTAGES AND THE POST OFFICE.

The Senate then again took up the bill to establish certain post roads and discontinue others.

Mr. FOOT then withdrew his amendment concerning the reduction of letter postage, as he did not wish to embarrass the amendment of the Senator from Kentucky.

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Mr. GRUNDY resumed his opposition to the amendment, and spoke for nearly two hours, to show the inability of the department to meet the loss of revenue which must be the consequence of the adoption of the amendment. He stated that he had underrated the additional expenditure which would be caused to the department by the passage of this bill. He had observed, yesterday, that the amount might be taken at not less than a horse mail once a week for each of the 20,000 miles, and that, estimating the expense of this mail at five dollars a mile, the aggregate would be 100,000 dollars added to the annual expenditure. In reference to the report of the department, he found that a horse mail had always cost eleven dollars instead of five dollars a mile, consequently the additional expenditure caused by the bill would be 220,000 instead of 100,000 dollars. He thought that the proposition was of too much importance to be engrafted on this bill, and that it should be presented in a distinct form and a separate bill. He repeated his objections to an abolition of the postage on foreign papers, as it would destroy those village journals which are supported by the domestic industry of the State, and would bring bankruptcy on the department.

Mr. HOLMES said he felt some commiseration for the Senator from Tennessee, [Mr. GAUCHER], for he appeared to argue all along as if he was conscious that he was on the wrong side. I never knew him, said Mr. H., labor so hard to make out even a plausible case. He went round and round the subject, as though afraid to touch it, and in this he proved his prudence, for, in truth, the wider he was from it, the better his speech. But, after all, said Mr. H., it was a very good speech, and ought to be preserved, from motives of economy—for it will fit any other subject as well as this, to say the least. Now, sir, to have such a speech on hand, when time presses, or ideas are scarce, is a stock in trade, a reserved fund, which may serve to save a man from bankruptcy. And should we have it again, before the session closes, in some form or other, it will not be matter of surprise. The object of the Senator appearing to be not so much to prove that the repeal of the postage on newspapers would be improper, as to sustain the Post Office Department against certain charges under which it has labored since an examination of last session.

The Senator even upbraids us for attempting to diminish the funds of a department, which last winter we stated to be on the verge of bankruptcy. It may be that this department has profited by the scrutiny of last winter, and has consequently indulged in less prodigality. It may be that new facilities have produced additional income. But be its management what it may; let its funds be inadequate to its purposes, still, if this tax on newspapers is unequal, unjust, and impolitic, repeal it, I say, and supply the deficiency from the treasury.

But is not this reproach upon us, even if just, a two-edged sword, cutting the advocates as well as the opposers of this department? The Senator states that the minority of the Committee of Inquiry (the Senator from Delaware, and myself) insisted that the funds of the department were inadequate, and had been wantonly wasted. We reply that the majority of the committee, and especially the Senator from Tennessee, insisted, and strenuously urged, that they were ample and superabundant, and he is now afraid to dispense with \$106,000, lest this very flourishing department should become bankrupt. If this sum cannot be dispensed with, when there was a surplus fund, on Mr. McLean's leaving the office, of more than three hundred thousand dollars, there has been gross prodigality somewhere. Besides, while boasting of the flourishing condition of the Post Office Department, last winter, you contrived, nevertheless, to slip into the general appropriation bill for its benefit about \$20,000 over and above the ordinary allowance. With all these facilities,

and the income of new routes, and the surplus on hand, it seems strange, indeed, that this paltry sum cannot be spared. Indeed, you admit a surplus now of \$210,000; and pray, why not spare half of this? It is said that the new routes proposed by this bill will cost \$60,000. Be it so, and you will then have a surplus quite sufficient. But your new routes will not commence until January, 1833, and no expense consequently for the first six months—and will these new routes yield no profits? Sir, take the Senator's own premises, and the newspaper postage is totally unnecessary.

But the Senator assumes that to repeal the postage is to tax the people—a very extraordinary proposition, and one which would extort a smile from a very grave sort of a man. From what sort of premises, or by what kind of calculation, he comes to this conclusion, I am utterly at a loss to perceive. Every man who pays one cent on each paper coming from any place within the State, or within one hundred miles, knows full well that for two papers each week he pays a tax of \$1 04 per year, and for more remote papers \$1 56 per year. Now, if this transportation costs nothing, why does he not gain annually \$1 04 in the one case, and \$1 56 in the other? Will the editors of newspapers charge these sums to their customers, and pocket this gain to themselves? Not so. Repeal the postage, and more papers will be taken, the demand will increase with the facility, a competition among printers will keep down the prices, they can afford to sell cheaper because they sell more; and whoever takes a newspaper will save the whole amount of the postage. Now, among people in the country, this is no small affair. A farmer can pay for his paper in wool, lumber, and provisions, which he can well spare, without feeling it. But the postage is cash, and many can more easily pay two dollars for their paper than one dollar for the postage. I appeal to every man who takes a village or country paper, for the truth of what I have stated.

But the Senator contends that if you repeal this postage you encourage papers from abroad, or foreign papers, as he terms them, at the expense and discouragement of those in our own vicinity. Now, how is this? In my view, the postage on the former is now less than that on the latter. You take a semi-weekly paper from abroad, from Washington, for example, and it costs you five dollars—you would not take one which would cost less—the postage is \$1 56 per year. You take one within your own State, which would cost you \$2 50, or near home, and its postage is \$1 04; so that the domestic paper pays now the highest tax, and in the same proportion would be relieved by the repeal.

Apprehending that a repeal of the postage would encourage the foreign at the expense of the domestic newspaper, the Senator would retain it, as a protection to the domestic product. Very well! His conclusion would be sound were his premises true; and we congratulate the friends of the "American system," that the Senator has come over. It is certainly a great acquisition to their strength, and indicates, moreover, that the administration with whom that Senator stands well, is also inclining this way. This is, indeed, a strong indication; for, if the Senator would discriminate in favor of a State against other States or Territories, he would much more aid and encourage domestic against foreign productions. This is a change, as interesting as it is sudden and unexpected. I have before me his speech on the tariff, in which he speaks of his own opinions and those of the President, and indicates that these opinions are different. The President is for "a judicious tariff." Now, a judicious tariff is supposed to mean whatever shall suit the time or place. That which would be "judicious" north of "Mason and Dixon's line," would be very "injurious" to the south of it, and so *vice versa*. Indeed, the President's notion of "a judicious tariff" seems to be that he should be as equivocal and mysterious on the subject as possible, until after

the next election. We hope, however, that the Senator's conversion is sincere, and will be permanent. With his talents and his influence with the people and the Executive, his change is certainly matter of much congratulation.

Still we must be allowed to express our belief that in the present case he makes a very bad application of the protective system. It seems to me it has been proved that the repeal would be most favorable to the local or village papers. I confess that the objection was more puerile and less statesmanlike than any I had ever heard from that Senator; that the premises were untrue, and, if true, the conclusion would have been totally unsound. Newspaper information should be selected or manufactured at home, by the neighborhood editors, and served up to the neighbors as shall suit their tastes or appetites! One, and a principal object of a newspaper, I had thought, is to convey news. News must from its nature be foreign, or come from abroad. Does the Senator mean that this also should be of domestic growth or manufacture, lest the foreign should pervert or corrupt the minds of the people? The idea that news should not come to the people from abroad, or, if it does, that it should be first fashioned, fitted, and pruned by a village editor, before it would be safe for the people to see it, is a caprice so bordering on the ridiculous, that I can hardly treat it seriously.

And as to the political matters usually discussed in newspapers, is it insisted that these shall be local? Would the Senator circulate local or State politics only? Would he inculcate a clannish spirit, magnifying State rights and institutions, and excluding every thing federal or national? Why should not his constituents have an equal chance to learn the national doctrines emanating from this city, as the local interests and principles of their own State? While our Government remains what it is, instruction upon both these points is essential to preserve the balance and perpetuate the Union. But if his fear of distant newspapers were well grounded, why not repeal the postage on the domestic, or those in the vicinity, and let the rest remain? This would be acting up to the argument—here the profession and practice would concur. But nothing of this is proposed, and false alarm is sounded that the small editors are in danger, when the very protection which they want is denied them. But do not these editors understand their own interests? Do they believe that to repeal the postage is taxing them? Sir, among the local editors, so far as I can learn, there is but one opinion, and that is in favor of the repeal. They know full well that in no sense, shape, or form, can this tax benefit them. Still this is but a small branch of the subject. It is not the interests of editors which we are to consult chiefly. Newspapers should be, and without pensions and patronage would be, valuable, easy, and reasonable means of instruction, calculated to teach the people their rights, and how to preserve them. Introduce a fair and active competition in the profession, and among the different partisans, allowing no advantage to no one which is withheld from the others, and the sources and channels of information will become purified by a wholesome and salutary action and reaction.

This would be especially exemplified in the competition between distant and neighborhood papers. That both have different offices to perform, we have shown. There will and should be local partialities and interests to be sustained; and it is no less true that it is the essence of our Government that these must yield, in a measure, to motives of general policy. Without such views, inculcated by such means, each State would very soon become clannish, and regardless of all interest but her own, and nullification as now professed in some of the States would be practised in all. Confine each State to its own roads and its own politics, and your Union would exhibit the most ridiculous absurdity of clashing and discordant views, each clinging

to personal partialities and local interests—South Carolina, Calhoun and cotton—Tennessee, Jackson, cotton and wool—Missouri, lead and Johnson—Kentucky, Clay and cotton bagging—Virginia, Barbour and tobacco—Pennsylvania, iron and Wilkins—New York, “spoils of victory” of every sort—Massachusetts and other New England States, Clay, cotton factories, and codfish—and so on, and so forth. Sir, without concert, the wheels would stop; and without information, general as well as local, you never could act in concert. We have a striking illustration before us, in the splendid convention now held in this city, of young men, their country's fondest, brightest hopes. It is to effect this very concert on a great national object, that they have assembled from all parts of this vast country, to interchange sentiments, mingle feelings, surrender attachments, sacrifice prejudices, and compromise conflicting interests, for the general good. May the result of their labors prove the lasting honor, liberty, and union of our country.

Is it not possible, sir, that this aversion to distant newspapers, so sensitively expressed by the Senator from Tennessee, may arise from a morbid sensibility? May he not, at this time, be a little hallucinated? It may be that, at this time, newspapers at home may serve him better than those from abroad. An election, interesting to him as well as to us all, is soon to be held in his State, in which it may be apprehended that a certain “malign influence” here may operate to counteract a wholesome local influence there, to the prejudice of the public interest and welfare. If he can be governed at all by such apprehensions, it may account, in some measure, for his strange antipathy to distant newspapers, and his very extraordinary fear (against all reason) that the repeal of the postage will be exclusively prejudicial to those that are local.

The Senator supposes another danger growing out of this repeal; and what is it? The United States Bank might profit by it to influence the press! Though this bank is made the “bugbear,” the “raw head and bloody bones” for almost every thing, yet it would require an extraordinary stretch of a very elastic imagination to conceive how a repeal of the postage on newspapers would give to any bank an influence over the press. It would seem to me that the cheaper you make newspapers, the greater their diffusion, and consequently the less danger of their being bought up and perverted, and thus bestowed on the people to corrupt them. A bank, to corrupt public opinion by the press, must be able to control the circulation and the contents. If other papers, free from a corrupt influence, are easily and cheaply obtained, most assuredly the polluted papers would be in less demand and circulation.

If you would put it in the power of a bank or the Government to circulate their own information for their own purposes, make newspapers generally as scarce and as difficult of attainment as possible. If you would give to the public information to pervert or corrupt their minds, let all other information on the same subject be suppressed.

Now, should a banking corporation, with a capital of \$35,000,000, design to operate upon public opinion, and to this end purchase the principal presses of the country, would a cent or a cent and a half postage on each paper deter them? No such corrupt design would be imagined, but to accomplish some great purposes. Would this postage, the merest trifle to them, be a stumbling-block in the way of their design? The argument of the Senator is this—make newspapers dear, to prevent the wealthy from purchasing them up to corrupt the people; mise is directly the reverse—make them cheap, and the poor can get them for themselves untainted—make them dear, and the wealthy might then buy them to corrupt the poor, who could not get them any other way. The whole of this insinuation in regard to the bank is the merest illusion—the supposition of danger is pitiful, and the remedy is more

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pitiful still. Tax newspapers with postage, to save the press from corruption! This is the grave reasoning of a grave and reverend Senator! Alas! what next? Sir, when the President's scheme shall have been accomplished, and his object realized, and this bank shall be broken down by insinuations and surmises thrown out against it, here and elsewhere, and there shall be erected on its ruins one established on the public revenues, the stock taken under the favorable direction of the administration, and the officers be of Executive appointment, and subject to Executive control, we may then begin to apprehend an influence, not over the press merely, but operating upon every free institution of the country. Sir, when this Bank of the United States is brought into view, whether abruptly or not, it is not amiss to glance at the whole design, and to reflect that some such institution is indispensable, and to look at the monster proposed as a substitute. Destroy the bank, and erect this substitute on its ruins, and the corruption of the press, and every thing else, will be no slow process—it will spread like a gangrene, and destroy like a pestilence.

But it is objected that the department cannot afford to dispense with this postage, unless you draw from the treasury. But you draw from the treasury at any rate. From sixty to eighty thousand dollars are annually appropriated for this department; yet you object to drawing from the treasury. If, indeed, you draw more from the treasury than heretofore, let it be remembered that, under former administrations of this department, large sums were paid into the treasury, which now may be justly withdrawn, even upon the hypothesis that the department ought to maintain itself.

But, sir, what is meant? What is the reason that "the Post Office Department should maintain itself?" Suppose no tax were necessary for any other purpose of Government; suppose our accruing funds were more than sufficient for all other disbursements: will it be said that the people shall be taxed to maintain this? Is this a tax so desirable, so beneficial to him who pays, that he must pay it for his own good, whether he want it or not? This department is established for the public benefit; and, because Government could not well afford to confer this benefit without opposing some obligation on those who realized it, they demanded certain rates of postage on letters, newspapers, and pamphlets. This demand—a tax, in part, on instruction and intelligence—should cease with the necessity. The moment we can dispense with this tax, characterized, as it is, a tax upon intellect, it should be repealed.

But, sir, whatever may be my own opinion of the condition of the department, I call the attention of the Senate to the results arising from their own statement:

The surplus on the 1st July, 1830, was	\$210,412 29
The receipts of the department for the six months next before the 1st July, 1831, were \$75,675, at which rate there should be added to the surplus on the 1st July, 1832,	150,951 82
To this should be added the average increase of the receipts, as stated in the report, being at the rate of	150,000 00
Making the surplus fund on the 1st July, 1832,	511,364 11
But the new routes will not be put into operation until the 1st January, 1833, and, therefore, there should be added the increase of postage for six months,	\$75,000 00
And the receipts beyond present expenditure,	75,475 91
Being the sum of	150,475 91

From which is to be deducted the amount of postage on newspapers, proposed to be repealed, being at the rate of 106,000 dollars per annum for six months, being	53,000 00
And there will be the further sum of	\$97,475 91
to be carried to the surplus fund on 1st January, 1833.	
Making the surplus fund, on that day,	608,840 02
The estimate for average increase of postage is	150,000 00
For receipts, beyond present expenditure,	151,951 82
Making the surplus fund on 1st January, 1834,	910,791 84
But from this is to be deducted the amount of newspaper postage repealed,	106,000 00
And the excess of expenditure, beyond the receipts, on the new routes,	60,000 00
	166,000 00
Leaving the surplus fund, on the 1st January, 1834,	744,791 84
For the year 1835, the increase on postage will be	300,000 00
The present receipts exceed the expenditures by the sum of	150,952 82
Making the surplus fund on the 1st January, 1835,	1,195,744 66
Deduct postage repealed on newspapers, for the year 1834, say	106,000 00
And allow all that Mr. GAVIN claims, on account of new routes,	60,000 00
	166,000 00
Leaves a surplus on 1st January, 1835, of	1,029,744 66

But, sir, a strong objection to this tax is its inequality. The remotest citizen, who has less means, and therefore needs most instruction, pays, while the inhabitant of a city is totally exempt. In the great cities, where most of the newspapers are printed, the readers pay nothing; but if the paper is sent out by mail, even the short distance of three or four miles, a cent is demanded for every paper; making an annual tax for a semi-weekly, of one dollar and four cents; for a daily, of three dollars and twelve cents. There are, I believe, twelve daily papers published in the city of New York, and others, weekly, semi-weekly, and tri-weekly; all, perhaps, equal to twenty daily papers. Suppose each to issue five hundred, and the postage which these would pay, if sent out the most trifling distance by mail, and from which, if read in the city, they are wholly exempt, would amount to the annual sum of thirty-one thousand two hundred dollars. The same may be said of all the newspapers read in every large city in the Union; so that, if the one cent tax, which the country people are compelled to pay, were exacted of residents in cities, it would amount to more than the whole now paid in for postage on newspapers. Look at this simple, plain, but impressive state of the case, and I ask what the most pressing exigency can justify a tax on instruction, so manifestly unequal and unjust?

Besides, it is cruelly unequal upon those who pay it. A single newspaper, great or small, pays a cent any where within the State, let the distance be much or little. Call you this "the price of transportation?" And why, pray, does the man who lives within four miles of the city of

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New York pay his cent, while an inhabitant of Ogdensburg, on the St. Lawrence, a distance of three hundred miles, pays no more?

But this is not all. The editors of the city papers get those from the country free, but take special care not to send theirs in exchange, without they are paid in advance for the difference. Look at this postage tax in any point of view, it is most offensive, oppressive, and odious. The freedom of the press has a constitutional guaranty, and was deemed essential to the preservation of the liberties of the people. Instruction—free, unprotected, unembarrassed instruction, is what we ask, and what the people have a right to expect, because they have furnished you with the means to give it. Then, why not let them have it? We ask, ay, in their name, we demand, why?

Protection of things is very different from protection of principles. These last should be formed and established by a full, free, and unrestrained development of the faculties of the human mind. The whole energy of the soul should be put in operation by a fair competition. Give the combatants scope, and truth at last will triumph. It is protection which has established a State religion, despotic Government, and all the engines which have oppressed and enslaved mankind. Privileges to one sect or doctrine, is a tax or burden upon all others. Give to one competitor an advantage over the rest, and you establish him, right or wrong. This is the way by which error, in all ages, has been built up and perpetuated; and though a privileged or protected press may effect its purpose slowly, secretly, and imperceptibly, still these operations are more dangerous as they are unperceived.

That an administration, contriving to perpetuate its power, should seize upon the press as its most efficient means, no one would doubt: that its power over the press would be acquired slowly and imperceptibly, is equally clear: that facilities granted it should have the apparent sanction of equity and law, would be perfectly consistent with the design, and well calculated to accomplish it. Now, should this, or any future administration, meditate a corruption of the press, look at the means already within its reach.

The franking privilege has been so extended, that nearly all the newspapers of the party in power may be transmitted free of postage, while those which are not of the orthodox faith pay almost the whole tax! Now, sir, is this equal and fair? Let any administration and its adherents enjoy the franking privilege exclusively, and hold, moreover, the Post Office Department, with all its facilities, and what prevents a perpetuity of the power, however tyrannical?

The franking privilege, as now enjoyed, is extended, without limitation of weight or bulk, to the President, Vice President, all the heads of departments, the Postmaster General, and the two assistants, the Treasurer, Register, Commissioner of the Land Office, two Comptrollers, and five Auditors, Secretary of the Senate, and Speaker and Clerk of the House of Representatives. Add to all this, that there are about nine thousand deputy postmasters (all of the true faith) who have the right to receive and transmit letters and papers, of half an ounce weight, free of postage, and you have still an imperfect spectacle of the Executive patronage through the press. For, notice the further fact, that every postmaster has a right to receive free of postage newspapers equal to one daily paper. Thus, nine thousand postmasters would circulate, annually, two million eight hundred and seven thousand newspapers free of postage.

The additional patronage which the administration acquires in its employment of the press in its service, should furnish a strong inducement to guard the franking privilege, or to let all in on equal terms. The custom-house—how many presses does this employ? The immense patronage here, and the consequent influence over the press, has an effect on the public mind highly prejudicial

to freedom of thinking and acting. What is the Government patronage worth to "the Courier and Enquirer," in the city of New York? Sir, what it obtains from the United States, and the additional currency it acquires by its national character, cannot be worth less than twenty thousand dollars annually.

The printing for the Post Office Department is no trifle. Shadrach Penn, at Louisville, has had twenty-two thousand six hundred dollars, according to the admission of the Senator from Tennessee. This is "for the West." The "Morning Post," at Boston, under the special protection of the postmaster there; and the New Hampshire Patriot, at Concord, under the protection of—I do not exactly know whom, nor to what amount "the pay;" the Government paper here, countenanced and encouraged in the grossest abuse and vulgarity, and you have an epitome of the Executive influence, by means of this compound engine, the post office and the press. And what do the people ask of you, the privileged class? Nothing more than that they may obtain unpensioned papers on the same terms you obtain your pensioned ones.

Suppose these Executive engines all to be brought to bear upon the great interests and permanent fundamental institutions of the country. Imagine that whatever remained of freedom of thought and action, in politics, morality, and religion, should be supposed to stand in the way of ambition and tyranny, what but a corrupted press, passing through the channels of a corrupted post office, would be necessary to break down all opposition, and sweep away every incumbrance? Suppose this Senate should become obstreperous, and refuse, or neglect, to obey the Executive will; suppose that, in the performance of its Executive duties, it should deem it necessary (in order to fulfil the design of the constitution) to resist the encroachments of the President, in appointments to, and removals from, office, and the members should become obdurate and unyielding, regardless of rewards, and fearless of punishments—let a pensioned press open upon them its whole artillery, and their independence might be in danger—imagine a flagitious design (and every such design would be flagitious and traitorous) to demolish this great political bulwark, the Senate—what more effectual means than a protected, pensioned, corrupted press? If Executive threats be inflicted on them in vain; if Executive patronage be lavished without effect; if the popular branch is made to prescribe your Executive duties, and you still, and in spite of all this, hold fast to your integrity, yet, when there is superadded an Executive press, sustained by the treasury, and aided by the post office, and how long will even this chief corner-stone of the fabric sustain the shock? Sir, there is too much reason to fear that, in such case, even this Senate would surrender its independence, and with it the rights and liberties of their country.

If the Senate, in the exercise of their constitutional power, should reject a favorite minister, either for the home or foreign service, and this appointment should be necessary to preserve or perpetuate a succession of the ruling dynasty, what better machinery than that the official paper, and all its satellites, should open a steady and well directed fire against the Senate, either to compel it to retract, or to warn it of the danger of throwing itself in the way of the design and purpose of an ambitious chieftain? A subsidized press would be a wonderful weapon—the very thing to chastise a disloyal Senate.

The machinery would be made to operate in different ways. The official would be authorized and directed to designate the most refractory members; give them to understand that they are thwarting the public will, and direct them to resign. You know, sir, that an experiment of this kind has been already made, and the official, speaking, no doubt, "by authority," has given several of us to understand that we have no business here, and that our presence would be very cheerfully dispensed with by the

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President. There can be no question that this "by authority" gentleman speaks the feelings of "the palace." Indeed, we should think, without these indications, that the President would part with few of us without much regret, provided he himself could make the selection. The humble individual who now has the honor to address you, has been more than once honored with a hint of that sort from that source. Now, sir, I will embrace this opportunity to return to the President my respectful compliments, and inform him that I have his proposition—that I should resign—under profound consideration. But as there are several important matters, legislative and executive, not yet acted on, in which he may feel a deep interest, and which may require the aid and assistance of all his friends, I shall postpone the proposition of resignation until I shall have rendered him all the service in my power upon these, and then shall resume it, and give it all the respectful attention which is due to the high source from whence it proceeds.

From the same source, the official and its satellites, an attempt might be made to undermine the Senate, by disrobing it of its executive powers, and limiting the tenure of the office. The post office and the press might be made to combine their corrupt and corrupting influence to impress upon the public that this tribunal is an aristocracy, throwing its influence against the people and their President. Might not demagogues and pensioned partisans, through such a press as we now have, patronized and subsidized as it now is, excite a popular odium against the Senate? and might not the people, forgetting that it was established to save the small States from the effect of the popular will, combine to break it down, and thus destroy the powers of the States, and establish a consolidated Government, which would very soon end in a despotism? And is this all hypothetical? Is it not rather a reality? The Senator from Tennessee is in an error, if he supposes that the editor of the New York Enquirer was the first who proposed to prune the Senate. Much as I reprobate any proposition, from any quarter, to rob this Senate of the powers granted to it by the constitution, I would scarcely join him in considering such a proposition very seriously, when coming from such a source. The editor of that paper could not, I think, excite any alarm on any subject. He is pretty well known in this city, being the same valorous gentleman who came all the way on from New York to Washington to fight; and when he got here he thought he had—"better not"—and so he—went back again! Had that been the only paper which had proposed to demolish the Senate, the proposition would not have cost me a single thought. No, sir, it was "the official" here—the organ of the administration—the "by authority" which, immediately after the rejection of the minister to England, proposed to take from the Senate all executive power, and reduce their term to two instead of six years. Suppose, further, that individual members, from their unyielding, uncompromising spirit, should become peculiarly offensive to the President. Let his editors, in their own States, taking their cue from his organ here, enlist all the minions of power and slaves of party to assail and break them down—and let this machinery be put in operation while these Senators are here performing their duties, and in no condition to defend themselves, is it probable that the fairest and most honest could stand the shock? Neither is this hypothetical. I ask honorable Senators who hear me, if they have not been thus singled out and assailed under precisely the same circumstances.

Not an individual who voted to reject the minister to England, but has been wantonly assailed by every pensioned press in the Union. They have called, they have advertised for "public indignation," and so loudly and incessantly, that some of their editors have refused to publish any more advertisements for "public indignation," unless they could be paid for it.

Imagine, once more, that another permanent institution—the Supreme Court, should become obnoxious—that it had decided in favor of personal liberty, and to snatch the victim from Executive vengeance, and thereby should place the President in this dilemma, to liberate the citizen incarcerated, or refuse to execute the laws, and thus violate his oath of office; what could screen him from public detestation but a corrupt and subsidized press? And is this, too, a supposition, an imagination, a dream? No such thing; it is a sad reality. In a late case, when a conflict existed between the United States and Georgia, and where the Supreme Court decided that a citizen was deprived of his liberty by that State, against the laws and constitution of the United States, the neglect and refusal of the President to liberate him was justified by assailing the court through a venal and corrupt press. The New Hampshire Patriot, once edited by a member of this Senate, publishes "a letter from Washington," stating that this decision originated in political machinery; that two honorable Senators had entered into a conspiracy with a Marshall, a Story, and others, that this decision should be made for party effect; and, since that time, the venerable and unequalled judges of that high court have been simultaneously denounced throughout the Union, in the administration papers, as dotards and political intriguers. The public mind, thus perverted and corrupted by newspapers bearing an official impress—even this permanent tribunal, the sheet-anchor of the constitution, the people's last hope, loses all its efficacy, and becomes worse than useless. A law, or treaty, or even the constitution itself, is expounded by the only earthly tribunal that has the right to expound it; and yet the President refuses to execute the principle, thus sanctioned, under the panoply of a privileged, corrupted press. Sir, your President here assumes, nay, usurps, both legislative and judicial powers. He repeals a law, and reverses a judicial decision by refusing to execute the law as adjudicated. The President and his press have interpolated a new principle into our system of Government, that he is the ultimate legislative and judicial tribunal upon all pre-existing laws, treaties, and construction of the constitution, and, by his sovereign will, he can annul them all at a breath.

Sir, to enable us to guard, in some measure, against political heresies like these, let us have this small protection, this opportunity to circulate our truths in the same channels with your errors, and upon the same terms. You will have infinitely the advantage of us, after all. But yield this little—give us these weapons, small as they are, and with our five smooth stones from the brook in our shepherd's bag, and our sling in our hand, we will venture to go forth and meet your man of Gath, though "his stature be six cubits and a span, and the staff of his spear be like a weaver's beam."

But a union of the post office and the press, to make it efficient, must be maintained at no small expense. Not wealth alone, but honor, too, must constitute its reward. It is not to be pacified with promises merely, nor will it long be made to subsist upon "hope deferred." It must be seen and well understood that here is the high road to office. The editor and postmaster, who has long been faithful, expects his pay, and is not to be disappointed. If the Senate reject him once, try him again—wait, watch, and the moment there is a prospect, renominate him, or circumvent the Senate by appointing him in the recess. At any rate, reward him. Patronage thus extended, not only in money, but in office, too, will secure a corps editorial, ready at a moment to execute any purpose which ambition or tyranny, or both, may desire.

When these indications, nay, proofs, of the corruption of every source and avenue of information were seen, the people turned their eyes to the Senate for correction and redress. We have taken our stand, time after time, but we have been often, too often, vanquished. Still, I trust,

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we are not subdued. There is a recuperative energy here, which may yet withstand the combined efforts of both the executive and the popular branch. The people, uninfluenced by Executive fawning, and the press unpledged and unprivileged, are standing forth to sustain the Senate. Give us (we ask it not for our own sakes, but in behalf of the States for whom we speak) some chance—an equal one we do not expect. Tax not our communications with each other, our interchange of thoughts and opinions, when yours are all free. If you hold exclusively the purse and the sword, and the legislative, executive, and judicial powers, let us participate in the sources of information, when all the channels are yours. You cannot long succeed in guarding the doors of information. This age, and especially this people, will not endure a licensed instruction, formed and fashioned by their rulers to perpetuate power. They will not long consent to be trammelled or hoodwinked. The time will come when that which they now ask only, they will peremptorily demand.

But the Senator from Tennessee, instead of discussing the question of the repeal of the postage, goes into an elaborate defence of the Post Office Department. He takes this occasion to give us an appendix to his defence of his friend Mr. Barry, which he attempted last winter. He seems to be conscious that that defence was a lame one; and I confess I cannot perceive that this is much better. He asks, with an air of triumph, why do not you prosecute the inquiry which was then instituted? Now this is more than I expected. What! why do not we prosecute the inquiry? Pray, sir, who was it that stifled that inquiry? The Senator himself. This is, in brief, the history of that transaction. On the 15th of December, 1830, a resolution for inquiring into the whole affairs of that department was offered by my friend from Delaware, [Mr. CLARKE,] which was adopted; a committee was appointed, consisting of Messrs. Clayton, Grundy, Woodbury, Hendricks, and myself—a majority particularly friendly to the Postmaster General. We met, and proceeded in the execution of our commission, but found it necessary to have power to send for persons and papers, which, on the 28th of January, 1831, the Senate granted us. With this full power to execute this very broad commission, we proceeded. But on the examination of Abraham Bradley, a witness, I put this question: "Was you removed from office; if so, when; and, if you know, for what cause or causes?" This was objected to, and a majority of the committee voted to adjourn, to take time to consider. That the removals from office were clearly within the scope of our commission, no mortal could doubt. But we adjourned, and on the 3d of February, and before the committee had held another meeting, and without the least notice of such an intention, that Senator offered a resolution to the Senate, restricting this inquiry, and declaring "that the committee were not authorized to call before them persons who have been dismissed from the post office, in order to ascertain the cause of their removal." This resolution, the most extraordinary thing that was ever placed on a legislative journal, did not deny the right of inquiring into the causes of removals, but seemed to imply that the persons removed were incompetent witnesses. It was afterwards modified so as to inhibit all inquiry into the causes of removals, presenting the question of the Postmaster General's irresponsibility to the Senate directly before us. The resolution elicited much discussion. It was advocated by the mover, (the present Secretary of the Navy,) and the present Secretary of State; and opposed by the minority of the committee. Hitherto, the doctrine of irresponsibility had been limited to the President; now, it was extended to the chief of a department. It was urged that by this inquiry we might discover impeachable matter, which, as a high court of impeachment, we might be called to try, and that we must be restrained

in our legislative duties, lest they might conflict with those which were judicial. It was answered and urged that the constitution of the Senate was such that it would have legislative, executive, and judicial duties to perform; and that it was its duty to meet them as they occurred, and not to shrink from the execution of one, lest it might conflict with the fair exercise of the others; that any other construction would afford an apology for never acting at all; that in the exercise of our executive powers, in every case where an officer was nominated for another or higher office, the Senate must inquire into matters which may be impeachable, or not examine his character or qualifications at all. Whether the general principle or the particular case excited so much sensibility about impeachable matter, certain it is, that, from this consideration chiefly, the resolution forbidding all inquiry into the causes of removals by the Postmaster General passed twenty-four to twenty-one, and thus the committee were given to understand that they were not to search for any act of this officer for which he might be impeached! No matter what abuses or frauds there were which might need correction by legislative enactment, we were forbidden to find them out, lest thereby we should disqualify ourselves as judges. Thus an inquiry into all the concerns of the department was limited to an examination into almost nothing. The Senator from Louisiana [Mr. LIVINGSTON] took the lead in this doctrine of inviolability, and he was translated to the head of the State Department; the Senator from New Hampshire [Mr. WOODBURY] urged it with profound devotion, and defended the Postmaster General against all charges before he had examined any of them, and he was translated to the head of the Navy Department. The Senator from Tennessee, last, though not least, did, from the first, stick to his friend, even closer than a brother, and he was translated—nowhere. Sir, it is not fair. But there might have been a cause why he was not also rewarded, growing out of a subsequent transaction. An after disclosure, to which he in some measure contributed, might have been the ground of discrimination in favor of the others. It will be recollected that an inquiry had been made of the amount of additional compensation made by the present Postmaster General to contractors for carrying the mail, and that very late in the last session an answer was returned, by which it appeared that Mr. Bradley, after Mr. McLean's resignation, was acting Postmaster General one month before Mr. Barry took charge of the office, and that, during that period, he (Bradley) had made in forty-nine instances extra allowances to contractors to the amount, in the whole, of \$42,000. Bradley had complained to the President that these allowances were illegal, and were made by Barry, and he had sworn to the same thing before the committee. He was then shown the official report of Barry, in which they were charged upon him. He still denied the truth of the report; and, upon examination, it was found that in thirty-six of the forty-nine cases some name had been erased, and Bradley's inserted. Upon this contradiction, and these strange appearances, it became necessary to ascertain how the fact stood, and that Senator and myself were appointed a sub-committee to go to the department and examine the officers and the books. We did so, and found that Bradley was right; that the report had originally contained the name of Barry, who did make the allowances, and by some rule, or legerdemain, of a certain Obadiah Brown, a clerk, the whole thing had been changed, and these extra and chiefly illegal allowances had been taken from Barry and shouldered off upon poor Bradley. That Senator himself was present at the examination, and witnessed the manner in which I recurred to the original entry, and detected the error. It was so clear that it was admitted by all present, and the only apology attempted to be made for it was that "it was an innocent mistake." These erasures were involved in a

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mass of documents sent in at the close of the session, and placed in the hands of the Post Office Committee, of which that Senator was chairman, and there kept until the session had almost expired, before they came to the hands of our committee. So gross and palpable were these erasures, that the Postmaster General and his friends were confounded, and did not even pretend to justify the act. The lame, extremely lame apology, that this was the mistake of the subordinate clerks, was done away entirely by the fact that these clerks who prepared the abstracts reported to the Senate, made them out right, with Barry's name as the author of the allowances, and it was by higher authority that the right name, "Barry," was erased, and the wrong one, "Bradley," inserted. This charge of \$42,000 of extra allowances in a single month, if justly fixed upon Bradley, would have been quite a sufficient cause for his removal. But Bradley was not guilty. This fraudulent paper calculated, and, as he thought, intended, to cast the charge upon him most unjustly, had been ordered to be printed. Bradley petitioned the Senate that this order should be rescinded, as the publication of a false charge upon him, under the sanction of the Senate, would destroy his reputation. Upon this petition there was a discussion, and the whole of the transaction was exposed, and the Senate, without a division, rescinded the order to publish.

Thus stood Mr. Barry at the end of the last session; the investigation just commenced; the committee forbidden to inquire into any thing which might amount to impeachable matter; a fortuitous development of a fraud, which, if coupled with the intent which the act would imply, was a high misdemeanor, an impeachable offence. The President had seen all this, but had instituted no inquiry. The Postmaster General himself had not requested or intimated a wish for an investigation by him or either House of Congress; and now, when it is so late in the session, that his friend is safe from any final result, the Senator from Tennessee asks, why we do not pursue the inquiry! If such an investigation, thus shackled and thus broken off, at so critical a moment, has purified this officer, the Lord have mercy on the impure.

But Barry took another course to purify himself; he employed the very machinery of which we have been speaking—a pensioned press. Instead of calling on the President to institute an inquiry, or resorting to a judicial tribunal to manifest his innocence, he resorts to the official; and no sooner are the backs of the Senators turned upon him, than the department prepares an *ex parte* defence, consisting chiefly of denunciations of the witness Bradley, and the minority of the committee; charging the chairman, myself, and Bradley, as conspirators against him, abusing and scandalizing members of a committee of this Senate for attempting to perform a duty assigned them; and this libel, I presume, was published in the same Globe of which Shadrach Penn boasted he had republished "two bushels in one day;" and it would be well to know whether the pay for this does not constitute part of the 22,600 dollars which Shadrach has already received for printing for the department.

A principal consideration which should induce this repeal is, that no paper has ever been able to sustain itself at the seat of Government without the patronage of Government. It will, consequently, be always the case, that all, or nearly all, which goes from this city, will go through a protected or pensioned press. This repeal may enable a press here to sustain itself without the further patronage of the Federal Government. The people may obtain, by this, one newspaper from this place, which will fearlessly speak the truth, regardless of the frowns or smiles of power. Suppose it to be a party or opposition paper, will an honest and patriotic administration shrink from a free investigation, or be unwilling that the people shall hear both sides? We shall always hear the cause of every

administration well pleaded, for it will always have able advocates with liberal fees, and whose whole livings, indeed, depend upon the success of their cause. Why, then, are we not to hear the other side? Is your present administration afraid of the truth?

It may sometimes occur, I admit, that a Government printer may use his influence against his patrons. Such independence and self-devotion, however, is scarcely to be expected, and, if it occurs, it would not long be tolerated. Green, to be sure, did get into the habit of speaking the truth; and though the administration has, for this, discharged him, he still is printer to Congress. Yet this is scarcely an exception, inasmuch as it is not quite certain that Green has turned against a majority of Congress, but it is rather more probable that he and Congress have both turned against the administration.

The Senator from Tennessee complains that the repeal of postage commences so soon as the 1st of July. And why not? If the tax is an unnecessary burden, the sooner it is repealed the better. This period was probably selected as it is at the close of a quarter, and would, therefore, create no inconvenience in settling the accounts. The Senator very modestly proposes to postpone it until January, that is, until after the next Presidential election. But there is not a little danger that it will then be too late. Give public opinion a wrong direction until after another election of President, and there is very little hope that you can ever correct it, or restore it to what it was, and always should be.

An election of President, and Executive encroachments, usurpation, and prodigality, concealed from the people by a control of the press—and, I ask, have the people a fair chance? Does either House maintain its dignity or its privileges, it is assailed by a subsidized press. Does this Senate deliberate before it yields its obedience to Executive will, there are not wanting individuals who enjoy the hospitality of these walls, to pervert its act and arraign its motives, through this press. Is a minister rejected by the Senate for humbling the nation at the foot of a British throne, the President's corps editorial starts simultaneously, and, with coincidental patriotism, advertises for public indignation at the atrocity of a refractory Senate. Does the judiciary venture to perform its duty regardless of the Executive will, the Presidential corps is let loose to hunt it down. Is your Postmaster General charged with official acts, which, if proved, would render him unworthy of confidence, in the midst of the inquiry he appeals to the public through a partisan official newspaper, and scandalizes every one who has had any concern with the inquiry. Thus the chief and his chiefs, covered with the ægis of irresponsibility, and sustained and fortified by holding the source and channels of information, can advance, do, and maintain, any thing, every thing. There is nothing political, moral, or religious, which might not be successfully assailed and demolished.

Sir, the Senator himself seems to apprehend the approach of evil days, but trusts that some American Cato will come forth in our defence. But this recurrence to Cato is a most unfortunate reminiscence—"A Senator of Rome, while Rome survived," Cato was all that a Roman Senator should be. But what could Cato, indeed, what could a whole Roman Senate, do, after Cæsar's arm had prostrated in the dust the Temple of Liberty? Cato's unyielding virtue and uncompromising patriotism were exerted too late. He had, to be sure, pointed at the cloud which was gathering beyond the Rubicon, and warned the Senate that it would one day burst upon the city, to the destruction of their liberty; but they viewed it at a distance, regardless of the danger. The plausible, successful, ambitious Cæsar pressed on to the accomplishment of his object. "Pharsalia gave him Rome—Egypt had next received his yoke—and the whole Nile was Cæsar's." What could Cato do? What did he do? He held

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Bank Report.—Stephen Pleasanton.—Post Office.

[MAY 7, 1852.]

out to the last, and then took himself off. Would the Senator carry the parallel further? The tragical death of Cato was succeeded by the more tragical assassination of Cæsar. The spectre in the dream, who promised to meet Brutus at Philippi, had too fatally fulfilled her promise. The triumvirate had met, and parcelled out the empire, and each had his proscription list allowed, and the streets of Rome flowed, consequently, with her richest blood. Mark Antony had been subdued chiefly by the charms of a woman. Octavius, left without a rival, reformed the Senate, and with them subdued the people, and then became "Cæsar Augustus" their master.

Is this parallel prophetic? Is the time coming when we shall have our Cato, our Cæsar, our Brutus, and the catastrophe, and our triumvirate with the proscription and partition? Are we to have our Pharsalia and Philippi? Is the last rival to find an Actium here? And, at last, is some American Octavius to modify this body to his liking, and, with a Senate at his heels, subdue the people and become our Augustus? Surely, sir, the allusion to Cato, and the signs of the times, induce thoughts not very exhilarating, and I therefore will not indulge in further reflections awakened by that Senator's allusion. Let us do all we can to preserve the sources and channels of instruction correct and pure, that the people may understand their rights, and know how to preserve them, and leave the event to Him who rules the destinies of nations.

[The above remarks were delivered, in portions, on three different days, but are given here entire.]

The Senate adjourned to Monday.

MONDAY, MAY 7.

BANK REPORT.

The Senate took up a resolution submitted by Mr. BENTON some days ago, to print — copies of the report of the committee appointed by the House of Representatives to proceed to Philadelphia and investigate the affairs of the Bank of the United States.

Mr. BENTON then moved to fill the first blank with the number 5,000.

Mr. BROWN spoke of the great importance of the report, and the necessity of supplying the people with it.

The question was then put, and the motion for 5,000 was negatived—yeas 16, nays 19.

Mr. BENTON then moved the number 3,000.

Mr. POINDEXTER said that he would assign as a reason for his voting against 5,000, that he regarded the report as involving no great principle whatever. He thought that its facts and details were of a nature to render them unimportant in a public point of view. As to the particular administration of the affairs of the bank, the stockholders had, in his opinion, much more interest, in that matter than the people. The examination seemed to be little else than an investigation of private accounts kept in the institution. What was it to the public whether a hundred or a thousand dollars was lent to a manufacturer, or to a merchant, or even to a printer. Not a single good principle was spread through the report, and he knew no sufficient reason for subjecting the country to the heavy expense of this printing of an extra number. He was willing that so many should be printed as was necessary for the use of the Senate, but he could not conceive of any practical good which would result from the circulation of an extraordinary number. He should therefore vote against 3,000.

Mr. EWING said that he had no great objection to the report going abroad. But he thought it might be the proper course to refer it, in the first place, to the committee on the subject; and also that the counter reports should be presented. It appeared that, although this report went abroad as the report of a majority, there were three

members of the committee against it, and three in its favor, and the other member had declared that his acquiescence was not in consequence of his concurrence in all the views of the report. So that, in fact, the committee were divided half and half. There was also a counter-report expected, which it was desirous to append. Hence there was a distinction between the report, and the report and documents. He thought that none of the report should go abroad, unaccompanied by the documents. As the chairman of their committee was now absent, he would move to lay the resolution on the table.

The question was put on this motion, and decided in the affirmative—yeas 21, nays 15.

STEPHEN PLEASANTON.

The bill for the relief of Stephen Pleasanton [Fifth Auditor of the Treasury, making him an allowance for extra services, in acting as Solicitor of the Treasury] was then read a third time; and on the question of its passage, the yeas and nays were ordered, on the call of Mr. MARCY.

The passage of the bill was opposed in some observations from Mr. MARCY, Mr. SMITH, and Mr. BUCKNER; and advocated by Mr. GRUNDY, Mr. FRELINGHUYSEN, Mr. CLAYTON, and Mr. WHITE.

[It was contended by the opponents of the bill that these payments for extra services was the introduction of a new principle, the adoption of which would fill the Senate chamber with applicants for similar recompense; that a public officer receiving three thousand dollars a year was bound to undertake any duties which might be imposed upon him; that the Third Auditor had performed a variety of extraordinary services, and had never called for extraordinary recompense; and that the applicant, in this case, performed these extra services by means of clerks, who were sufficiently paid. On the other side, the ground taken was that no man was expected to perform more than reasonable service; that it was absurd to expect the exclusive devotion of all the energies of soul and body to the purposes of the Government; that it would be unreasonable to expect such devotion from members of Congress, and they had no right to expect it from others; that the extra duties were performed by the applicant when other officers were enjoying the luxury of repose; that the same services, for which five hundred dollars a year were by this bill granted, had now to be performed at a cost of more than five thousand dollars a year; that the letters and instructions issued by the applicant during the ten years in which he performed those duties, filled six thousand folio pages; and that he had postponed his claim for no other reason than that he would not provoke the jealousy of other officers of the Government.]

The question on the passage of the bill being taken, was decided as follows:

YEAS.—Messrs. Bell, Benton, Clay, Clayton, Dudley, Ellis, Ewing, Frelinghuysen, Grundy, Holmes, Knight, Miller, Naudain, Poindexter, Prentiss, Robbins, Rugles, Silsbee, Sprague, Tazewell, Tyler, Waggaman, White, Wilkins.—24.

NAYS.—Messrs. Brown, Buckner, Foot, Hendricks, Hill, Marcy, Moore, Robinson, Smith, Tipton, Tomlinson.—11.

POST OFFICE.

The Senate then resumed the consideration of the bill to establish certain post offices and post roads, and discontinue others.

Mr. HOLMES continued the observations which he commenced on Friday, in support of the amendment offered by Mr. BROWN, to abolish the postage on newspapers, (as given above.)

Before he had finished his remarks, he gave way to a motion to adjourn; and

The Senate adjourned.

MAY 8, 1832.]

Public Lands.—Newspaper Postage.

[SENATE.]

TUESDAY, MAY 8.

A resolution offered yesterday by Mr. FOOT, requesting the President to cause to be prepared, and laid before the Senate at the commencement of the next session, a plan for reorganizing the Treasury Department, so as to simplify the mode of settling accounts, and reduce the number of clerks, &c. was taken up, and agreed to.

PUBLIC LANDS.

Mr. DICKERSON then rose for the purpose of carrying into effect the notice he gave on Friday last; and moved that the Senate now proceed to the consideration of the bill to provide for the distribution of the proceeds of the public lands.

Mr. SMITH expressed a hope that, as the Senate was nearly empty, the gentleman from New Jersey would postpone his motion.

Mr. DICKERSON consented.

Mr. CLAY said it appeared to him to be very important that the Senate should proceed, without further delay, to the despatch of that part of the public business which was to be disposed of before the adjournment of Congress. This was one of those important measures on which the prompt action of Congress was necessary. There were three subjects on which Congress was bound to act—the tariff—the bank—and the public lands; all these ought to be disposed of before the adjournment. Of his intention to call up to-day the bill now named, the chairman of the Committee on Manufactures had given notice on Friday last; and, if he was now to consent to withdraw his motion, he hoped that he would fix an early day to take it up for consideration and discussion. He would have wished to see the motion prevail at this time; and he was sorry that the chairman of the Committee on Public Lands was not now in his place. That Senator was usually very punctual in his attendance, and some unexpected circumstance had probably detained him from his seat this morning. Should the chairman of the Committee on Manufactures now withdraw his motion, he hoped it would be accompanied by a notice that he should repeat his motion on to-morrow. He repeated his desire that an early day might be appointed to go into the subject, for the purpose of discussion. He hoped the Senate would consent either to take up the subject of the bill to reduce the duties on imported articles, or the other bill, to reduce the duties on protected articles. He trusted to see the Senate showing a disposition to take up these bills. He was indifferent as to the order in which they might be taken up, but he hoped they would be called up in succession.

There was but little time left to act on these subjects. It was almost impossible to keep Congress together in the warm weather. Nearly six months had elapsed since the commencement of the session, and nothing had been done; and, if any member was prepared to say what would be done, he must express his own perfect ignorance of the matter. He hoped that the Senate would take up one of the leading topics and act on it, while the House would act on another; and thus the rule would be avoided of both Houses acting on the same subject at the same time. He expressed his willingness to sit five or six hours every day, to get through this business; and even to sit on Saturdays, fatigued as the Senate was at the close of the week, to get through the mass of private bills which had accumulated on their hands to an alarming extent, so as to leave the other days of the week free for these important subjects. Thus Congress would be able to fulfil the expectations of the people, and to bring to a speedy termination a session already extended to an unreasonable length.

Mr. SMITH suggested the propriety of fixing some particular day when the subject would be taken up at 12 o'clock. If members were not then in their seats, the fault would be their own.

Mr. GRUNDY expressed a hope that these important

subjects would not be called up until the post office bill should be disposed of. As soon as that was finished, and, for fear of offending his friend from Connecticut, he would also say, after the pension bill should be acted on, he would vote for taking up the subjects from the Committee on Manufactures.

Mr. DICKERSON said his only object to-day was to ascertain whether the Senate would refer the report of the Committee on Manufactures to any other committee, and then to fix an early day for the consideration of the matter. If the coming in of gentlemen should, to-day, be time enough to give him an opportunity to renew his motion to-day, he should do so; but, if not, he gave notice that he should make his motion to-morrow.

Mr. HAYNE stated that the best way of expediting the bills which were the subject of consideration, was to observe the rule not to take up the general orders every day until one o'clock. Had this rule been strictly acted on from the commencement, there would have been certainly one-half of the private docket extinguished.

Here the conversation dropped.

The CHAIR then proceeded to take up the general orders in succession.

The bill to provide for the appointment of a recorder of the General Land Office coming up, was opposed. The object of the bill is to constitute an officer to sign the land patents, instead of requiring the signature of the President of the United States, as heretofore.

[The bill was opposed on the ground that the duties could be performed by a clerk, if the President was unable to go through the patents with sufficient rapidity; but that it was a dangerous power to place in the hands of any other than the President, who alone should have the power to transfer the eminent domain. It was alleged, on the other side, that the sales of lands had increased from six hundred thousand dollars to three millions; that the business could not be done without additional aid, and that, whether the officers did their duty or not, the work was not done.]

An amendment was moved by Mr. POINDEXTER to insert the words—

“And it shall be the duty of the said recorder to attach to each patent a plat designating the boundaries, natural and artificial, of the land described in the patent.”

On motion of Mr. POINDEXTER, the bill was then laid on the table.

NEWSPAPER POSTAGE.

The Senate then resumed the consideration of the bill to establish certain post offices and post roads, and to discontinue others. The question being on the amendment offered by Mr. BIBB, to abolish the postage on newspapers.

Mr. HOLMES concluded his remarks in favor of the amendment, (as given above.)

Mr. GRUNDY succeeded in reply, and in defence of Mr. Barry's management of the department.

Mr. BIBB then commenced some observations, in which he advocated the policy of his amendment, and insisted on the ability of the Post Office Department to sustain the diminution of revenue which would be occasioned by it. At the same time, he defended the Postmaster General from the attacks which had been made on his administration of the post office; and passed a high eulogy on his intellectual and moral worth. Before he had finished his remarks, he gave way to a motion to adjourn.

On motion of Mr. POINDEXTER, the Senate then adjourned.

WEDNESDAY, MAY 9.

The bill for the relief of John F. Lewis was then taken up.

[This was a bill to refund the amount of duties paid on certain articles which were ordered before the applicant

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knew of the passage of the tariff of 1828, and which it was too late to countermand, after he possessed that knowledge.]

Mr. SILSBEE moved an amendment to the bill, making it so general in its operation as to cover some fifteen or twenty similar cases, comprising duties to the amount of seventy-five thousand dollars.

The amendment met with some opposition; and, on motion of Mr. KING, the bill was laid on the table, and the amendment ordered to be printed.

PUBLIC LANDS.

Mr. DICKERSON, pursuant to the notice which he gave yesterday, moved to take up the bill to provide for the distribution for a limited term of the proceeds of the public lands. He stated that his only object, at present, was to dispose of the pending motion of the Senator from Alabama to refer the bill to the Committee on Public Lands. Should that motion be negatived, the bill might be taken up for discussion on an early day in the next week.

Mr. KING said he should not have risen to detain the Senate on this question, but for a remark which had fallen from the Senator from Kentucky, when the subject was before the Senate on a former day. The Senator from Kentucky had stated that he [Mr. K.] had taken fire at the suggestion that this bill ought to be brought up for discussion; and that he had denounced the report of the Committee on Manufactures as unfair. In making this statement, the Senator from Kentucky had not done him justice. He certainly had not taken fire at the suggestion; but he had stated that he was not prepared to act on the bill, until it should have been referred to the Committee on Public Lands. The Senator from Kentucky had also charged him with applying the term "unfairness" to the report.

He had stated that it was calculated to make an erroneous impression on the public mind, on a subject which was of general importance, but which was vitally interesting to the State which he represented. He had certainly not intended to charge the Committee on Manufactures with any intention to circulate erroneous opinions; but he had considered that their local situation, their peculiar habits of thinking, and their knowledge of the subject, did not qualify them to come to conclusions, the accuracy of which ought not to be disputed. When he had heard this report described by members of the Senate as most able, most enlightened, and most conclusive, he had only asked that it might be referred to the Committee on Public Lands, who were conversant with the whole subject, for their examination, inasmuch as the Committee on Manufactures were less intimately acquainted with it. If the arguments were so able that they could not be answered, could not be refuted, or proved to be erroneous, its reference to the Committee on Public Lands could be productive of no ill effect on the report. On the contrary, its accuracy would be the more strongly established in the public mind.

He was not disposed to give way to feeling in any remarks he might make on this subject. His local position might justify him in the exhibition of some feeling, as it rendered it difficult for him to avoid it. He hoped the Senate would not refuse the Committee on Public Lands an opportunity to present the matter before the country in such view as they might believe to be right and just. He did not believe that the Senator from Kentucky would refuse him this opportunity. He had no doubt that the Committee on Manufactures honestly entertained the views which they had spread through their report; and that they would not be willing to suffer the country to believe that they would shrink from an examination of them. He thought the Senate should not take up the question for consideration until the Committee on Public Lands should have been allowed the opportunity to examine the sub-

ject, and to give to the Senate a written report of their opinions. Why were they not to be allowed such opportunity? The Senator from Kentucky had instructed the Committee on Public Lands what they might do, and what they ought to do. He was obliged to the Senator from Kentucky for his instructions. But the committee required no such light to show them the extent of their powers. He was not inclined to go back for the purpose of looking into the reasons for sending this subject to the Committee on Manufactures. He understood it to have been for the purpose of connecting all the subjects of a revenue character in the hands of the same committee. It had been expected that the committee would amalgamate the subjects in their report; instead of which, they had made three distinct reports, one on each branch of the inquiry. He saw that the report was calculated to do much mischief. He saw in it much that was false in reasoning. The immense calculations made on the amount of the proceeds of the sales of lands must strike at once as ridiculous. There was no discrimination between the qualities of the lands. But he would not here go into any discussion of that matter. He hoped that an opportunity would be given to the Committee on Public Lands to present a fair view of the subject. Without meaning to impute unfairness to the report of the Committee on Manufactures, he could not but regard it as a one-sided thing; and he desired an opportunity for the Committee on Public Lands to present the views on the other side.

Mr. CLAY inquired if the motion was to refer both the report and the bill, or simply the bill.

Mr. KING replied that he had divided the question, and confined the motion to the reference of the bill.

Mr. CLAY said the proposition then was to refer the bill without the report. He felt extremely happy to learn that the gentleman from Alabama had determined to exhibit no feeling on this subject, but to keep himself free from all warmth or excitement. With equal truth, he could declare that he had none. This was a great subject of national interest, and, in its consideration, every thing like feeling ought to be eradicated; every thing like party banished from the walls of the Senate. It was a subject interesting, not only to the Senate, and not only to the people of our time, but it was one in the well-disposition of which posterity would have an interest for hundreds of years to come.

The proposition now was to refer the bill to the Committee on Public Lands. He must be permitted again to advert to the history of the original reference. When the proposition was made to refer the matter to the Committee on Manufactures, every member of that committee earnestly protested against such reference. The reference, however, was ordered by the Senate, against the wishes of the committee. The Senator from Alabama was one of the majority by whom the reference was ordered. The Committee on Manufactures had, at the time, urged that they were not sufficiently acquainted, nor familiar, with the subject; that the Committee on Public Lands were more conversant with the subject in all its details, and that it would be more wise to refer it to that committee. The incongruity of the subject with the duties of the Committee on Manufactures was further urged, as well as the extent of business, and the vast and various details of the branches of manufactures which had been committed to them. All, however, was urged in vain. The reference was made to them, in spite of every thing. Yet it was now alleged that the Committee on Manufactures had not sufficient knowledge of the subject. Why was not sufficient weight allowed to that objection when the reference was originally made? Why, if that committee were incompetent to present a project having a just bearing on the interests of all the States—why was the subject pressed upon them? why was not weight allowed to the objection at the proper time? It

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very true that most of the Committee on Manufactures had not, at that time, the adequate knowledge. But gentleman from Alabama should do them the justice to believe that they afterwards examined the subject in all parts. For one, he had only found it necessary to refer to certain reports, and to a few laws, to become possessed of all the necessary knowledge. The committee went into this laborious investigation, and the report which has been made is the result of their labors. Had error been detected in the facts contained in the report? Had the deeds of cession been incorrectly cited? Had there been erroneous references to the report? Had laws been incorrectly described? Was the information received from the treasury inaccurate? These were the data on which the report was founded; and it was not pretended that any of these were inaccurate. It was not argued that any of the facts were inaccurate. It was reasoning, the argument of the report, which was objected to. After a committee of the Senate had made a report, containing facts and arguments, it would be unexampled to refer that report to another committee for the purpose of obtaining another argumentative and mendatory report, unless some defects in the former would be pointed out.

The gentleman from Alabama had designated some of the errors of the report as gross errors, and had termed some of them "ridiculous;" and what is this statement which he has called "ridiculous?" It relates to the amount of the public sales of the public lands. In what respect is this statement ridiculous? He might be able to comprehend, if the Senator from Alabama would be pleased to point out. He had charged the statement as ridiculous. His charge did not very well comport with the profession of calmness which the Senator had made at the commencement of his speech. Now, the fact was that the data on which this statement was made, were the estimates of the Secretary of the Treasury himself. So that, if there was error there, it was error which originated with the Secretary. In reference to the principle, the precise amount of sales was unimportant. It was no matter whether the sales in one year amounted to three millions, to two millions, a million and a half, or a million. The principle, in every case, would be applicable. The amount of sales would necessarily vary according to the population, to the amount of public lands in the market, and various other considerations; and any statement made on the subject must be corrected by the practical results of experience. The amount of the proceeds had also been taken from the report of the Secretary of the Treasury, and the estimates of the Commissioner of the General Land Office. Not an important fact connected with the subject—the amount of sales, amount of proceeds, quantity of lands in market, quantity of lands unsold, or any other fact, but was taken from authentic documents.

The reference, then, was not desired for the purpose of correcting facts, but with a view to report a counter argument. The reference of a subject to a committee, in the first instance, is generally made for the purpose of presenting facts in the form of a report; or, when a subject has been discussed, to examine, and make such changes as may conform to the opinion of the Senate as expressed in the discussion. But here there had been no examination. Did the Senator from Alabama desire that the lands should be relinquished to the States, that the price should be reduced? What plan had he to suggest? It was incumbent on him to point out some defects in the report, before he made his motion of reference.

For himself he was entirely indifferent as to the course to be pursued, and so, he believed, was every member of the committee. But he would put it to the Senate whether a proper regard for its own dignity and consistency would permit it to sanction such a procedure. How would the record read to the world, that, two or three

months ago, the Senate had sent to the Committee on Manufactures, contrary to their wish, this agitating subject; that this committee had taken it up, assiduously examined, and made their report; that an objection was made to the argument by a gentleman from one of the new States; and that now the course which was proposed at first, and which the committee had originally declared to be the correct one, was adopted? Would gentlemen be content to let their names stand on the record of yeas and nays in support of such inconsistency?

The Senator from Alabama had charged him with a desire to instruct the Committee on Public Lands in their duties. He felt himself incapable of instructing any one, much less of instructing that committee. He hoped that, when expressing his opinions in his place, he was not to be made liable to the charge that he was endeavoring to instruct others. What he had said was simply this—had the Senator an amendment to the bill, let him prepare it, have it printed, and move it when the bill should come up for consideration. Did the Senator wish to present a detailed and an argumentative report? He had said he believed it was competent for the Committee on Public Lands to make such a report without a special reference of the bill. Had they a different scheme to propose, let them propose it. After they should have made their report, he would give them his vote for the printing of it. But he did not consider the course which was now indicated to be the proper one.

There had already been presented to the other House a report of the Committee on Public Lands, presenting a different view of the subject, an extra number of which had been ordered to be printed, and connected with this report. Would not that answer the purpose of the Senator from Alabama? Would not the argument of the Committee on Public Lands of the other House be sufficient to correct the reasoning of this wicked report? But suppose that a third report were to be made, would even that be found satisfactory? Would it not still be found necessary to send the subject to another committee, to obtain another report upon the conflicting reports of the former committees? Might not the Senate be thus kept moving in a circle, without finding any termination to the business? The proper course, in his view, to be pursued, was, at a proper time—say next week—to take up the bill for the purpose of receiving any amendments, or a report of a different scheme, if such should be offered; to print the amendments or report, to deliberate on them, to go at once into the consideration and discussion of the different projects, and come to a decision on the subject.

He hoped the motion which had been made by the Senator from Alabama would not prevail; and as he considered the subject to be one of the highest magnitude, and wished that his name might be recorded on the question, in order to show his course to those to whom he was responsible, as well as to those who might come after him, he would not take his seat without asking that the question be taken by yeas and nays.

Mr. HOLMES said that if he could see any advantage to be derived from the reference of the bill to the Committee on Public Lands, he would vote for it. But what good was to result from it? He was a member of the Committee on Public Lands, and he had voted against sending the subject to the Committee on Manufactures. He did not believe that they would shrink from the examination, but he thought it did not properly belong to the duties of that committee. But the Senate had decided to send it to the Committee on Manufactures, and he had bowed to the decision. It went thither. But had not the Committee on Public Lands the same subject before them? Was not so much of the President's message as related to the disposition of the public lands referred to that committee? The Committee on Public Lands then had the subject before them; and not only the gene-

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ral subject, but this very proposition, the disposal of the public lands. An inquiry had been made in the committee, preliminary to a general consideration of the question whether it would be best to cede these lands to the different States in which they were located. There were some who insisted that the lands of right belong to the States in which they lie, becoming the property of those States at the moment when they were admitted into the Union. Others there were who maintained that the true course was to sell the lands to the States in which they were situated, for some consideration to be determined on. There was another class favorable to the scheme reported by the Committee on Manufactures, to distribute the avails of these lands. Another thought that the public lands ought to be distributed among all the States. There were still some others, who thought they should be parcelled out among the old thirteen States; and some who thought the best way was to let the whole subject alone.

He expressed his hope that, in the great scramble for these lands, the interest of Maine would not be lost sight of. If the territory and people of that State were to be sold, he hoped she would not be forgotten in this division; and he entreated the gentleman from Kentucky, in the completion of his plan, to keep back a large reservation for the purpose of satisfying the wants of Maine.

The Committee on Public Lands having the subject referred to them, could now make a report, and report a bill. Did the committee want the report of the Committee on Manufactures, to enable them to do this? Not so. Each member had a copy of the report. Did they want the bill of the Committee on Manufactures? Not so. Each member had a copy of the bill. He saw no advantage which could result from the reference, and he should therefore oppose the motion.

Mr. KANE made a few remarks in favor of the motion, but his observations were inaudible, owing to the extreme pressure in the gallery.

The question was then taken on the motion to refer, as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Tipton, Troup, White.—22.

NAYS.—Messrs. Bell, Buckner, Clay, Clayton, Dallas, Dickerson, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Wilkins.—22.

The VICE PRESIDENT gave his vote in the affirmative. So the motion to refer the bill to the Committee on Public Lands was carried in the affirmative.

NEWSPAPER POSTAGE.

The Senate then resumed the unfinished business of yesterday, being the bill to establish certain post offices and post roads, and to discontinue others. The question being on the amendment offered by Mr. BRAN, to abolish the postage on newspapers after the 1st of July next.

Mr. BIBB concluded the remarks which he had commenced on yesterday, in support of his amendment, and in correction of the statements made by the chairman of the Committee on the Post Office, to show that the department could not sustain the diminution which would be caused in its revenue by the adoption of the amendment.

Mr. HILL said: After the assiduous labor at morning and night, for several weeks in succession, which the Committee on the Post Office and Post Roads had bestowed on the bill from the House of Representatives for creating new post roads; after travelling through every section, near and remote, of every State and Territory, as well on maps as in books, carefully marking where, by law, routes already existed, and where they were most

wanted, to fix and ascertain the best avenues by which information and intelligence could be carried to all the people of the United States, as an humble member of that committee, I am free to declare the amendment to the bill offered by the Senator from Kentucky, to abolish newspaper postage, to be not less unexpected than it seems to me to be unreasonable and unkind.

What does the bill itself propose? It is confined to a single object, that of establishing new post roads, and discontinuing old ones that were deemed useless. It had as little to do with newspaper postage as had the bill to vaccinate the Indians. It might, with a much better face, have been tacked to that *omnium gatherum*, the appropriation bill, because, to carry the provision into effect, a large appropriation of money directly from the treasury must be necessary. I trust, sir, that whatever may be the opinion of honorable Senators as to the reduction of newspaper postage, they will vote against this proposition to burden a bill intended exclusively for one object, with another and an entirely different object; a bill, too, which did not originate in this body, and on which, if amended by proposing a new principle, another discussion must take place in the other branch, which may carry the time for its passage beyond the present session.

At a proper time, I shall be ready to vote for a reduction of the postage on newspapers to as great an extent as the interest of their proprietors or of the great mass of newspaper readers shall require; but until the American people are prepared to defray, directly from the treasury, the whole expense of the post office—until they are prepared to pay their deputy postmasters by a specific salary, I cannot consent to abolish entirely postage on newspapers.

Newspapers already have an advantage over every thing else carried in the public mail. The printers of newspapers already have their exchange papers free of postage. Does any one believe that such a sheet as the New York Enquirer or the National Intelligencer can be transmitted eighteen hundred, one thousand, or even one hundred miles, and carefully preserved and delivered, for less than one cent and a half? Letters of the same weight, requiring little more attention, would be charged from one dollar to two or three dollars, according to distance.

I cannot agree with the Senators from Kentucky and Delaware, who represent the postage on newspapers to be a burdensome and unjust tax upon the people. It is not more burdensome and unjust than is the price of the white paper on which newspapers are printed, or the price of the types, the ink, and the labor of printing; it is a necessary portion of the expense incurred in furnishing the article.

Let us suppose that the public mail was carried exclusively for the delivery of newspapers. Will any body pretend that the present price of newspaper postage would defray even a fifth part of the expense of transmitting and delivering them? Yet, of the weight carried by the mails, the letters which pay about nine-tenths of all the revenue are scarcely in bulk or in weight as one to twenty of the newspapers and pamphlets. The newspapers are already literally carried at the expense of the tax on letters. How, then, can it be said that the people are unjustly taxed who pay postage on newspapers?

I have made it an object to inquire at the post office in this city what is the relative weight and bulk of newspapers and letters passing through the mail. The chief clerk in that office did not hesitate to say that they were as twenty to one. The mail passing from North to South through this place daily, contains generally from twenty to thirty, never less than ten bags, weighing some 150 to 200 pounds each. One of these bags will contain all the letters. On Monday morning, I saw the Southern mail as it was despatched; there were twenty-one bags of newspapers, and all the letters did not fill as much as one bag.

[*Lat 9, 1832.*]*Newspaper Postage.*

[SENATE.]

Sir, it would be rank injustice to abolish the entire postage on newspapers. In that respect, you will make all those who live near a post office a privileged class. Their newspapers will be carried gratis, while those who live at distance from the post office, must pay for the carriage and delivery of their papers.

In New England, almost every family takes one or more newspapers. Not one in ten of these newspapers ever goes into the mail at all. There, very frequently, companies are formed in the districts and townships, to take the newspaper; each one takes his turn in rotation to travel ten, fifteen, twenty, or thirty miles, on the day of publication, and deliver the newspaper either at some place of deposit or at the door of each subscriber. In other cases, a post-rider makes it business to travel an extensive district of country to deliver the newspapers which he purchases of the printer, and adds the expense of carrying. In other instances, the mail-carrier takes the newspaper from the printing office to the post office, and delivers it while on his way, charging and receiving extra pay for the service. If the postage were entirely abolished, scarcely one in ten of all the readers of country newspapers will be benefited at all. They will still be obliged to pay for the transmission and delivery of their newspapers; and to be consistent, Government should make provision that their papers should go free, not less than the newspapers of those who happen to live at the door of some post office.

The number of post offices at the present time is about ten times as great as it was in 1800. Then there were only about 1,000 in the United States—now there are about 10,000. Of this number of postmasters, the annual compensation of a majority will not average fifty dollars. In the small offices, much of this compensation is derived from the newspaper postage, the postmaster receiving one-half for his labor; he receives one-half cent for keeping the account and delivering the paper, if printed within five miles or within one hundred miles, and three-fourths of a cent if printed beyond the distance of one hundred miles. What compensation do you propose to him for that service, in this amendment? None at all. Does he receive so much already? If not, can you do less than authorize the department to pay him? If he receives nothing, what obligation is he under to take care of, and deliver, the papers? Will he do it for nothing? That cannot be expected; the department must remunerate him by increasing his commission on letters, or in some other way.

It is well known, Mr. President, that most of our country newspapers are not a source of profit to their proprietors. With the most severe physical and mental labor, the printers of country newspapers are scarcely able to obtain a livelihood. I cannot doubt that it was the intention of the Senator who introduced this proposition, to assist them; he is mistaken, sir. Pass this proposition into a law, and it will annihilate at least one-half of our village newspapers; they cannot survive the advantage which will be given to the newspapers printed in the large cities, which, by means of improved printing machinery, can be delivered, if they go free of postage, by rail, at any distance, as cheap, if not cheaper, than the local papers.

There is a newspaper under the patronage of the society of Methodists in New York, a useful and well conducted journal, which issues, at each impression, 25,000 copies; and these are circulated in every State of the Union. This proposition, if adopted, would enable the worthy men who conduct that journal to increase the number to 100,000; and this immense number would be subtracted from the main from the useful local papers throughout the United States, whose proprietors are unable to procure a patronage seldom exceeding five hundred or a thousand names. A team of four horses would not be able to draw a single impression of this paper. How easy would it be

for a combination of men, for mercenary as well as for laudable purposes, to stop any press which had barely sufficient support to exist, by deluging its vicinity with other newspapers, which could be done at a thousand miles distance, free from all expense of postage?

This proposition, I am free to acknowledge, will be of great advantage to the newspapers published in this District, and in some of the larger cities; but that advantage will be entirely at the expense of the smaller newspapers printed in the villages: it will go to feed those which are already well patronized, and starve those which can now scarcely subsist. And this is not the worst feature of the case: instead of taking such lessons from our local newspapers, as the home-bred ideas, the honest, frugal and industrious habits of our yeomanry shall prompt, the people must be lectured by those who do every thing on a great scale; they must be instructed in the fashions and the notions of the great and the gay; they must take as their teachers, perhaps the vain and the vicious—perhaps the pensioned and the proud; or, may be, the patriotic and the wise. I repeat, sir, that the tendency of the amendment will be to enable the few to monopolize the newspaper press of the whole country, and the consequent destruction of those local presses of the interior, which now sustain the most healthy part of the public sentiment.

Another consequence of this proposition will be the overburdening the mails on all the principal roads, so as to increase the expense of transport, and retard them in their progress. Boston, New York, Philadelphia, Baltimore, and Washington, will pour out newspapers in such quantities, that, without some newly invented carriages, some greater than mere brute, animal power, the department will never be able to expedite the mails at all. On all the great mail roads—and these are now far the most expensive—double conveyances for the mail will be required, and this will nearly double the expense.

The nett proceeds to the department, from newspaper and pamphlet postage, for the year ending June 30, 1830, amounted to \$98,313 44—for the year ending June 30, 1831, they were \$112,111 22—showing an increase in one year of \$13,597 78. The amount paid was of course double, as the postmasters receive one-half. The revenue estimated for the year ending June 30, 1832, is \$125,000. Besides the compensation to postmasters, the proposition will take from the means of the department the sum of \$140,000, being the amount which may be anticipated for 1832-'3; it will add to the expense of transportation certainly an equal if not a greater amount, for it cannot be considered that the contractors will be holden to encounter the additional burden without a consideration; and it will lay the department under obligation in any court of chancery to pay the postmasters at least an amount equal to what they would receive for the newspapers which are carried in the mail under the present arrangement. These three items, at the lowest calculation, will amount to 420,000 dollars.

Indeed, when it is considered that the number of newspapers transported by the mail will be swelled possibly to even tenfold their present amount, the calculation is not extravagant, when we anticipate that the department may be crippled with the additional burden of half a million of dollars, the first year, by this proposition.

The newspaper postage alone, which is now only as one to nine or ten when compared to letter postage, is greater than the whole amount of postage on both letters and newspapers was in the year 1800. For many years no regular accounts of the newspapers were kept in the post offices, although subscribers always paid as high postage as they now pay. But a new system of checks on the newspaper postage accounts in the several post offices, made but a few years ago, brought order out of chaos in that branch of the department, until it contributes something towards supporting itself.

SENATE.]

Newspaper Postage.

[May 9, 1832]

The Senator from Kentucky [Mr. BIBB] has calculated that there will be half a million of dollars at the disposal of the department on the 1st of July next. This was the first time I had heard of such a suggestion. I had understood that for the last ten or fifteen years the department had expanded itself, as far and as fast as its means would allow, to the accommodation of the whole country, by increasing the mail facilities. Within my knowledge, we have tri-weekly and daily mails passing over roads where but a few years since there were none, and only single horse mails once a week or fortnight. Mail stages now pass through the most of our towns, and the benefits of this useful establishment diffuse themselves into every neighborhood. This morning I find on my table letters and newspapers brought from New York, a distance of 250 miles, in thirty-six hours, and from Boston, 500 miles, in three days. We have the mail expedited from New Orleans to Washington in one-half its former time; from Baltimore to Pittsburg, within the last few days, there is a new arrangement by which one or more days are gained. There is scarcely a week or even a day in which some new improvement is not made, facilitating the transport of the mails. The department has kept even pace with the country in its march of improvement. These great improvements involve great expenses: and, although the department, in some cases, has gained more by the improvement than it has expended in making it, it could not be expected such would be the general result.

The Senator has noticed a surplus fund of some two hundred thousand dollars, which may be brought in aid of any deficiency that may be caused by abolishing newspaper postage. This surplus fund was formerly much larger than it now is. It is highly creditable to the administration of the present head of the department, and to his predecessor, that, while the number of post offices and the receipts of the establishment have been increased nearly tenfold, the actual losses from the defalcations of postmasters are much less in the last ten years than they were from 1800 to 1810. The surplus fund to which the Senator alludes is not available—a large portion of it never can be realized: it consists, if I understand the matter right, of outstanding debts, many of which are doubtful, and some of which are absolutely hopeless. Every man of extensive business generally has such a surplus fund as this, which he accounts as worth little or nothing for present purposes.

It is not good management alone, Mr. President, which can keep the receipts of the department above its expenditures. Any change in the ordinary business of the country will change the business of the department: the revenue may decrease, but the expenditures must continue. It is not safe, if we do not put this department on the treasury, at this session of Congress, to add to the post roads an extent of travel equal to the whole extent of post road in the United States in the year 1800, and at the same time abolish entirely the postage on newspapers.

When the present incumbent entered on the duties of his office, it is well known that the expenses of the department had exceeded its income in consequence of the facilities which had been granted to routes which were unprofitable. It had not been in his power, until the last year, to keep the expenditures within the receipts. If Congress should, at this time, embarrass further the department, the committee will have discharged their duty if they say that their bill, without the amendment, is as much as the department for the next year can bear without the most serious inconvenience.

But the Senator from Delaware [Mr. CLAYTON] says the department has not sustained itself since Major Barry came into office, the salaries of the officers and clerks and contingent expenses of the department in this city being paid directly from the treasury. And is this a new arrangement made by the present administration? The sa-

larities of these officers have always been paid from the public treasury. Yet, let me tell the Senator that the department has more than supported itself. The amount of postage on free letters for public officers and for the Houses of Congress would much exceed all the money taken from the treasury in aid of the Post Office Department.

On inquiry at the department, I find the number of free letters delivered at the post office in this city alone, during the quarter year ending April 1, 1832, was 169,431. These letters, if charged with postage, might be supposed to average 15 cents each, and would have produced the sum of \$25,414 20. The number of free letters despatched from the city during the same quarter, clerks are of opinion, was four times the amount of the here delivered. Were the department to charge the Government for the free letters transmitted for the benefit of Congress and the several Executive Departments, the latter would fall in debt to the former, after deducting salaries and expenses paid to the General Post Office in this city, several hundred thousand dollars per annum. How, then, can it be said that the department does not support itself?

The Senator has quoted the Edinburgh Review and words of British Lords and Commons, to prove that the British tax on newspapers is preferable to the postage on newspapers in the United States. There is about the same analogy between the two cases as there is between a despotic and a free Government. The British newspaper stamp is a tax outright, exceeding, in amount, not to one the whole expense of editors, printers, and publishers; and the simple duty paid on a British newspaper advertisement to the Government is probably three times as much as the whole expense of advertising in this country. The postage on newspapers in the United States, strictly speaking, is not a tax; it is a value received, that only, in part, for a value bestowed.

Under the British system of newspaper taxation, but few of the common people are able to read a newspaper; fewer still to take and pay for them. A newspaper in Great Britain is let out to readers, when first published at a higher price, diminishing as it becomes more stable; that the poor man, if he be able to read at all, must wait his news several days after the more wealthy obtain it. I have somewhere seen it stated, recently, that two of the newspapers in the city of New York had a greater number of advertisements than the whole newspaper press of Great Britain; and probably more newspapers are annually published in the State of New York, than in the whole of the United Kingdom of Great Britain and Ireland.

We are told that there are shackles on the press, and that this amendment is necessary to relieve it. How abolishing of newspaper postage will relieve us from this difficulty, I am at a loss to conceive. It is true that the newspaper press in this country has been shackled as long as I can remember. In Mr. Jefferson's time, the opposition to the aristocracy, had at least two to one the advantage of the newspaper press, and they have kept that advantage up to the present time: they have as much as that advantage at this time in this city, and in all the cities of the United States. It was the merest chance in the world that the people's Chief Magistrate, elected to office by an electoral vote of two to one, has a solitary press (the Globe) at the seat of Government, so unshackled as to dare publish the truth when it shall make in his favor.

The patronage bestowed by Congress on either of the presses in this District which do not support the administration, (Telegraph and Intelligencer,) is greater amount than the expenses of the entire civil list of the State of New Hampshire, and much greater than all the patronage bestowed by the administration on all the newspapers (including the editors who have been appointed to office) which now support the re-election of the President.

I thank the Senator for mentioning the printer in Ke-

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[SENATE.]

tucky, who is charged with having sent out before the State election some bushels of electioneering communications, besides receiving from Major Barry some \$12,000 a year. The Senator's informant was probably under some slight delusion—his distorted vision had very likely mistaken the innocent bundles of post office blanks sent in the mail, for a counterpart to the horrid murder of the six militia men.

The Kentucky printer is more fortunate than any printer who has stood fast to his integrity within my knowledge: he receives \$12,000 a year, according to the statement of the Senator; for what? For furnishing the post offices of all the Western States with wrapping paper, twine, and printed blanks, at a given price not beyond their worth. Why not procure some man who is not a printer to furnish these? At least, why not give the business in the first instance to some worthy opposition man, so that, if he was obliged to employ a printer to do it, he might farm it out, and compel the poor man to do it for less than it was worth? Had this Mr. Shadrach Penn printed a newspaper on the other side, and received twice the amount he now receives, rely on it, his case would not have been brought into this Senate in any discussion on a bill for establishing new post roads in the United States.

In the six Eastern States, at least four out of five of the contractors under the Post Office Department are not the friends of the present administration: some of these receive annually from the department from five to ten and fifteen thousand dollars each. The contracts of these gentlemen will expire with the present year: having faithfully performed their obligations, not one of them will fare at all the worse in making new contracts, because he happens to belong to the party which does not support the administration.

The Senator says, in the Southern contracts lately taken out, there were many instances in which the lowest bids were not accepted. The practice of the department has invariably been to protect those who already had property on the mail route; if other persons stepped in, for the purpose of reducing the bid much below the actual cost, they were required to purchase the property at a fair price, or lose their bid. The public advertisements have generally stated this as a condition. Such was the invariable practice, for years anterior to the present administration; and it is to be presumed that cases of this kind were those of which the Senator complains. Precedent and law authorize the Postmaster General to exercise a sound discretion in making the post office contracts. That the contracts made by the present incumbent have been judiciously made, is proved by the eminent success which has attended all the operations of the department. If, as the Senator says, there has been "looseness in the management of the whole machinery of the department," Major Barry has been more fortunate than has been any other man of my acquaintance: for what machine, as extended and as complex as this, ever continued to operate with unabated and even with renewed vigor, where there was looseness or laxity of management?

It is scarcely one year since this department was pronounced to be bankrupt—it was not only charged with improvidence, and profligacy, and waste, but its enemies averred that it could not longer proceed without throwing itself on the public treasury. Will gentlemen admit that this charge was not true? And must they not admit it, if they now vote for a proposition which will the very next year impose on it an extra expense of at least two hundred thousand dollars, and a virtual additional burden of a half a million? Half a million of dollars taken from the means of the department may, in one year, accomplish the predictions of its enemies; it may so embarrass its operations as to stop one-half of the mails in the country. But it cannot be the design of the mover of the amendment to produce such a disastrous result.

It has been said that the Post Office Department exercises an undue influence over the newspaper press, and that it is wrong to appoint printers and editors to be postmasters. I cannot agree with the gentleman. I believe there never has been an administration under which printers and editors have not been postmasters. During the late administration, the President interfered directly to give the most lucrative post office in the State of Maine to an editor of one of the warmest partisan presses of the country. I believe the rule of the present administration to be, that when a printer or editor is appointed to a post office where the duties are sufficient to require his whole attention, and the compensation exceeds one thousand dollars—such an office as requires the President to act in the appointment—it is made a condition that he shall not continue to pursue his profession of printer or editor.

There is no more reason why a printer should not be a postmaster, than there is that any lawyer or physician should be excluded from the same office. Benjamin Franklin, while he printed a newspaper, was for a long time postmaster at Philadelphia; and this, while the possession of the office gave him an advantage over other printers of newspapers in that city. The office of postmaster will give any professional man privileges and facilities for acquaintance and business beyond those of his neighbors. The number of post offices in the United States is comparatively few in which the labor of the postmaster is not greater than the compensation, without some other advantage. The printer of a village newspaper is often in the best situation to be the postmaster; and with a compensation of one, two, or three hundred dollars a year for labors in the office day and night, we must suppose the man to be very prone to wickedness to be corrupted or improperly influenced by the possession of such an office.

It has been a standing subject of complaint that printers and editors have been appointed to office under the present administration. The opposition have really given to that class of men a consideration to which they were not entitled. They are no worse, and probably no better, than any other class of men: some there are, certainly, who take upon themselves the duties of temporary editors of newspapers, who work for pay, and who are ready to take up on any side for a *quid pro quo*. These are generally from another profession, which ought to be the last to complain that too many offices are filled by printers and editors. The talents of a good lawyer are conceded to be necessary to fill a judicial office acceptably: a moderate proportion of lawyers will do very well in our legislative bodies, although it must be confessed that a preponderating majority often tax the patience and the purse of the people, by discussions which seem to them interminable. But it is not easy for common people to discern why an educated lawyer should make a better postmaster, a better weigher and gauger, or a better officer or contractor of any sort, than any other well educated and intelligent man. The proportion of applicants for office, both for Executive and popular appointment, are as four lawyers to one of any other profession. This is all natural and proper—they are probably better qualified and better adapted to fill public offices; but if any profession is to be singled out as an object for public comment, let those have the credit or blame where credit or blame is best deserved.

The Senator from Connecticut is either wrong, or I am, when he says the war rates of letter postage have been continued. The war rates were fifty per cent. advance of the present rates. The letter postage ought to be reduced before the newspaper postage shall be touched. The moment the receipts of the department will authorize it, I would reduce the letter postage at least twenty-five per cent. The experiment, I think, would not, in the end, much reduce the revenue, because the increase of business, after the first year, consequent on the lower rate,

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would, very likely, be equal to the amount of reduction. For the first year, the falling off would be nearly equal to the rate of the reduction; and, therefore, the department cannot now bear it in addition to the increased expense of the new routes proposed in the bill.

The newspaper postage is said to be a severe and unjust tax on literature. Pamphlet postage is higher *pro rata* than newspaper postage. Why not repeal that also? Nay, sir, to carry the principle out, why not enact that printed books of every description shall pass free in the mail? Such a rule would not give the bookdealers in the large cities a greater advantage over the small dealers in the country, than will the abolition of postage on newspapers give to the mammoth newspapers of the large towns over the village newspapers.

At a proper time, both newspaper and letter postage may be reduced: never ought either to be abolished entirely. Relying entirely on the receipts of the department to support itself, no reduction ought to be made the present year. But if the prosperous business of the country shall continue, and the receipts of the department shall continue to exceed its expenses, let the postage on letters be reduced twenty-five per centum. This may be done, and the amount of letters will increase without embarrassing the burdens of mail transportation. Afterwards, if the redundant receipts shall continue, let newspaper postage be reduced to one-half cent each within one hundred miles, or within the limits of a State, and to one cent each beyond that distance; and let, likewise, the postage on pamphlets and printed sheets be reduced in the same ratio with newspapers.

For the Senator from Maine, [Mr. HOLMES,] Mr. President, I entertain all that respect and sympathy which are due to men in his condition. Every thing is wrong with him under this administration. Jostled out of his position, as he was some seven years ago, by that blazing meteor which has sometimes appeared in our political hemisphere, to warn us of our dangers, and with unerring aim to point out the true from the counterfeit—

[Mr. HILL was here interrupted by the chairman, [Mr. POOR,] who said he could not be permitted to proceed, his remarks being personal. After a short pause, Mr. H. did proceed as follows:]

The suppositions of the Senator from Maine about the abuse of the franking privilege, and the nine thousand postmasters—about this franking privilege prostrating the liberties of the people in the dust—about the enormous patronage of the custom-house in New York, extended to a newspaper of that city—about Shadrach Penn, the New Hampshire Patriot, and the Boston Morning Post—about the battering down of every thing valuable by this Post Office Department—about the dangers of the Senate, because some newspaper has had the daring presumption to propose that the Senators' terms of service shall be shortened, and because others have suggested that Senators who do not represent the opinions and wishes of their constituents ought to resign—about the assaults of the press on the judiciary, calling the judges dotards, and charging them with combining with a cabal of the Senate—about Mr. Webb, of New York—about the favorite, the beloved minister of the President, rejected by this body, and the denunciations of the Globe for that rejection—about the presumption of the Senate in refusing to listen to the testimony of a dismissed officer in the Post Office Department—in short, about almost every thing that relates to the people, the administration, or the opposition—these suppositions having little or nothing to do with the question, I shall leave to be adjusted by the Senator himself when he shall have more leisure to attend to them calmly and dispassionately, as I cannot doubt he will do, after he shall have settled down in the enjoyment of domestic quiet.

As to the merits of the amendment itself, I will acknow-

ledge the Senator has discovered all his usual ingenuity in demonstrating them; but if I had not at the moment written it down, the whole force of his reasoning would have escaped in the mist which he afterwards raised.

That part of his speech which was a written calculation of what, by possibility, might be at the disposal of the department on the 1st of July next, if it were true, might furnish a good reason to reduce the postage on either letters, newspapers, or pamphlets, or all of them. I think he made his calculation to exceed half a million of dollars. This calculation was predicated on the fact that, in the first six months of the year 1831, the revenue exceeded the expense of the department in the sum of \$75,475 91. But it should be recollected that in the six previous months the revenue had fallen short \$13,223 73; and that for the three previous years it was minus from \$25,000 up to \$82,000 in a year.

I have before said that the principle of the department always has been—not to obtain a surplus revenue—but to increase the facilities of the public mail—to increase the trips and the speed on the more important routes—to extend new routes, which the head of the department was authorized by law to do between the seats of justice of the several counties in the new States—to procure the mail carried in steamboats between considerable places. I well know that these improvements and facilities have been extended, up to the present moment, so far as the department deemed it prudent to go. There has been no time in which the department has not been pressed to go beyond its ability. The late Postmaster General acknowledged, before he left his office, that he had made extensions whose expenses would overreach the receipts. In 1827, '28, and for the three subsequent years, the expenditures were beyond the receipts: this may be accounted for from the fact that, in the year 1827, the last bill for establishing new post roads was passed. The bill of 1827 did not cover half the extent of the bill now proposed; yet that bill the first year having been in operation only six months of the term, reduced the revenue within the expenditures \$25,000—the next year to \$74,000—the year after to \$82,000, its maximum, in consequence of the increased facilities given in the contracts of 1828, and was not restored until the year ending July 1, 1831, to an amount exceeding the expenditures. For four years subsequent to, and including 1820, there had been a deficiency each year of from \$26,000 to \$125,000—from 1824 to 1828 there was a surplus, the lowest year \$9,000, and the highest year \$80,000. In 1827, this surplus was \$55,000. So it will be seen there was as much if not more reason in 1828, when the then new post road law went into effect, to anticipate a surplus fund, as there now is.

Indeed, this surplus fund, which has always consisted of uncollected balances due to the department from postmasters who have failed to pay over, was formerly much larger than it now is. Postmasters were not formerly required to pay over as promptly as they now are, and a much larger proportionate amount was lost to the public. It is now deemed a good, yea, an imperious cause for removal, if a postmaster fails to pay over his dues quarterly. The deficiencies which have occurred in seven years since 1820, have been made up from this surplus fund. At no time during that period has the Post Office Department been in possession of funds beyond what was necessary for carrying on its extended business: it does not possess them at this time; and will you now force it, in addition to a burden of new post roads, to double the amount of what was ever at any one time imposed, to encounter the transport of paper equal to one-half of the whole manufacture of the United States, to be delivered out in single printed sheets in the most distant parts of the country? Without a heavy appropriation directly from the treasury, the department must break down—it cannot sustain itself six months under the proposed arrangement.

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The mistake of gentlemen on this subject is, that they consider the postage of newspapers in the light of a tax. If it be a tax, it is a tax on the public for the benefit of the person who receives it. It can be demonstrated that the cost for carrying and delivering newspapers is greater to the department than the pay it receives. It will be in time to answer the argument of taxation, oppression, injustice, when this newspaper postage is proved to be taxation and injustice, as the people so consider them. The Senator has mentioned the great privileges which the newspapers have in New York, and in the other cities and considerable towns, beyond the newspapers of the villages. I question very much whether a cost, equal to the amount of postage by mail, is not paid in the city of New York for the carriage and delivery of newspapers printed within that city, to the people of the same city. Thirty thousand dollars, the sum estimated by the Senator, does not pay the numerous paper carriers of that city, a number of whom must be employed by each daily newspaper press. The Post Office Department, on the principle of this amendment, should pay these newspaper carriers.

The Senator says, that to promote a salutary and healthy public sentiment, the newspapers of one State should be introduced into another State on equal terms with its own papers—that there cannot be equality if the postage on newspapers shall not be abolished. There surely cannot be equality in such an arrangement; in the one case, the printer may have his materials at hand, and will pay no transport to the point of destination; in the other, should not the printer have his ink and his paper carried over the same ground, at the expense of the Post Office Department? If the postmaster at some country village is obliged to preserve and deliver out to subscribers the newspapers printed in other States without fee, ought he not to be required to superintend, without fee, the newspapers printed in his own village?

But, says the Senator, the franking privilege is exclusively in the hands of the party in power, and an important election is at hand. I am sorry to see party feelings appealed to on such a question as this. I cannot believe that any party will derive a permanent benefit from the adoption of this amendment. The Senator admits that while Congress is in session, the parties at this point are equal as to the advantages of the franking privilege. During the present session, I am free to acknowledge that the party to which the gentleman belongs have been much more industrious than the other side. Our folding rooms have presented abundant proof of this fact: members of Congress do far more at this business of franking than any of the officers of the departments. I have myself franked more papers and documents in one week since the commencement of the present session, than I did during the fifteen months in which I did the duties of Second Comptroller in the Treasury Department. There can be no object in franking the papers from the District by the public officers: to obtain the frank, these papers must go at least one day later than they would go from their offices of publication. Few, indeed, are the newspapers franked either by the officers of the Government in the departments, or by postmasters: they cannot afford to pay for more papers than they read; and seldom is a newspaper seen in the mail bearing their frank. It is much more natural for members of Congress to supply their friends during the session—they know their constituents will be gratified as well for the attention that is paid them, as for the information they will obtain relative to what concerns their interests. In this respect, I am glad that the Senator acknowledges the parties, the administration, and the minority, to stand on equal ground.

If it shall be the intention to throw this department on the public treasury to the amount of half a million or a million of dollars per annum, for the sake of protecting the large newspaper establishments, and injuring the

small ones, for the sake of flooding the country with newspapers printed in this District, to affect the Presidential election, I trust that honorable Senators will weigh well the consequences of such a step before they proceed. It will be fatal to the wholesome increase and growth of the department. It will be an unjust tax upon the whole community for the benefit of the political trader and speculator; for by what right can you tax the people for the carriage of newspapers, any more than you can tax them for the carriage of any other commodity used and consumed by any particular class? Once permit the Post Office Department to place its reliance on the common treasury, and well may we become alarmed at the dangers of post office influence. There will no longer be an inducement to husband the resources of that establishment; there will be no necessity for restricting the expenses to the amount of the actual income; the scramble will be, not who can best serve the public, but who can get the most money? The means of corruption will be unbounded: the department itself will falter, like the bloated epicure, from the free use of the food that is placed before it. The temptation will be too great to be resisted. If the principle of supporting this department from the public treasury be adopted, there will be no bound to the expense; and its inefficiency will increase as the expense shall be increased.

I have, sir, detained the Senate longer than I could have wished. I would not have spoken at all, had I not felt it to be a duty, as one of a committee which has bestowed much labor on this bill, to resist an amendment which will compel me to vote against the whole, if this shall be adopted as a part of the bill. I am myself convinced—

That the present newspaper postage is not a full remuneration for the expenses of carrying and delivering them.

That, to abolish this postage entirely, will impose a burden on the Post Office Department, which cannot be borne without an equivalent from the treasury.

That payment from the treasury will be an unjust and unequal tax upon all persons who do not receive their newspapers through the mail.

That the effect of abolishing newspaper postage will be the destruction and injury of the small newspaper establishments throughout the interior of the country.

That it will enable wealthy and designing men, and associations of men, to monopolize the newspaper press of the United States.

That the expense of transporting the mails will be greatly increased; and if letter mails shall not be entirely separated from newspaper mails, confusion and delay will take place in the transmission of letters.

That postmasters will demand and be entitled to an equivalent amounting to at least one-half the present postage, for which no provision is made by law.

That the proposition is an interference with the private business and industry of individuals, calculated to promote the benefit of the few at the expense of the many.

That it will make the routes in the newly settled parts of the country, and, indeed, in the long settled parts where the population is scattered, so unproductive as to compel the Postmaster General to discontinue many of them.

In short, that the tendency of this amendment will be the destruction of the post office establishment, and the imminent injury of the whole trading and commercial community—a measure of more immediate mischief than any which has passed Congress since the adoption of the constitution.

Mr. CLAYTON, in consequence of an inquiry propounded by the chairman of the Committee on the Post Office, why the Committee of Investigation appointed by the Senate last year to inquire into the administration of the department, did not proceed in the execution of

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these duties, went into a view of the causes which had checked the progress of that inquiry at the very moment when impeachable matter had been elicited, and when the apprehensions of the friends of the department had been roused. He showed that the labors of the committee had been arrested by the adoption of a resolution by the Senate, prohibiting the committee from inquiring into any impeachable matter, the necessary consequence of which was to put an end to all further inquiry. He gave a succinct and forcible summary of the course of the committee, while engaged in their labors; narrated the manner in which attempts had been made to destroy the reputation of Mr. Bradley; and sustained the character of that gentleman in a very effective manner. He pledged himself, if the Senate would rescind the resolution prohibiting the committee from inquiry into impeachable matter, and give him a committee which would go through the investigation, to produce in ten days a report of facts which would place the matter in a correct view before the world.

Before he had concluded, he gave way to a motion to adjourn; and

The Senate adjourned.

THURSDAY, MAY 10.

POST OFFICE.

The Senate then resumed the consideration of the bill to establish certain post offices and post roads, and to discontinue others.

The question being on the motion of Mr. BIBB to amend the bill by adding a section abolishing the postage on newspapers after the 1st day of July.

Mr. CLAYTON concluded the remarks which he commenced yesterday, further commenting on the manner in which the investigation instituted last year into the management of the Post Office Department was arrested.

Mr. GRUNDY made an explanation on some of the points, especially in reference to the extra allowances given by the Postmaster General in the case of Harrall, and the Baltimore and Washington contract.

Mr. HOLMES succeeded, making some additional explanations on the manner in which the inquiries of the subcommittee last year were met at the department.

The question was then taken on the amendment offered by Mr. BIBB, and determined in the negative, as follows:

YEAS.—Messrs. Bell, Bibb, Clay, Clayton, Ewing, Foot, Frelinghuysen, Hayne, Holmes, Johnston, Knight, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson.—22.

NAYS.—Messrs. Benton, Brown, Buckner, Dallas, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hendricks, Hill, Kane, King, Mangum, Marcy, Robinson, Smith, Taxewell, Tipton, Troup, Tyler, White, Wilkins.—23.

The bill was then further amended in its details, and was reported to the Senate. The amendments made in Committee of the Whole were concurred in; and

The Senate adjourned.

FRIDAY, MAY 11.

THE POST OFFICE BILL.

Being taken up, Mr. BIBB renewed the motion which he had unsuccessfully made in Committee of the Whole to abolish the postage on newspapers from July next. The amendment was again negatived—yeas 22, nays 23, and the bill was ordered to a third reading.

PENSIONS.

The Senate then resumed the consideration of the bill supplementary to an act for the relief of the surviving officers and soldiers of the revolutionary war.

The question being on the motion submitted by Mr. RICHMOND, to recommit the bill, with instructions; which

question was divided, so that the first question was on recommitting the bill.

Mr. FOOT said it had been his fixed determination not to consume any of the time of the Senate in discussing this bill; he believed the subject was well understood, and its merits so fully and so generally appreciated, that argument was unnecessary; and he had stated to the Senate, when it was first taken up, that he should occupy none of their time, except so far as became necessary in explaining and answering questions which might be expected of him, as chairman of the committee which had reported the bill.

But, sir, as the Senator from South Carolina [Mr. HAYNE] has declared that the merits of the bill are to be discussed on this motion to recommit, and has made which an attack on the report of the committee, and nine special allusions to me personally, I cannot consent that this question of reference be decided, without some notice of his remarks; and although not prepared at this time for a full discussion, not having the minutes of the Senator's speech (which I had taken at the time of its delivery) before me, I must beg a moment's indulgence in my own defence, as well as in defence of the report. The Senator surely could not have read the report, or did not at all understand its import, when he alluded to the calculation made by the committee. Sir, the calculation to which he alluded, did not refer to the number to be embraced in this bill, but was a mere calculation on facts, for the purpose of showing, from the number of those now on the list, that the estimate made by the committee on calculations founded on the tables of annuities of Milnor and Rankin, as calculated by Professor Wigglesworth, might be depended on as a safe guide in the estimates.

The report states that it was believed that a great portion of the whole army did apply to be placed on the pension list under the act of 1818; and the report says: "In order to furnish satisfactory evidence of this fact, the committee submit the following brief statement and estimate," &c.; and then follow the tables taken from official documents, showing the number of troops furnished by each State, with the total amount, and also the number furnished in each year, from which that estimate is formed, and that position, in the opinion of the committee, clearly proved. The Senator here has made a very great mistake in adding the number of invalid pensioners; by which he thinks he has discovered a gross error in the calculations of the committee, showing that the number of pensioners is much greater than it could possibly be, according to the rule adopted by the committee. Sir, does not the Senator see that the number of invalid pensioners has no connexion with that calculation? Does he not know that this invalid pension list embraces those who have been disabled in every war, from the commencement of our Government? What portion of that list is made up of revolutionary soldiers? Not one ninth part! If the Senator will turn his attention to the ninth page of the report, he will there find the data on which the committee have made their estimate for this bill, taken from the journals of the old Congress, including the two thousand as furnished by the department; and let him calculate, and show us any error in that estimate. Since the Senator made his strictures on our report, I have looked at the report and estimate made by the committee of the House, in which, although the calculation is made in a different way, I find but a very trifling difference between the estimates of the two committees; I have also run over the calculation again, and do not find any error. The Senator is also much mistaken in another point. He stated that "none but regular soldiers ever received invalid pensions." Sir, every soldier, whether of the regular army, volunteers, or militia, who was wounded in battle, is entitled to an invalid pension under existing laws! The pension principle has not, as he has stated, been "at all

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es confined to the regular army," but has been already extended to every class of soldiers embraced in this bill. Here is no "new principle of pensions," or extension of those "principles," which has excited so much alarm.

So much, sir, in justification and defence of the report. Some personal allusions demand my notice. The Senator from Maryland, [Mr. SMITH,] in a speech delivered some time since, perhaps on the appropriation bill, and published in the *Globe*—"official"—has denominated me the greatest economist." Far be it from me to complain of this charge, as it is not considered a term of reproach. It is a distinguishing characteristic of the people of my native State, whose institutions I venerate, whose principles I admire, and whose social relations I love. Habit of industry and economy were inculcated upon me from early life—inhaled with my breath, and, from necessity, acted through my whole life. Both the Senator from South Carolina [Mr. HAYNE] and the Senator from Maryland have given me much credit for the successful application of some of the rules of economy in my public life; in saving much of the public money on several occasions. They have professed great confidence in my knowledge of the true principles of economy. But, sir, you have both charged upon me the abandonment of all these principles in relation to this bill, and resort to the vilest extravagance," and have expressed their astonishment to find me an advocate for a measure, which, in "extravagant waste of public money, must stand foremost in the front rank!" Here they do me injustice. If the Senators had united with me, at the last session, in applying the true principles of economy, I assure them, in my firm belief that a greater sum would have been saved to the country, than was saved by the "radical committee of 1825," for which they have given me so much credit; or the act of 1830, which reduced the appropriation for pensions under the act of 1818 about a million and a half of dollars, reported also by a committee of which my colleague and myself were members, and for which the Senator from Maryland was disposed to take credit for his Committee of Ways and Means. There is a wide difference between economy and parsimony, which are often used as convertible terms; they are often confounded, but it is of great importance they should be understood. Economy saves needless expense; parsimony withholds what is necessary. The wise man describes them in most admirable terms: "There is that withholdeth and yet receiveth—and there is that withholdeth more than is needful, and it tendeth to poverty."

Let me call the attention of the Senators from Maryland and South Carolina to the bill now before the Senate. This bill passed the House at the last session, by a majority of 132 to 52, came to the Senate, was examined by the committee on Pensions, reported without amendment, and an attempt made to call up the bill failed, the vote being 20 to 20. Let me now say to those Senators, that the economy demanded the passage of this bill at that time; and, in my opinion, a great saving, both of time and money, would have been effected by it.

Mr. President, this Government is not a Government of force, but rests entirely on public opinion. The moral power is combined with, and directs the physical power of the whole nation; and while these remain combined, and in harmonious action, it forms the strongest Government on earth. But, sir, if the moral influence is debased, the physical power becomes mere brutal force; the foundation of the Government is destroyed, and the superstructure of republican Government falls at once to the ground. Public agents must retain public confidence, or they can never administer this Government.

The omnipotence of public opinion is often felt, and we know how vain are all attempts to resist it! It may be resisted; and it is as absolutely irresistible in error, until it

can be corrected by cool reflection and discovery of truth. When that discovery is made, it comes to a just decision. As Mr. Jefferson says, "the people will always decide correctly, on a correct knowledge of facts." Public opinion has decided deliberately and definitively, and has demanded that provision be made for the remnant of the revolutionary army, and we cannot resist it. Can any man doubt the fact? Let him look at the journals of the House of Representatives for the last two years. See the large majorities with which bills have been passed for their relief. Look at the proceedings and instructions of State Legislatures. Look at the proceedings of all our public meetings. Do you find a dissenting voice? Not one. There is no mistake in this—it speaks a language not to be misunderstood. Public opinion governs all our legislation, and it is worse than useless to attempt to deny it; you cannot pass and enforce a single law which has not its approbation. Nor can you resist or prevent the passage of a law which the public voice demands.

The bill now under consideration, which passed the House at its last session by a majority of eighty votes, fully satisfied public expectation. It involved an expenditure of less than 450,000 dollars per annum, for a very short period. Unfortunately, it did not pass the Senate. But, sir, the fault was not mine. If this bill had then passed, much time in legislation would have been saved, and probably a million of dollars annually. Look at the bill now before us, from the House, which has been reported and passed during the pendency of this bill before the Senate. See the consequences of this delay. A bill, as the Senator has truly said, involving at least treble the amount of the bill reported by our committee at the commencement of the session. Let Senators vote to recommit this bill. One of these bills must and will be passed. Let those who have opposed this bill take the bill from the House, with treble the amount of expenditure, and then boast of their economy. I will vote for either. I have no fears that we shall overpay the soldiers of the revolutionary army. It is immaterial to me which bill shall receive the approbation of Congress. One will certainly pass; and, if it is not soon decided, let me assure gentlemen there will be no necessity to "advertise for public indignation." But, sir, I must express my regret that the House should have sent us another bill, on principles so entirely different from the former bill, and which passed by an equal majority, while their first bill was pending before us. It has distracted the public mind, which was fully settled. It has interrupted and delayed the action of the Senate; but it cannot be charged to us. Let the responsibility rest where it belongs. Pass which bill you will, the public mind will not now be fully satisfied with our legislation on this interesting subject.

The Senator from South Carolina [Mr. HAYNE] is much mistaken when he says, "this bill is an old acquaintance; that it has been before the Senate for several years; has been fully discussed; that, two years since, it was known by the name of the mammoth pension bill," against which he made the speech from which he has now read some statements and estimates. I will not believe the Senator capable of making a statement which he did not think correct. But, sir, the bill to which he refers was probably the bill containing two or three hundred names, which passed at the last session. Let me tell the Senator that this bill was never discussed in the Senate. It came from the House near the close of the last session, for the first time; and, on my motion to take up the bill for consideration, the vote stood 20 to 20—there was no discussion upon it. The Senator may refer to some other bill from the Committee on Pensions; for I am free to acknowledge, that, since the Senator from Maryland [Mr. SMITH] placed me at the head of that committee, I have labored faithfully, and endeavored to do equal justice to all the officers and soldiers of the revolutionary army.

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Sir, some remarks have fallen from the Senator in relation to the militia who are provided for in this bill, for six months' service in the war of the revolution, which a sense of duty compels me to notice. The Senator is not at all responsible to me for any remarks he may choose to make in relation to the militia of his own State; but, sir, the conduct of the militia of my State, during that eventful period, is deserving of the highest praise and commendation. Nor do I believe that any portion of the militia of any of the Eastern States deserve the censure cast upon them by such insinuations. Who fought the battles of Bunker Hill, Lexington, Bennington, and Saratoga, the Plains of Abraham, and under the walls of Quebec? Have any of your laws of 1818 or 1828 embraced those brave and devoted patriots and citizen soldiers? No! These men are excluded! Where can you find the militia, in the Eastern or Middle States, "fleeing to the camp as a place of safety?" Sir, this insinuation distressed me. Towards our militia it was unjust, unkind. During the year 1780, Connecticut had in the field more than one-seventh part of the whole regular army! But, sir, where was this force employed? Not a single "camp" in that State! And when our whole coast, for ninety miles in extent, was in one almost continued blaze; when all our principal towns, from Rhode Island to New York, were involved in one general conflagration, not a continental officer or soldier could be found in the State. They were fighting the battles of our common country in New York and in other States south of us. Who were massacred at Groton fort, where near two hundred wives were made widows, and six hundred children made orphans, in a single day? Militia and volunteers! Sir, the militia of Connecticut never "fled to the camp for a place of safety." They flew to meet the foe at every point. Yes, sir, they flew. On the militia and volunteers devolved the defence of our whole line of seacoast: they were kept in perpetual alarms, from the incursions of the Vandal enemy. Some volunteer companies were denominated "minute men," from the celerity of their movements. One company of a hundred men, from my native town, forced a march of forty miles, to defend the public stores at Danbury, and drove in the rear guard of the enemy. They exchanged three shots, killed and wounded fourteen of the enemy; nor did they retreat until the artillery opened a fire upon them from the main body. On another occasion, the same company, in less than six hours from the first alarm, mustered, marched fourteen miles, and drove in a marauding party of a hundred and fifty, with a loss to the British, as was said, of four killed, including an officer, and six wounded; on our side, four killed, and two severely wounded. These wounds I have seen: these men were crippled for life. Did they "flee to the camp as a place of safety?" Are such men unworthy of the consideration of Congress? Sir, they never received it, they never asked it. They have mostly paid the debt of nature, and rest with the great congregation of the dead. But let not their memory be traduced—it is dear to us—to me it is dear. I knew many of these men: they were my neighbors—they were my friends. Sir, one fact in relation to this company is worthy of notice. It will be understood, three only of that company now survive, to my knowledge: two reside in Ohio, and one in St. Lawrence county, New York.

The Senator complains that the money paid for services during the revolutionary war goes in very large proportions to the Eastern States. Does he wish to know the cause? Where were the troops raised? Does not the Senator know that more than one-half of the whole number of regular troops were raised in the New England States? Let him look at the report, taken from official documents, and he will find that New Hampshire, Massachusetts, Rhode Island, and Connecticut, furnished in the regular army 118,250 men, and the other nine States but

112,566. And is not the money to be paid to those who rendered the service? Does the Senator ask why the New England States should have furnished a greater portion than his own State? He has himself given one very satisfactory reason—that near one-half of the population of South Carolina were Tories! Sir, we had very few Tories in New England. And since we never have, by former acts, nor do we now propose to pension the Tories, he must not expect so great a portion of the pensions to go to the South. But, sir, the Senator will find, on examining the documents on our table, that South Carolina, even now, has on the pension list a greater number of pensioners, in proportion to her number of regular troops, than Connecticut.

The Senator has produced a statement here, to show that, in some of the New England States, more money is received in pensions than the amount of their civil list. What then! Suppose it to be so. If the money be due to citizens residing there, should it be withheld because they reside in New England? In the settlement of just claims, or appropriations of money, have we ever objected that the money was going to the South? No, sir; I rejoice that no such sectional feelings exist in my part of the country; and no such complaints have ever been heard, on this floor, from New England Senators.

The Senator has said that the citizens of South Carolina served "and suffered more than any other portion of the Union." Why, then, does he oppose the passage of this bill, which embraces volunteers and militia—the very class who performed such services, and endured such sufferings, in his own State? Is it because he is against the principle? This bill embraces no new principle. It is a supplement to the act of 15th May, 1828, which he so ably advocated, and which may be emphatically called his own favorite bill. He has already established the principle, and we now propose to extend his own principles, for the benefit of his own State, and others, who did not furnish troops for the regular army, but did furnish their full quota of militia and volunteers, whose just claims are, for the first time, embraced in this bill. We propose to do equal justice to all; but, strange and unaccountable as it is, he opposes it with all his powerful eloquence and argument, even when his own State, from his own statement, is most deeply interested in the bill. Sir, the Senator has denounced a system of pensions for military services, in very strong terms, as the commencement of a system which will embrace all classes of the community, for every species of public service, and will eventually break down this Government. But, sir, let me ask the Senator, who has ever advocated any such system on this floor, or elsewhere? Not one. A system of pensions has always been denounced. During this present session the Senate has denounced it. It has not an advocate in this Union; and why should the Senator be alarmed?

Both the Senators from Maryland and South Carolina have charged on me a departure from the ground taken by the Senators from Connecticut in former times. They are said to have protested and voted against the principle of pensioning for military services. If the Senators will look at reports made by me during the present and former sessions, which have been printed, and sustained by the unanimous vote of the Senate, they will find a strong protest against pensioning for military services in more than one report. These reports go further, and state what, in my opinion, is strictly true: that Congress have never recognised the principle of pensioning for military services, and I trust they never will. They have, indeed, granted invalid pensions to such as were disabled by known wounds received in the "service," and this is to be considered rather as part of the contract, or inducement to enter the service. The act of 1818 cannot be considered as recognising the principle of pensions. Its provisions did not embrace all who served in

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a revolutionary war, even on the continental establishment; but only those "who were in such reduced circumstances as to need the aid of their country for support." It was rather a gratuity, or charity, induced by a conviction that those men had never been fully paid according to contract, and were then pining in poverty. The act of 15th May, 1828, to which this bill is a supplement, does not recognise the pension principle at all. It rests on the ground that the contracts of the Government with these men were never performed in good faith; that they never received a full compensation: and this, bill proposes to add the remnant of the revolutionary army, including militia, State troops, and volunteers, upon the same principle—that they were never paid according to contract. It does not propose to make full payment, but to do something like equal justice to all who have equal claims for their services, sacrifices, and sufferings, in the arduous struggle for our independence. And will the Senator say that these men have no claims?

The venerable Senator from Maryland has said that he was no fighting in New England after the year 1779. Is the Senator forgotten that all the principal towns in Connecticut were plundered and burnt by the enemy after that period? He has scouted the idea that any of the officers or soldiers ever complained of privations and sufferings. If he had read the petitions referred to the committee on Pensions, sure I am he would never have hazarded such an assertion. And what will be the surprise if his brother officers and soldiers to hear him assert, on a floor, that no New England troops were in the battles on Long Island and White Plains? Where were the thousands and five hundred regular troops from New England at that time? They were not in their own States. Hundreds, if not thousands, of Connecticut troops (including militia) were on Long Island and York Island.

The arguments used against this bill are—we are not to provide for these old soldiers—we have already done too liberal—frauds will be practised—it will draw money from the treasury—we shall be heavily taxed. I will briefly notice these arguments, in their order. 1st, it is said "we are not bound to provide for these old soldiers." My answer is, it is now too late for the application of this objection. If this was an original question, the answer would be entirely different; and, from the experience of the operation of the act of 1818, I am inclined to doubt whether a similar bill would, at this time, pass the House of Congress. But, sir, this is not now the question. The act of 1818 has been in operation fourteen years. More than twenty thousand have received its benefits. This bill has no connexion with, or reference to, the act of 1818.

The question now is, whether we ought not to extend the provisions of the act of 15th May, 1828, to the small remnant of that army; giving some portion of the liberality, bounty, or charity (if you please) to those who are equally entitled to it, for their services and sufferings, which has been so long enjoyed by others. Most certainly. Both equity and justice demand it: and what stronger obligation can be imposed on us? The act of 1818 was intended to embrace those, and those only, who were in such reduced circumstances as to need the aid of their country for support. This act is still in full force, and embraces all who are so reduced. The inequality and consequent injustice of that act has ever been a ground of serious complaint. In its operation it has held out inducements, and even a bounty, to indolence and improvidence. It has embraced a very large portion of those who served and suffered least in that army, while those who bore the heaviest burden of the day, and who have, by prudence, industry, and economy, acquired even a small pittance of property, valued over three hundred dollars, have been excluded from its benefits. It has given, from the public treasury, ninety-six dollars per annum to many of the indigent, indolent, and the dissolute, for their support;

while those who, by honest industry and economy, and by hard labor, have obtained a small pittance of property which would rent for eighteen dollars per annum, have been considered too rich to need any aid from the Government, and have been excluded from its benefits. The palpable injustice to meritorious officers and soldiers undoubtedly induced Congress to pass the act of 15th May, 1828. This afforded only a partial relief; and it will be recollected, its passage was opposed by many, because its provisions did not embrace all who were equally meritorious—the State troops, volunteers, and militia, which this bill proposes to add to the list: and can it be said these men have no claims? It will not, it cannot, be denied. Sir, in my opinion, we are bound by the most solemn obligations to provide for this remnant of that army, whether they had, originally, any claim or not. Congress, by its legislation, has laid the foundation for a claim, which cannot be resisted. The united voice of the people demands it; equal and exact justice demands it. The House of Representatives, at the last session, by an overwhelming vote, admitted it—and will the Senate refuse?

Of the second objection, viz. that "we have already been too liberal." Mr. President, can this be seriously urged to invalidate the claim of the old soldier? If we have been "too liberal" to one portion of that army, shall we be unjust to others? Such an argument will hardly justify us to our own consciences, much less in the eyes of the world. But it is said "frauds will be practised." Sir, although great complaints have been made of frauds under the act of 1818, can any frauds be found under the act of May, 1828, to which this is a supplement? I have heard of none. Some Senators have fallen into error in opposing this bill, as a supplement to the act of 1818; and they will find their arguments wholly irrelevant. I hope Senators will at least give the bill a fair construction, and not charge upon it, as some of our Southern brethren have upon the tariff, all the evils which they fear, in addition to all the "ills of human life." But, sir, the great and powerful argument against the passage of the bill is, "it will beggar the treasury, or, at least, prevent the reduction of unnecessary and oppressive duties." And will you refuse to satisfy a just claim because it will cost money? Sir, the report of the committee, which has been read, and is in the hands of every Senator, shows the estimated amount of annual charge on the treasury. If the bill should pass, not to exceed four hundred and fifty thousand dollars; and is this price too high for our independence? and that sum will be rapidly reduced; and within five years will be reduced to a sum merely nominal. The accuracy of those estimates may be tested by any one who wishes to investigate them, and examine them fairly. The committee believe they will be found to exceed the demand.

But, sir, it is objected by some, that militia, State troops, and volunteers, ought not to be embraced in it. Will it be contended that their services were not as arduous and as dangerous as those of the regular army? They fought by their side in every battle; they shared with them in every danger and every hardship. Yes, more; for if the regular army was poorly clad and miserably fed, what was the condition of those who were suddenly called from their homes, without perhaps a change of clothing, and for whom no provision had been made on a sudden emergency? History informs us that their sufferings were even greater than those of the regular army. Whose line of march, or trail, might be traced by the blood upon the frozen ground, oozing from their bare and frozen and lacerated feet? Who were driven to the dire necessity of satisfying the cravings of hunger with the "pates and offals of cattle, and even with the hoofs of horses?" State troops and militia, ordered into service to fill the ranks of the army, almost entirely disbanded in face of the enemy. Who were constantly harassed with continual marchings and fighting? Your flying camps, volunteers, and militia—these men

SENATE.]

Pensions.

[MAY 11, 1832.]

were not lying in camps, or snug in winter quarters; they were incessantly and constantly engaged in fatigue and in battle. These are the men who breasted the first shock of the war; they were not mercenary soldiers; they fought in all your battles; they shared largely in every danger; and shall they not also share in your bounty?

In reply to the question, whether this bill includes the partisan corps not attached to the army, if there can be a doubt, let the bill be so amended as to embrace them, for the Senator will see such was the intention of the committee, from the closing remarks of their report, designating the several corps embraced by the bill; which Mr. F. read, as follows:

"This bill embraces no new principle, except one of equal justice. If the fact be, as has been estimated, that two-thirds of the whole number of the pensioners were of those who enlisted after the year 1780, and saw very little service, and endured little suffering—were comparatively well fed and comfortably clad, and have received more than \$1,300 since the year 1818, is it unreasonable to allow to the small remnant of those who fought the battles, endured the sufferings and privations of that army, during the most eventful period of the war, the little pittance proposed by this bill? Is it objected that this bill includes State troops, volunteers, and militia? They were called into service to fill the ranks of the regular army, by order of Congress. Will it be contended that, because they did not voluntarily enlist, they are not equally entitled to the liberality of the Government? Shall it be said that an American was impressed into the service, and compelled to fight the battles of his country, and not receive a just compensation? If there is any one class more meritorious, and more deserving the favorable notice and bounty of the Government, than any other, is it not that class which is embraced by this bill? Those who breasted the first shock of the war—who rushed to meet the foe at Lexington and at Bunker Hill; at Bennington and Saratoga; at White Plains and Long Island; at Princeton and Trenton; at Germantown and Brandywine; at Yorktown; at King's Mountain, and at Eutaw springs; Guilford court-house and Camden? Who shared largely in every battle? The brave men who constituted your flying camps, your minute men, your volunteers, your brave invincibles, under the devoted, the heroic, and chivalrous Sumpter and Marion: or shall those be excluded, who were draughted to fill up the ranks of the army, to prevent its total dismemberment in the face of the enemy, in the time of our greatest extremity? History has recorded the services and sufferings of these men, and let her not record the nation's ingratitude—nor injustice to this small remnant of the revolutionary army."

Mr. FRELINGHUYSEN said he would detain the Senate for a few moments in stating the reasons for his vote in favor of this bill. The honorable Senator from South Carolina [Mr. HAYNE] has correctly remarked, said Mr. F., that the original principles of the pension system respected those only who had become disabled in the military and naval service of the country. It professed to help that portion of the soldiery alone, that, in our employment, had been deprived of the faculty of helping themselves. And, sir, if we were now, for the first time, about to enlarge these principles, I should agree with the honorable gentleman in many of his patriotic sentiments. In the discussion of this question, he has exhibited a masterly view of the subject, and most ably and eloquently urged the pregnant evils, the corrupting influence, of a great pension system. Sir, I submit, with all respect for that gentleman, that it is now too late for the introduction of these doctrines; and that, in truth, they do not, and should not, apply to the claims of that meritorious class of our fellow-citizens who sustained the struggles of the American revolution. We have suffered the time to pass when the extension of pension favors might have been resisted on abstract principles. For, sir, it is now more than four-

teen years ago, (in 1818,) when the Congress of the United States, by its legislation, departed from these strict rules, and granted a pension to such soldiers of the regular line as were in reduced circumstances. Here, then, was an explicit surrender of the miserable basis of pension. Here was provision made for the needy, from other causes than military privations. The Government opened the hand of relief to all of a specific class who were reduced to the necessity of seeking its aid. By some, this liberal and seasonable concern for the destitute was regarded as an act of mere justice; by others, of equity; and by all, of gratitude. And, the great moving consideration was, the nature of the service. These were not fighting for pay. Sir, they staked all that was valuable on the issue. It was a revolution, in every sense. We not only resisted Great Britain, but resolved to set up for ourselves. It was a resort to first principles. We threw ourselves back upon the elements of political association. We were in colonial dependence: we had been the subjects of a foreign potentate—and we resolved to become the citizens of our own Government. We determined to convince the world that we possessed the right, and meant to exert the power, to think for and govern ourselves. Such were the noble doctrines for which our armies were mustered. Yes, sir, they staked all, and they gained all. There never had been such a service, or such an army, or such a cause, in this world before. The Congress of 1818 thought it made its own law—and that it would be as unjust, as it was harsh and oftentimes offensive, to apply to it the conditions of a pure pension. It is now too late to retrace our way. We have yielded to better influences. We surely should not complain of the call that is now made, for we have ourselves furnished the plea for it. The only duty that remains for us is to ascertain its legitimate operation.

Moreover, sir, the act of 1828, that professed to indemnify the regular army of the revolution for the depreciated and almost worthless pay that was made to them, in still larger measures approached the true spirit of these claims.

But there were two defects in the system, even as thus liberalized. In the first place, it exacted the humiliating confession of absolute poverty. It required of the aged veteran that he should publicly, and in presence of the sons by the side of whose fathers he had fought and suffered, expose the wretchedness of his condition; that he should produce the proof of his pauperism, and swear to it himself. I have seen these worthies, in our public courts of justice, exhibit the inventory of their poverty, down to the items of cups and saucers, and I have felt humbled for my country: Sir, a noble spirit would sometimes exclaim, I will die in want first. If my country exacts such ignoble conditions, let her withhold the miserable pittance. And who, sir, of this Senate, does not honor the sentiment? It has been honored and vindicated by the manly feeling of this great community. Public opinion would no longer brook such terms of national honor and gratitude; and, by the concurring indications of Legislatures and people, we are invoked to relax these hard conditions. And should a few partake of a favor that do not need it, better so, than that even one deserving relief times so dearly cherished should go down to the dust neglected and forgotten.

But, sir, there was another and equally substantial objection to the present system. It discriminates most invidiously between the troops of the regular line and the militia. The latter could not perceive the reasons for such difference, when they remembered that they had fought as bravely, and bled as freely, as any soldiers of the American army. The honorable Senator [Mr. HAYNE] has said that the camp was the place of safety. If that were so, it must have been the camp of the regular forces, and not the uncertain, ever-changing quarters of a partisan

MAY 14, 15, 1832.]

Post Office.—Pensions.—Postage on Newspapers.—Bank Reports.

[SENATE.]

corps, whose tents were raised to-day, only to be struck to-morrow, to repel the sudden incursions of a prowling and mercenary horde. Sir, the gentleman also urged that the men at home and on their farms suffered most severely by dangers and depredations; and such, Mr. President, were precisely the exigencies of the militia—they were the yeomanry of the country, who were often summoned from their ploughs at a moment's warning, to fly to the defence of their neighborhoods, and reclaim the plunder that, in an unexpected hour, the enemy had rifled from their dwellings and their farms. These were the men who felt the distresses of a cruel and relentless warfare—that brought terror, alarm, and confusion to the fire-side—and who, amid all that long, harassing, and doubtful conflict, stood firm to the cause, and never flinched from their purposes. In personal privations, they suffered quite as severely, and in the sacrifice of property, vastly more, than the regular soldiery. Wherefore, then, is it that we should coldly pass them by, and with such partial and exclusive consideration distinguish the one, and utterly reject the just claims of the other?

Besides, sir, if the bill should be made to rest on adequate compensation, how were the militia paid? In the same depreciated, worthless currency in which the Congress has accorded indemnity to the regular army. So that, whatever inducements may be urged, there is no sound or satisfactory reason for preferences, where the sacrifice, sufferings, and glory were common.

I regretted to hear any thing of sectional contrasts in this matter; that the North would receive at the rate of 10,000 pensioners, while the South and West could only present 4,000. Sir, these exciting suggestions I consider unhappy in their influence. We have far too many sectional prejudices already to deplore. Let us not increase them. Why should this bill be enlisted in the ungracious service? It was not so regarded in 1818 or 1828. We then treated it as a national object. The battles and perils of the revolution were not encountered for sections—life and honor were pledged and redeemed as fully and freely for Georgia as for New Jersey. Why, then, sir, should we attempt to trace the dollars of this proposed appropriation to the pockets of the receivers, and run up an account between this and the other side of any line? But, Mr. President, on principles of the strictest accountability, the provisions of the bill are just. If the North sent the most men, she should receive the greater recompense. To give to the most fighting the most pay, seems very equal.

The West have in terms been invoked to aid in preventing what is denounced as unequal, because, from social and political causes, the most numerous body of the revolutionary army happen to reside north of this District. I also invoke the West—not for sectional purposes—but I would call upon them to remember the aged fathers whom they have left behind—to soothe the last years of a feeble few, now in sight of their graves, by whose patriotic struggles you now enjoy your noble West, with all its enterprise, resources, and happiness. Sir, my honorable friend, in terms of eloquent eulogium, ascribed to the female heroism of the revolution a full share in the achievements of those memorable times. I thought, Mr. President, that had those more than Spartan mothers listened to the high tribute paid to their virtues, their hearts would have responded, such praise from such a source is more than ample recompense—now, be just to our husbands and sons, and we shall acquit our country of all her obligations.

As the bill before us dispenses with the condition of poverty, and impartially imparts its benefits to all that deserve them, I hope it will receive the support of the Senate.

Mr. HOLMES, after a few remarks, expressed his intention to offer some views on a subsequent part of the debate, and, in the mean time, to yield the floor to-day to any other gentleman.

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Mr. CLAY then spoke for some time in advocacy of the claims of the revolutionary soldiers, not on the bounty, but on the justice of the country; and denied that this act of justice to these brave veterans who still survived of the gallant band which secured our independence, should be identified with the tariff.

Mr. BROWN, of North Carolina, followed in opposition to the bill.

The Senate then adjourned to Monday.

MONDAY, MAY 14.

POST OFFICE.

The bill to establish certain post offices and post roads, and to discontinue others, was then read a third time.

On the question of its passage,

Mr. HILL read a series of observations, to show that he never libelled any one, that he never violated the rules of the Senate, or abused its courtesy, and that he never asked General Jackson for an office.

Mr. HOLMES made a very sarcastic remark or two, in reply.

After a few words from Mr. DICKERSON and Mr. FOOT, the bill was passed.

PENSIONS.

The Senate then resumed the consideration of the pension bill.

The question pending being on the motion of Mr. ROBINSON to recommit the bill.

Mr. HOLMES made some remarks in favor of the principle of the bill, and against the motion to recommit. He took a historic view of the various battles of prominent importance which had been fought during the revolutionary war, and stated the proportion of Northern and Southern troops which were engaged, in order to obviate the objection which had been raised on the score of the partial operation of the bill, and the superiority in benefits which one part of the Union would enjoy over the other.

The question was then taken on the motion to recommit, and decided as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Buckner, Ellis, Ewing, Forsyth, Grundy, Hayne, Johnston, Kane, King, Mangum, Miller, Robinson, Ruggles, Tazewell, Tyler, White.—19.

NAYS.—Messrs. Bell, Clay, Dallas, Dickerson, Dudley, Foot, Frelinghuysen, Hendricks, Hill, Holmes, Knight, Marcy, Naudain, Prentiss, Robbins, Silsbee, Tip-ton, Tomlinson, Waggaman, Webster, Wilkins.—21.

So the Senate refused to recommit the bill.

The question recurred on the amendment offered by Mr. GRUNDY, to insert the following words:

"Including those who fought under Wayne, Clarke, St. Clair, Harmer, and Hamtramck;"

Which Mr. WHITE moved to amend by adding thereto the following words:

"And any other person who was in the service, under the authority of the United States, against any tribe of Indians, prior to the 1st of January, 1795."

And the pending question being on the amendment to the amendment,

The Senate adjourned.

TUESDAY, MAY 15.

POSTAGE ON NEWSPAPERS.

Mr. HOLMES, pursuant to notice given yesterday, and with the leave of the Senate, introduced a bill to repeal the postage on newspapers; which was read a first and second time, and referred to the Committee on the Post Office.

BANK REPORTS.

On motion of Mr. EWING, the resolution offered some days since by Mr. BARTON, directing the printing of ——— copies of the report of the committee on the United

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Death of the Hon. J. Hunt.—Public Lands.—Pensions.

[MAY 17, 1832.]

States' Bank, and — copies of the documents, was taken up for consideration.

The resolution was then amended, on motion of Mr. DALLAS, so as to embrace the three reports made by the committee and members thereof; and thus amended, 5,000 copies of the reports and 1,000 copies of the documents were ordered to be printed for the use of the Senate.

DEATH OF THE HON. J. HUNT.

A message was received from the House of Representatives by M. St. Clair Clarke, the Clerk of the House, communicating the death of the honorable JONATHAN HUNT, a member of the House of Representatives from the State of Vermont, and informing the Senate that the funeral of the deceased would take place to-morrow at 4 o'clock P. M.

The message having been read,

Mr. PRENTISS, after a few eulogetic remarks on the private and public worth of the deceased, moved the following resolution:

Resolved, That the Senate will attend the funeral of the honorable JONATHAN HUNT, late a member of the House of Representatives from the State of Vermont, to-morrow at 4 o'clock in the evening; and, as a testimony of respect for the memory of the deceased, that they will go in mourning, and wear crape on the left arm for thirty days.

The resolution was unanimously agreed to.

On motion of Mr. WEBSTER, it was then ordered that when the Senate adjourns, it adjourn to meet on Thursday.

The Senate then adjourned.

THURSDAY, MAY 17.

The sitting of to-day was spent on private bills and executive business.

FRIDAY, MAY 18.

PUBLIC LANDS.

Mr. KING, from the Committee on Public Lands, to which was referred the bill reported by the Committee on Manufactures, to appropriate for a limited time the proceeds of the public lands, made a voluminous report; which was read. It condemns the bill reported by the Committee on Manufactures, and recommends a reduction of prices, and acceleration of sales. The conclusion of the report recommends that the bill reported by the Committee on Manufactures be amended so as to reduce the price of the public lands to a minimum of one dollar per acre, and of fifty cents per acre on such lands as have been in the market above five years, and to strike out the whole of the present bill, except the clause which allows 10 per cent. to the new States, and to increase that to 15 per cent.

On motion of Mr. ROBINSON, 5,000 copies of the report were ordered to be printed.

The message from the House of Representatives, stating that the House had disagreed to the amendment on the apportionment bill, was, on motion of Mr. WEBSTER, laid on the table, to be taken up at the next meeting of the Senate.

PENSIONS.

The Senate then resumed the consideration of the pension bill.

Mr. ROBINSON modified his amendment by adopting the amendment of Mr. WHITE, with a single modification, and the question was then taken on the amendment, and decided in the negative, as follows:

YEAS.—Messrs. Benton, Bibb, Ewing, Forsyth, Grundy, Hendricks, Kane, Moore, Poindexter, Robinson, Ruggles, Tipton, Troup, White.—14.

NAYS.—Messrs. Bell, Brown, Clay, Dallas, Dickerson, Ellis, Foot, Frelinghuysen, Hayne, Hill, Holmes, John-

ston, King, Knight, Mangum, Marcy, Miller, Naudain, Prentiss, Robbins, Seymour, Silsbee, Smith, Sprague, Tazewell, Tomlinson, Tyler, Waggaman, Webster, Wilkins.—30.

Mr. FRELINGHUYSEN then moved to amend the bill, to extend its provisions to the widows of those who were entitled to the benefits of the act of 1828, but who had died before the passage of that act. This amendment was also negatived by the following vote:

YEAS.—Messrs. Dallas, Dickerson, Forsyth, Frelinghuysen, Hill, Robinson, Silsbee, Waggaman, Webster, Wilkins.—10.

NAYS.—Messrs. Bell, Benton, Bibb, Brown, Clay, Ellis, Ewing, Foot, Grundy, Hayne, Hendricks, Holmes, Johnston, King, Knight, Mangum, Marcy, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Smith, Sprague, Tazewell, Tipton, Tomlinson, Troup, Tyler, White.—33.

Mr. MARCY moved to strike out "six," and insert "three," so as to reduce the required term of service to three months. The amendment was rejected by the following vote:

YEAS.—Messrs. Buckner, Clay, Hendricks, Hill, Marcy, Prentiss, Robinson, Silsbee, Tipton.—9.

NAYS.—Messrs. Bell, Benton, Bibb, Brown, Dallas, Dickerson, Ellis, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hayne, Holmes, Johnston, King, Knight, Mangum, Miller, Moore, Naudain, Poindexter, Robbins, Ruggles, Seymour, Smith, Sprague, Tazewell, Tomlinson, Troup, Tyler, Webster, White, Wilkins.—34.

Mr. TIPTON moved an amendment, the effect of which was to restrict the payment of back pensions, by making the bill to take effect from the 4th September, 1831, instead of the 1st of January, 1830.

The question to strike out and insert was divided, and the question was taken first on the motion to strike out the words "the 1st of January, 1830," and decided in the affirmative, by the following vote:

YEAS.—Messrs. Benton, Bibb, Brown, Buckner, Dallas, Ellis, Ewing, Forsyth, Grundy, Hayne, Hendricks, Johnston, King, Mangum, Miller, Moore, Poindexter, Robinson, Ruggles, Smith, Tazewell, Tipton, Troup, Tyler, White.—25.

NAYS.—Messrs. Bell, Clay, Dickerson, Dudley, Foot, Frelinghuysen, Hill, Holmes, Knight, Marcy, Naudain, Prentiss, Robbins, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—20.

Mr. BUCKNER then moved to fill the blank with the words "1st of January, 1826;" which was decided in the negative—yeas 1, nays 44—the mover only voting in the affirmative.

Mr. HOLMES moved to fill the blank with the words "1st of January, 1831," but modified his motion at the suggestion of Mr. WEBSTER, so as to read "4th of March, 1831."

The amendment was decided in the affirmative, by the following vote:

YEAS.—Messrs. Bell, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Hill, Holmes, Marcy, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—23.

NAYS.—Messrs. Benton, Bibb, Brown, Buckner, Clay, Ellis, Forsyth, Grundy, Hayne, Johnston, King, Mangum, Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Troup, Tyler, White.—21.

The bill was then reported to the Senate, and the amendments agreed to in Committee of the Whole were concurred in.

Mr. HAYNE then offered an amendment to make the bill more explicitly apply to the officers and soldiers of the militia, volunteers, and State troops of the Southern States, who were not, in his opinion, included in the bill. The

MAY 19, 1832.]

Newspaper Postage.—Apportionment Bill.

[SENATE.]

amendment provided for those officers and soldiers of the State troops, volunteers, and militia, who served under Sumpter, Marion, and Pickens, and other partisan corps of the South, during the revolution.

Mr. FORSYTH moved to amend the amendment by adding the names of Clark, Campbell, Sevier, Cleaveland, and Shelby; which was accepted by Mr. HAYNE as a part of his motion.

Mr. FOOT then suggested that the object of the gentleman from South Carolina could be attained, and the troops he wished to provide for included in the bill, by an amendment slightly varying its phraseology.

Mr. HAYNE accepted this as a substitute for his motion, and this amendment was adopted.

The question was then taken on ordering the bill to a third reading, and decided in the affirmative, by the following vote:

YEAS.—Messrs. Bell, Clay, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Hill, Holmes, Knight, Marcy, Naudain, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—26.

NAYS.—Messrs. Benton, Bibb, Brown, Buckner, Ellis, Forsyth, Grundy, Hayne, Johnston, King, Mangum, Miller, Moore, Poindexter, Smith, Tazewell, Troup, Tyler, White.—19.

The Senate then adjourned.

SATURDAY, MAY 19.

NEWSPAPER POSTAGE.

Mr. GRUNDY, from the Committee on the Post Office and Post Roads, to which was referred the bill to repeal the postage on newspapers, made a report, which was read.

[The report is unfavorable to the measure, on the ground that the revenue of the department would, in the event of its adoption, be so diminished as to be unable to meet the expenditures, and recommends the indefinite postponement of the bill. It contains a statement from the post office, by way of appendix.]

Mr. HILL moved to print 1,500 extra copies of the report.

Mr. EWING (a member of the Post Office Committee) stated that he had dissented from the conclusions in the report; and that, as to the facts, no official document had been produced to show that they were well founded. He did not doubt that the chairman of the committee had obtained the statements he had made from the department; but still, as he had not himself seen the official data, he could not vouch for the facts.

Mr. GRUNDY stated that he had made out his report, and compared the statements with the records of the department.

Mr. HOLMES stated that, when the Senate should be full, he would give notice, at an early day, when he would ask the Senate to take up this bill.

Mr. WEBSTER said that, as the report asserted some very important facts, he wished to see the official evidence on which they were founded.

Mr. TOMLINSON (another member of the committee) remarked that he had not heard the report read before this morning. It stated some very material facts. He had been desirous to have official information from the Post Office Department regarding the facts stated in the report, before giving his vote upon it in the committee. No official document, however, had been exhibited to the committee; and, notwithstanding his confidence in the chairman, he was unwilling to sanction the report, without more precise and detailed information from the department in relation to its financial condition. He said the report stated that the annual amount of postage exceeds two millions of dollars, and he was desirous to see a statement of the expenditures of the department. It would,

he thought, be very important in determining the expediency of making the proposed reduction of its receipts. He expressed his dissent to the reasoning and conclusions of the report, but stated that he was not disposed to object to the printing of an extra number of it, if wished for by a majority of the committee.

The motion was then agreed to, and the appendix was ordered to be printed with the report.

APPORTIONMENT BILL.

On motion of Mr. WEBSTER, the Senate then proceeded to consider the message from the House of Representatives on the subject of the disagreement of that body to the amendment of the Senate to the apportionment bill.

Mr. WEBSTER said he should feel it to be his duty to pursue that course which had been taken for the protection of the rights of the small States, if he could discover any strength to stand on, in a controversy on this subject with the House of Representatives. Nothing had occurred since the subject was last under consideration in the Senate—he had seen nothing in the report of the committee of the other House, to shake the opinion he had formed, that this was the only constitutional mode of apportioning the representation. He had consolation, indeed, derivable from the fact that gentlemen who possessed the greatest learning of any members of the Senate, and who had not been in the habit of voting together on all political questions, had united on this question. But it was to his mind a melancholy truth that the rights of the States, which are most deeply concerned in the mode of apportionment, were maintained by a majority of the Senate only. He saw nothing in what had occurred to encourage a conference between the two Houses on the question. Should any of the friends of the bill think any thing was to be gained by asking a conference, they could do so. But he thought it would be a vain struggle; and he was disposed, in that case, to leave the responsibility where alone it could properly fall. He made a passing reference to the papers which had been laid before the Senate since the question was under discussion; and said, in conclusion, that, having discharged his duty, he would not himself make any motion to recede, nor was he disposed to divide the Senate on the question.

Mr. WHITE then moved that the Senate recede from their amendment.

Mr. DICKERSON said that he was not willing to put at hazard the passing of an apportionment bill at this session. He would submit to the bill of the House of Representatives, unjust as it was to the smaller States, rather than prevent an apportionment, by adhering to our amendment. He, however, had not the slightest doubt that the rule of giving representatives to the higher fractions was in strict accordance with the principles of the constitution, and that no just apportionment could be made without doing so. Yet, in the amendment to the bill, the number of the House should in strictness have been limited to 250 members—giving five members to Alabama, instead of six. The basis of the calculation was for a House of 250: by applying a common divisor, and rejecting the fractions, the House was reduced to 240. These were the representatives belonging to the aggregate fractions: those being given to the States having the highest fractions, would make a House of 250, according to the original basis of the calculation. As, however, Alabama had a fraction less than those of ten other States, but still more than a moiety of the common divisor, and as this State is a new and rapidly growing State, and possessing without doubt, at this time, a population sufficient to give her another representative, it was thought but equitable that she should have such representative. If it had been objected that, by making a House of 251, instead of 250, we must make 251 a new basis of calculation, obtain a

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District of Columbia.

[MAY 21, 1852.]

new common divisor, which would give a result differing from that already obtained, he for one would have voted to limit the number to 250—but no such objection was made; and this he considered a liberal concession to Alabama.

The amendment of the Senator from Massachusetts [Mr. WEBSTER] was for a House of 256, by which number he proposed to divide the whole population of the United States, and thus obtain a common divisor. By this each State was to be divided, and each State having a fraction above a moiety of the common divisor to have a representative for such fraction—and this was all right—for there were precisely as many members lost by rejecting the fractions, as there were major fractions—twelve in each case. The Senator voted for filling up the blank with 256, according to his amendment, but the Senate did not agree to this, and the number 251 was adopted. In this case, the basis of the calculation was on a House of 250, with a common divisor proper for that number. In the process of calculation, by rejecting the fractions, the House was reduced to 240—the aggregate fraction, being divided by the common divisor, giving ten. But there are eleven States having fractions above a moiety of the common divisor; Alabama having the least fraction of the eleven, would not have been entitled to an additional representative if no more than ten could be given to those having the larger fractions: peculiar circumstances, already stated, justified this liberal concession to Alabama. Yet, had it been objected to, no doubt the amendment would have been so modified that the additional representative would have been refused to Alabama, and the blank filled with 250 instead of 251; for if we take 251 for the basis of calculation, and give a representative for a fraction above a moiety of the common divisor, Virginia would be entitled to another representative; and if we should take 252 as a new basis, this would produce a different result.

An amendment might be recommended by a committee of conference, that would remove every difficulty, provided the House of Representatives were disposed to yield in any degree to the views of a majority of the Senate; but there is no hope of this, to judge from their vote against our amendment. If the Senate should adhere to their amendment, and the House finally refuse to modify their bill, no law for apportionment of representatives could take place at this session. Sooner than hazard such a result, said Mr. D., the small States should submit to the unjust operation of the bill, as they have heretofore done under similar bills. Believing as I do that the apportionment in the bill is not made according to the principles of the constitution, I cannot vote for it; but, if a motion is made to recede from our amendment, I will, as the Senator from Massachusetts is disposed to do, let it pass in silence, without calling for a division of the question. Although the effort made by a majority of the Senate to introduce a correct principle in apportioning representatives among the States is to fail at this time, I have no doubt of its success at the next census. I feel entirely confident that, at the next apportionment, when it shall be determined of what number the House of Representatives shall consist, the whole representative population will be divided by that number, for the purpose of obtaining a common divisor by which each State will be divided; and the number lost under the fractions will be given to the States having the larger fractions, taking them in their order, from the highest, so that the House of Representatives shall consist of the exact number assumed as the basis of the calculation; and so that each State will have as nearly as practicable her just apportionment and share of the actual House of Representatives, which the present bill does not give.

That New York, Pennsylvania, Virginia, and several other States, have more than their share of a House of 240, will appear from the most simple calculation. As

the whole population of the United States, 11,928,731, is to 240, so is the whole representative population of New York, 1,918,553, to 38 and a fraction. The same rule applied to the population of Pennsylvania, 1,348,072, would give her 27 representatives, with a fraction. The same rule applied to the whole representative population of Virginia, 1,022,503, will give her 20 representatives, with a fraction; and so of other States; whereas the bill gives New York 40 representatives, Pennsylvania 28, and Virginia 21. If these States have more than their share, other States must necessarily have less.

Mr. SMITH said a few words expressive of his dissatisfaction with the bill from the House.

Mr. FORSYTH said that, as the opposition to the measure had been withdrawn, it was unnecessary to say any thing as to the merits of the bill. But he was unwilling that one of the remarks of the Senator from Massachusetts should be considered as assented to, however uncontradicted. The Senator says that a majority of the Senate was in favor of the principle of the amendment adopted by the Senate. He did not understand it to be so. The Senator from Mississippi was willing to permit the bill to be returned to the House of Representatives for amendment, but he declared that he had overcome his scruples as to the constitutionality of the plan proposed by the amendment. The system of fractional representation he considered as having been rejected by the Senate, after a full examination, in which the Senator's able arguments were attentively heard, and in which no party feeling or bias was manifested on either side.

Mr. WEBSTER replied that he had nothing to complain of at all, as to the manner in which the discussion had been conducted. He only complained that, by the want of a firm vote of the Senate, the opportunity was lost of securing the relative rights of the States, for the preservation of which the Senate was responsible. He also explained that he had understood the Senator from Mississippi to say that he was opposed to the bill from the House as unjust, and was of the opinion that the amendment secured to each State, as far as was possible, its relative power.

Mr. POINDEXTER explained his views on the question, and said that he should vote to recede.

Mr. BUCKNER spoke against the motion to recede, declaring that the responsibility of the measure ought to be thrown back upon the House. He also moved to postpone the bill till Monday, as an act of courtesy due to the absent Senator from Delaware.

Some remarks were made against the postponement by Messrs. KING and TAZEWELL, and in favor of it by Messrs. SMITH, BUCKNER, NAUDAIN, and BELL.

Mr. NAUDAIN, of Delaware, moved, in consequence of the absence of his colleague, who had taken so conspicuous a part in the discussion of the bill, to lay the bill on the table.

The motion was negatived—yeas 19, nays 26.

The question on the motion to recede was then taken, and decided in the affirmative, as follows:

YEAS.—Messrs. Bibb, Brown, Clay, Dallas, Dudley, Ellis, Forsyth, Frelinghuysen, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Poindexter, Robinson, Ruggles, Tazewell, Tipton, Tomlinson, Troup, Tyler, White, Wilkins.—26.

NAYS.—Messrs. Bell, Benton, Buckner, Chambers, Dickerson, Ewing, Foot, Holmes, Johnston, Knight, Miller, Moore, Naudain, Prentiss, Robbins, Silsbee, Smith, Sprague, Webster.—19

So the Senate receded from their amendment.

MONDAY, MAY 21.

DISTRICT OF COLUMBIA.

Mr. CHAMBERS, after a prefatory remark or two on the manner in which the claims of the District of Colum-

MAY 22, 1839]

Columbian College.—Internal Improvements.

[SENATE.]

bia on the legislative action of Congress had been neglected during the present session, moved to postpone all the preceding orders, for the purpose of acting on some of the bills relating to the District of Columbia. The motion being agreed to,

Several of those bills were passed through, when

The Senate took up the bill to grant certain public lots in the city of Washington, to the value of \$25,000, for the benefit of the

COLUMBIAN COLLEGE,

in the District of Columbia.

Mr. CHAMBERS having explained the object of the bill.

Mr. GRUNDY moved that the bill be laid on the table, with the understanding that its consideration should be resumed in a fuller Senate. He was willing to go on with the ordinary business of the District of Columbia, but this bill involved a principle of grave importance. Whether Congress has the power to make appropriations for education in this District, was a question deserving of consideration.

Mr. HOLMES said it would not be doubted that Congress had the power, as the local legislature of the District, over which it had exclusive jurisdiction, to make appropriations for any beneficial purposes within the District.

Mr. HAYNE expressed the opinion that all the avails of the public lots in the District should be appropriated to the improvement of the District. But it would be improper to go into the treasury for that purpose. If we pass the limits of this appropriate fund, we might proceed to establish, in the District, schools of agriculture, a national university, silk-reeling schools, duck factories; and we might establish a free system of education for the whole United States, located in the District of Columbia. He was favorably disposed towards the District, and he wished to see adopted some general scheme of improvement, adapted to the wants and to the means of the District. He wished, therefore, to know how the account stands between the District and the Government; what sums have been received, and what expended, in the District of Columbia since its cession to the Government.

Mr. SMITH thought, as the proprietor of a portion of the land in the District, the Government was bound to make appropriations for the benefit of the District. In the new States, we pursued this course. The original proprietors of this land ceded a portion of it to the Government for the benefit, not of the public treasury, but of the District.

Mr. CHAMBERS, in reply to Mr. HAYNE's inquiry, stated that the number of city lots formerly held by the Government was about 11,000, of which 6,000 had been sold for the sum of 735,000 dollars. The remaining lots now in the possession of the Government were valued at from twelve to thirteen hundred thousand dollars. The whole amount, therefore, of the fund derived by the Government from the District was but a fraction less than two millions of dollars. The whole amount of appropriations for the benefit of the District, made by Congress since the formation of the Government, was only one hundred and eighty-six thousand dollars, and this sum included appropriations for walks, &c. which are as much for the benefit of individuals connected with the Government as for the benefit of the citizens. He of course excluded, in this statement, the sum of three millions, expended on public buildings, for with them the District had no concern at all; having no representatives in Congress, they had less interest in the public edifices than the citizens of any other part of the country. The Government, therefore, held a fund of eighteen hundred thousand dollars, the only legitimate purpose of which was the improvement of this District. He could not understand upon what ground gentlemen

doubted the constitutional power of Congress to appropriate, for the benefit of the District, the fund placed in the hands of the Government for that purpose. If the bill was laid on the table now, as proposed by the gentleman from Tennessee, there is no probability that it will come up again this session. The college had never received any thing from the Government, and the sum proposed would establish it on a firm basis.

Mr. GRUNDY said his object was, in part, to obtain, by the delay proposed, the very information which the chairman had now given. He did not wish to be understood as opposed to the appropriation; but he still thought that the question was one of sufficient magnitude to be discussed in a fuller Senate.

Mr. TYLER was, he said, in favor of the donation, but he denied that Congress was chargeable with any neglect of this institution. He remembered that some time ago we released the college from a debt of thirty thousand dollars, due by it to the Government. The college had no right to complain of the Government.

Mr. CLAY wished to inquire who composed the government of this college. Some years ago it was in the hands of those to whom no money should go by his vote. Unless there had been, since that time, a real reform, a radical change, in the management of this institution, he would not vote to it a cent.

Mr. TAZEVELL asked whether the college was incorporated. Being told that it was, he wished to know what were the objects of the institution. The college was not a "*novus hospes*" here. It had often been before us, and never in a very attractive form. It had then been objected to it that its purposes were sectarian. If it was established and incorporated with a view to sectarian purposes, he should hold himself bound to withhold from it any aid or countenance.

Mr. CHAMBERS and Mr. HOLMES replied, at some length, to the suggestion and queries of Messrs. CLAY and TAZEVELL. They stated that the funds of the college were now judiciously managed, and that though it was principally founded by the Baptists, who still lent it their aid, yet its objects were exclusively literary and scientific. Mr. CHAMBERS explained the character of the former transactions of the college with the Government, showing that the college gained nothing, and that the Government lost nothing in consequence of them.

The motion to lay the bill on the table was rejected by a vote of 20 to 9, and the bill was ordered to a third reading.

TUESDAY, MAY 22.

INTERNAL IMPROVEMENTS.

The bill from the House, making appropriations for certain internal improvements, having been read a second time,

Mr. HENDRICKS moved that it be referred to the Committee on Roads and Canals.

Mr. CHAMBERS moved that it be referred to the Committee on Commerce.

Mr. CLAY expressed a hope that the bill would be sent to the Committee on Commerce. He thought it was proper to look to practical results; and he was apprehensive that if the bill was sent to the Committee on Roads and Canals, it would reach a harbor there from which it would not be able to make its escape. He was desirous to send it to a committee which was not hostile to its objects.

Mr. MILLER wished that the bill might go to the Committee on Roads and Canals, and that Congress would be checked in the exercise of an unconstitutional power.

Mr. POINDEXTER asked if it would be in order to refer so much of the bill as related to the Cumberland road to the Committee on Roads and Canals, and the

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Colonial Trade.—Colonel John Laurens.

[MAY 22, 1832.]

residue of the bill to the Committee on Commerce. The bill was of a mixed character. The Cumberland road appropriation stood there as a unit, to use the court phrase, and ought to be sent to the Committee on Roads and Canals. He referred to some circumstances which prevented him from attending that committee, and would vote rather to send the bill to the Committee on Commerce.

Mr. HOLMES regarded the bill as a complete jumble; parts of it might go to any committee, for it embraced almost every thing. But as the principal items were commercial in their character, he was in favor of sending it to the Committee on Commerce.

Mr. JOHNSTON took a similar view of the construction of the bill, and said the object seemed to be to take this bill from the Committee on Commerce, to which it had, year after year, been given, and to give it to the Committee on Roads and Canals, a committee which was so constituted, either from design or from accident, as to be hostile to the bill.

Mr. HENDRICKS said that, although the Committee on Roads and Canals could not go the lengths of some Senators in their construction of the constitutional powers of Congress, there was great liberality in that body. He insisted that there were other items than the Cumberland road in the bill, which rendered the reference to the Committee on Roads and Canals a proper one. But, as he would decline the responsibility of hazarding the fate of the bill, he would withdraw his motion.

The motion was then withdrawn, and the bill was referred to the Committee on Commerce.

COLONIAL TRADE.

Mr. SPRAGUE then rose, and stated that it was his purpose now to redeem a pledge which he had given some time since to the Senator from Maryland, [Mr. SMITH.] During the debate on the colonial trade, that Senator had said that, whenever he [Mr. SPRAGUE] should call up the resolutions which he had laid on the table on this subject, he would be ready to go into the discussion. To enable that Senator to fulfil his purpose, he would now move that the Senate proceed to the consideration of these resolutions.

Mr. SMITH said that, whatever disposition he might have felt at that time to go into such discussion, he had no such disposition now. He had expected that the Senator from Maine would take the course he had now taken; but, as that Senator had now redeemed his pledge, he trusted that the motion would not be further pressed.

Mr. SPRAGUE said that, as he himself had already occupied much of the time of the Senate in the exposition of his views on the subject, he was not disposed, on his own account, to revive the discussion; and, as the Senator from Maryland declined to avail himself of the opportunity now offered to him, he should withdraw his motion.

The motion was then withdrawn.

COLONEL JOHN LAURENS.

The Senate then took up the bill for the relief of the representatives of Colonel John Laurens.

Mr. ROBBINS said, it will be recollected that this is a claim for expenses disbursed on a foreign mission, by Colonel Laurens, due by the then existing usage of the Government, which was to pay these expenses instead of allowing an outfit; due also by an express resolution of Congress. Nothing has been said, nothing can be said, against the merits, the intrinsic merits, of this claim: for these are obvious, they are palpable, they are undeniable.

But it has been said by the honorable gentleman from Virginia, [Mr. TAZEWELL,] that the claim (not denying its intrinsic merits, however,) is stale; that it is a dormant claim, now dormant for forty years; and that, therefore, it ought not now to be satisfied. But is the fact so? Has this claim been so dormant? For more than twenty years of this period there was no one in this country to repre-

sent and to prosecute this claim; and for more than ten years of this period it has been, from time to time, before Congress, in one House or the other. And let me tell the honorable gentleman that neither House of Congress, nor any committee of either House, have ever expressed an opinion adverse to these intrinsic merits. Even the committee of whom the honorable gentleman was a member, did not report against its intrinsic merits. They may expressly, we abstain from giving any opinion upon the merits; still they recommend that the prayer of the petitioner be not granted. And why? For certain reasons embodied in the report. And what are these? The same which he now urges against this, and which I am canvassing. The previous report in favor of this claim, after a full investigation thereof by the committee, of whom Governor Barbour was chairman, and the now President of the United States was then a member, was disagreed to by the Senate, not for the want of merits in the claim, but because all the parties to the claim were not at that time parties to the petition. But now no such difficulty exists; all the parties to the claim are parties to the petition, and can give the necessary discharges. I repeat, that neither House of Congress, and no committee of either House, have ever expressed an opinion adverse to the intrinsic merits of this claim; no, not even the gentleman himself, when, as a member of a committee, he investigated this case; nor, indeed, has he now.

But to return: I have said that, for more than twenty years of this delay, there was no one in this country to represent and to prosecute this claim. The accounts with Colonel Laurens were adjusted by the treasury in 1790; then, Henry Laurens, his father, was an old man, and soon after died; he died in 1792. He never preferred this claim, because, as has been before stated, his son had kept no account of these expenses, and had made no charge of them against the United States; and because, as he states, he did not know that his son ever meant to make the claim. After his death, the daughter of Colonel Laurens, then a child, went to England to live with her maternal relatives, (Colonel Laurens had married in England,) where she has lived ever since, and now lives. Her son, and only surviving child, remained in England for his education till 1819, when he came to his paternal inheritance in South Carolina, where he now is, in charge of that inheritance. About three years after, in 1823, this claim was made, and a petition for its allowance preferred to Congress. Here let me say that I know this grandson of Colonel Laurens, and it gives me pleasure to say that I do not know a more amiable young man. I think it impossible to know him as I do, without feeling a kindness for him for his amiable disposition, nor without feeling a respect for him, as the grandson of Colonel Laurens. Let me say to the honorable gentleman, that, if he knew him as I do, he never could have the heart to say to him: "Sir, this your hereditary claim may be just in itself; but it has remained a long time unsatisfied, and therefore ought now never to be satisfied; nor shall it be if I can prevent it. Away, sir, with your claim, and never let me hear of it again within the walls of this Senate."

Is it possible that language like this could be held to the descendant of Colonel Laurens, appealing to the justice of his country to satisfy an hereditary claim, acknowledged to be—at least, not denied to be—just in itself? And all for a laches of three years in prosecuting the claim: for that is all the laches that can be imputed. Where, let me ask, was this objection when the widow of Colonel Hamilton petitioned for the commutation claimed for account of her husband?—a claim which he had never made; a claim which it has always been understood he had expressly waived; and had recorded that waiver, in order to place his vote for the commutation (he was then a member of Congress) above the suspicion of an interested motive. Yet that claim was allowed, together with the

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legal interest for the whole interval of time. That claim had indeed slept, was in fact dormant, from 1783 to 1816; more than thirty years; still it was allowed. The act was indeed due to the family of that great man, and did honor to the justice of the country. But if staleness was a good plea against a claim just in itself, compared with this, it applied with more than tenfold force against that; yet, against that, it was not made, or, if made, it did not prevail.

The same honorable gentleman has also said that the account of Colonel Laurens has been adjusted and closed by the treasury, and that to open this account would be a precedent of a dangerous tendency. But let the honorable gentleman reflect that it is not proposed to open this account, nor to unsettle this settlement; no such thing. It is simply proposed to pay a claim just in itself, that never has been adjusted by the treasury; never has been passed upon by the treasury; never has been before the treasury. Why it was not presented, has been explained, repeatedly explained, and the explanation will, doubtless, be recollected. Colonel Hamilton's account, too, had been adjusted by the treasury, and closed. The claim to his commutation did not disturb that settlement, for it had made no part of the account; it left the settlement good for all it professed to settle. Neither does the claim to these expenses disturb the settlement in this case, for it had made no part of the account; nor were they passed upon by the treasury; the settlement is left good for all it professed to settle.

It is true there is a claim to a trifling amount beside, growing out of errors appearing on the face of the account, but for this claim the settlement itself is the voucher; and the claim is made because the settlement itself gives a title to it; just as good a title as a certificate of the treasury, certifying that amount to be unpaid and still due.

But one word as to the sacredness of a settlement once made by the treasury. Let it be sacred, if you please, with the treasury itself; let the treasury, thenceforth, cease to have any control over it. But is it to tie the hands of Congress, whatever injustice may have been done by the settlement? If a claim has been disallowed by the treasury, which ought to have been allowed, and that made clearly to appear, is there to be no redress? Neither at the treasury nor by Congress? Is this the miserable situation of a just claimant upon the Government? No, sir; no, indeed, sir, it is not. For innumerable almost have been the appeals from the injustice of treasury settlements to the justice of Congress for relief; and when, let me ask, has relief been denied, if a just claim to it has been made out clearly and indisputably? That relief, to the honor of the public justice be it spoken, though it has sometimes, perhaps too often, been delayed, has never, I believe, been finally refused. Had not the accounts of Governor Tompkins and President Monroe been settled at the treasury? And did not both petition Congress for relief, against the injustice of that settlement? And did not Congress grant relief—that settlement to the contrary notwithstanding? Yes, most certainly. I refer to high examples, it is true; and perhaps some may think, therefore, not applicable to ordinary cases. But justice knows not the face of man in her decrees; she knows nothing of high nor low; she gives nothing to renown for itself; she denies nothing to obscurity, because unknown; she says, and she accordingly decrees—

"*True, Tyrus que, mihi nullo discrimine agetur.*"

But, if she did make these discriminations, I should not disparage the names of Tompkins and Monroe; nor would they, if living, think theirs disparaged, by being associated in the regards of their country with the name of Laurens. Neither would they challenge, nor would any one challenge for them, a higher distinction. But let it be remembered that their claims had been passed upon by

the treasury, had been disallowed by the treasury, and were barred thereby, so far as that could bar them; but that this claim of Laurens never has been passed upon by the treasury; never has been before the treasury: it is indisputable; it is just in itself; it has never been satisfied. And will the Senate now say it never shall be satisfied?

A word more, and I have done. Something has been said by the honorable gentleman from Maine, not to derogate from the intrinsic merits of this claim, but to disparage the personal merits of Colonel Laurens—how becomingly, let the history of his country bear witness. That history has recorded laurel after laurel conferred upon him by his country, to attest her grateful sense of his high and glorious merits. These recorded honors have long since gathered round his tomb; they now thicken over it, and will forever adorn it. So long as the sentiment of gratitude shall beat in the bosom of his country at the recollection of her revolutionary martyrs, these recorded honors shall flourish in immortal verdure; and even if it were possible for this sentiment of gratitude to die in the bosom of his country, they would still flourish in history to kindle the sentiment of admiration in every other. For, so long as this language shall last, be spoken, or read; wherever, in all future time, the sublime virtues of patriotic devotion and heroic bearing shall sway the affections of the human heart, the name of Laurens will be the theme of unmingled praise, as the hero above fear, as the patriot beyond reproach. I confess I felt hurt that an American Senator in the American Senate—the proudest theatre in the world, and that erected on the blood of our revolutionary heroes, should indulge a wish to cast a shade, even if he could, upon one of the brightest names in that host. The fact alluded to, if it were a fact, would not, in my opinion, cast a shade, nor even the shadow of a shade, upon that bright name. It would only prove that, in that instance, as in every other, the love of country predominated, and was his ruling passion. Nor did he pursue his honorable end by dishonorable means. He did, with the funds of his country in his hands, what he had a right to do; what his duty to his country required him to do; and for doing which he had the approbation of his country, and her recorded thanks. I do not complain of the statement, therefore, for its possible effect to prejudice the pure fame of Colonel Laurens, but for its apparent intent.

For the most precious of all treasure which any country can possess, is the fame of her great men. It is that alone which renders any country resplendent in the eyes of every other. The *clarum et venerabile nomen*, in every instance, as well as in that which the poet celebrates, brings much to our city. That fame endures forever: it survives all the revolutions and the ravages of time; even those which leave the country itself a wreck, even those which blot the nation itself out of existence; even then it still survives, to become the property of mankind, and to do honor to the species, and especially to do honor to the memory of the departed nation. But its great value is this—it is prolific of great men; beyond any thing and every thing else, it awakens and supplies fuel to that noblest of all sentiments, the love of country; it excites and leads on to a perpetual emulation in the race of glory. What a heart, then, must I have, if I could indulge a wish to dishonor a name that does honor, and will forever do honor, to the name of my country!

Mr. TAZEWELL opposed the claim. Its justice did not rest on the services of the deceased, for he did not deny their merit, or that they entitled him to the eulogium pronounced on his memory, in the language of the Senator from Rhode Island, as *clarum et venerabile nomen*; but it was right to go back to their merits, and ask, is there any money due or not? The claim had been before the House of Representatives before now, and as often rejected. It had become the practice, when a claim was rejected in one House, to bring it forward in the other, and there it

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vibrated, till at length a favorable report was obtained, and then it was again preferred with the recommendation of having passed one of the legislative bodies. But even this did not hold good respecting the present bill; for as often as it was brought forward in either House, it had received reiterated rejections. It was not analogous to the case of Colonel Hamilton. The claims of Colonel Laurens had already been settled, even before the formation of the present Government, and his receipt received for the payment of every cent due. Such was not the case as regarded Colonel Hamilton; there was no doubt of the debt due, and no such receipt existed, for the strong reason that nothing had previously been paid. Colonel L. died in 1781 or '82, and now a claim was advanced, with compound interest, four times a year for forty years. Who ever heard of the like? For these several reasons he should oppose the bill.

The bill was supported by Mr. HAYNE, and opposed by Mr. SMITH and Mr. MANGUM.

The question was then put, and the bill was ordered to a third reading, by the following vote:

YEAS.—Messrs. Buckner, Chambers, Clayton, Clay, Dallas, Dudley, Ewing, Frelinghuysen, Hayne, Johnston, Knight, Miller, Moore, Poindexter, Prentiss, Robbins, Silsbee, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—23.

NAYS.—Messrs. Bell, Dickerson, Foot, Grundy, Hendricks, Mangum, Marcy, Ruggles, Smith, Tazewell, White.—11.

BANK OF THE UNITED STATES.

Mr. DALLAS, pursuant to the notice he had given some days before, moved that the Senate now proceed to the consideration of the bill to modify and continue the act incorporating the subscribers to the Bank of the United States.

The motion was agreed to—yeas 24.

Mr. DALLAS then stated, that, having brought this question before the Senate, he should content himself with this success, and would not, at this late hour of the day, enter into the views which he proposed to present to the Senate. He would therefore move that the Senate now adjourn; and

The Senate adjourned.

WEDNESDAY, MAY 23.

Mr. POINDEXTER moved that the Senate now proceed to the consideration of the joint resolution reported by him some time since, authorizing the President to cause an equestrian statue of General Washington to be executed, but the Senate refused to sustain the motion.

BANK OF THE UNITED STATES.

The Senate then took up the bill to modify and continue the act to incorporate the subscribers to the Bank of the United States.

Mr. DALLAS rose, and said, the interest inseparably attached to the subject under consideration, had, since the memorials from the stockholders and directors of this bank were presented to both Houses of Congress, led to such exploring investigations, and such ample and authentic developments, as must make any detailed or elaborate discussion tedious and unnecessary. It had been the effort of the committee of the Senate, to whom the subject was confided, to facilitate every inquiry, and to furnish every information which could be desired. Their labors, however, were in a great measure superseded by the course pursued in the other branch of the Legislature; by the appointment of a committee to scrutinize the affairs of the bank, to examine such matters as were deemed particularly worthy of examination, and to report at large the results. Three reports had recently been made, accompanied by voluminous documents; and although, when,

some days ago, he [Mr. D.] gave notice of his intention to call the bill up at the present time, it was supposed that all these reports and documents would now be upon their tables, circumstances over which no control could be exercised by himself, or any of the committee of which he was chairman, have yet prevented their being supplied with them. Nevertheless, the principal facts and deductions were doubtless incorporated in the three reports already published in the daily journals; and as the members of the Senate have had access to these, he might assume that they were in possession of all the information desired at this moment. He expected to receive the rest of the papers from day to day. From these sources, in connexion with the printed statements and official communications, themselves bulky, already before the Senate, details so ample and satisfactory can be deduced, that he had thought any introductory remarks more a matter of formality than of utility. He should be as brief as possible.

The great question involved in the bill then under consideration was, whether the Congress of the United States would prolong the existence of a national institution erected, sixteen years ago, for wise and salutary purposes. Shall it be permitted to expire, agreeably to the limitation of its charter, on the 3d of March, 1836? Undoubtedly the question was of considerable importance: of importance to the political, financial, and commercial interests of the country, the whole country; of importance to the American people in their diversified transactions of trade, in the every-day affairs of life, in the necessity of preparing themselves for such a shock to their social condition and active employments, as must inevitably follow upon a decision adverse to the continuance of the corporation. High and momentous as the question was, he hoped it would be encountered and canvassed by the Senate as one purely and merely of legislative business; divested of bias or prejudice of every kind; with a single view to the discharge of a representative duty to the community at large. It was, indeed, impossible, seeing what we constantly saw, and reading daily what daily appeared in the newspapers of every quarter of the country, not to know that considerations naturally extraneous and irrelevant had gradually become mixed up with this question, and had given it a character and direction alike foreign and injurious to it. He would invoke from the wisdom, and virtue, and patriotism, of the grave council he addressed, the calmest, the most candid, and most upright reflection: at least, if it were impossible to throw aside all feeling or prepossession, he was confident that every Senator would struggle to repress and subdue it: he felt no doubt that such would be the prevailing, if not universal, disposition. In the absence of all improper feeling, affecting the subject, he might be allowed to say as to himself, personally, that he should perhaps stand in need, if not on the present, perhaps on some future occasions, of the indulgence of the Senate; when he confessed the existence of that species of bias which cannot but in some degree, though, he trusted, not in a measure to blind or mislead his judgment, arise from an undying and ever-increasing veneration for the wisdom and patriotism of the author of the charter now under discussion. This was the only feeling of which he was at all conscious.

The Senate had been impelled to the discharge of this piece of legislative business in a variety of ways, and by countless memorials and petitions. The voluminous papers which were crowded to the Secretary's desk, ever since its introduction, speak no ordinary language. A very large number of the citizens of the United States, in their separate and individual capacities, affixed their signatures to these documents, and interposed their earnest prayers that this institution should be prolonged in duration. Many public corporations, actively engaged in the business of the world, even those of a rival character, competitors in the vast money transactions of the country,

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having felt, frankly acknowledge its beneficial influence, and had transmitted their memorials, anxiously as well as generously requesting the renewal of the charter. Rising a step higher, numerous assemblies of the people, in the East, the West, and the North, convened solely, but openly and undisguisedly, to deliberate upon this matter, had, with the imposing weight to which such assemblies are always entitled, forwarded their solicitous petitions for the renewal of the charter. And one step still further: many of the legislative bodies of the respective States of the Union, those very bodies whose voices called into official being the members of the Senate, in the formality of constitutional representative deliberation, and under the solemn responsibilities of their stations, appealed to Congress in favor of this bank, and invoked such action as would prolong its existence. Indeed, it would seem as if our fellow-citizens, in all parts of the country, individually and collectively, had attentively listened to the voice of their present Chief Magistrate, by whom they had been wisely invited to the consideration of the subject more than two years ago; and had, now that the proper occasion arrived, come forward to express the results of that consideration, with unequivocal prayers for the re-enactment of the charter. To a pressure so perfectly legitimate in its character, and distinct and respectful in its tone, Congress could not be insensible. The Senate, he doubted not, would respond to it, at least by disposing of the question as one of urgent legislative business. It was their duty to terminate it, one way or another.

The chief feature of the bill reported by the committee, and now before the Senate, was its first section, containing, as it does, an allowance of the prayers of the many memorialists to whom he had referred, by continuing in force and operation the act incorporating the Bank of the United States for the term of fifteen years. In recommending this, the committee looked to the national institution; its structure, its purposes, its tendencies, its necessity and natural course of operations, its limitations, conditions, and restrictions, as it emanated from the legislative mould sixteen years ago. And they could discern no reason for any substantial change. They could not be affected, in the formation of this judgment, by any scrutiny into the personal conduct or motives of those to whose management the general powers of the corporation had, at any time, been confided. The abuse of a public office may disqualify its incumbent, but furnishes no argument whatever for the abolition of the office itself. Every thing which human ingenuity has devised, or can devise, for good, may be misapplied, and be made the means of mischief. The most beneficent trusts, guarded in the most careful manner, may be unfaithfully administered by bad and selfish agents. What office, legislative, judicial, or executive, could be permanent, could escape early destruction, if its existence were made dependent upon the wisdom, purity, and virtue of the human being who happened to hold it? With such a principle, we should be forever, and perhaps every year, remodelling our whole Government organization, abolishing establishments, offices, and institutions; reconstructing a fresh series only that the perpetually recurring frailties of man might lead again and unceasingly to the work of destruction and renovation.

He [Mr. D.] would not be supposed, in these remarks, to intimate that the committee entertained, for one moment, the slightest suspicion that the existing charter, or any of its privileges, had been, by the stockholders, directors, or any of the officers, perverted or misused, in the least degree. Such suspicions could not be entertained by any one acquainted with the subject, and with the individuals referred to. For his own part, he had been too long conversant with the general course of operations in the institution, and had enjoyed too many opportunities of correctly estimating the worth and intelligence of its

principal managers, to listen to any imputations without a conviction of their injustice, and the most sincere regret. He would also venture to say, that if any one, for the purpose of depreciating the institution itself, or of awakening jealousies and prejudices, should undertake to impugn the conduct, motives, or personal characters of those by whom it has been conducted, the materials for complete and final vindication would be found at hand, in the reports and documentary evidence furnished from the committee of the other House. It ill became him, however, to presuppose that such a course of discussion would be introduced.

The essential and paramount objects for the enactment of the charter of the bank, in 1816, were doubtless well remembered by the Senators present. They were, the establishment of a sound and uniform national currency; the creation of a fit instrument for the collection and distribution of the public revenue; the restoration of specie payments, then unlawfully suspended by all the State banks, the sole manufactories of the circulating medium; and the designation of a safe agency wherewith to facilitate the general financial operations of the Government. Every hour's experience, since the declaration of independence, had proved the vast importance of these objects, from the creation of the Bank of North America, under the auspices of Robert Morris, in 1781, to that of the first Bank of the United States, projected by Alexander Hamilton, in 1791, and especially during the five years of peace and of war which intervened between the expiration of the charter in 1811, and its revival in a new form in 1816. During the forty-three years which have elapsed since the adoption of the constitution, the country has been without a national bank only seven years; the national objects adverted to were, of course, for those seven years wholly neglected; and it can be asserted without danger of denial, that five of those years teemed with more commercial disaster, fiscal embarrassment, trading inconvenience, and fraudulent money transactions, than were witnessed before, or than can possibly be witnessed during the existence of a wisely and discreetly administered Bank of the United States. He [Mr. D.] forbore making references to historical facts, further than was absolutely necessary. They were familiar in the actual experience, and fresh in the memory of those whom he addressed; and they were abundant to prove the vast, the vital importance of the objects he had enumerated as the fundamental objects contemplated by the charter of 1816.

The attainment of these great objects was, however, to be accomplished in a manner compatible with a jealous protection of the political liberties, a full security of the civil rights, an anxious solicitude for the convenience, and an ardent desire for the social happiness and prosperity of the whole American people. Hence, while a bank was selected as the means for effectuating the desired purposes, the act of its incorporation, its charter, was loaded with multiplied, efficacious, and insurmountable restrictions and limitations; the supervisory interposition of the Government was established; summary proceedings were preordained for investigation and judicial trial; and the highest penalties prescribed for infractions of the charter. Every necessary mode of reaching the corporation, either to correct its abuses, to control its tendencies, or to punish its illegal acts, was carefully chalked out in advance, and held within the power of national legislation. He [Mr. D.] would not enter upon a detailed review of the provisions of the charter; the Senate and the people are alike well informed of them all; and he would only add, that the committee believed no more perfect mode of achieving, and of still preserving now that they are achieved, the great national objects to which he had referred, can be devised, than the one delineated in that instrument.

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Nor could the committee be insensible, not merely to the inutility, but to the positively disastrous consequences, to the people, and to their Government, of substituting, for the present, another Bank of the United States; of compelling this to close its enormous business, or to transfer it to other hands; of leaving the immense interests of the industrious, enterprising, and prosperous people of our country, to the extent of more than a hundred millions of dollars, to be rapidly, if not suddenly, shifted in arrangement, responsibility, and connexion; or of again committing the monetary system of the entire confederacy to the charge of local and detached and conflicting State institutions, over which no control whatever could be exercised. Such an unnecessary, involuntary, forced diversion of the great streams of commercial and moneyed operations could not be effected without incalculable and ineurable injury to every class, and especially to the laborious, and most worthy, and most useful class, and without sacrificing many of the great purposes of Government for which the constitution was formed. Wherefore, indeed, should such an experiment be made? The practical operations of the existing bank, under its now matured system, have attained every desired object. The currency is uniform, and representing a metallic basis; it is better for all purposes than gold or silver. The collection and distribution of the nation's revenue are gently, safely, and satisfactorily effected. Facilities of every description had been experienced in the financial movements of the Government. Salutory checks and remedies had been applied to the irregularities and fluctuations of foreign and domestic exchanges. And in all parts of the country, particularly in the progressive and enterprising regions of the West, capital and accommodation, at all times and without stint, had, in a manner alike salutary and judicious, been accorded to the people. Whatever may have been the few exceptions to the general good conduct of the officers and agents of the bank—officers and agents necessarily far distant from the seat of direction at Philadelphia; however occasionally an incident may have occurred, exceptionable or equivocal in its character, at one extremity or another of this organization, necessarily as expanded as our territory; still, all men of business must come to the conclusion that, on the whole, it had worked well; it had produced more benefit than they by whom it was originally framed had anticipated, and it had produced less injury, if, indeed, it can justly be chargeable with any, than was feared by those who opposed its establishment. To speak of it in terms of unqualified panegyric, he [Mr. D.] was not prepared; but certainly it would be extravagant to expect more to be accomplished, and to be accomplished in a better manner, by an institution so complicated, so cumbersome in size, so detached in parts, and of course liable, like all other human agencies, to be more or less affected by the frailties, the follies, or the passions of the human beings who compose or impel it.

Intentionally avoiding any anticipation of the objections which may be made to the passage of the bill, Mr. D. confined himself to this general view of the reasons which influenced the committee in reporting the re-enactment of the charter. Should the discussion make it necessary hereafter, he felt assured that every difficulty may be briefly and frankly surmounted.

The Senate would perceive that five modifications of the existing charter have been suggested by the committee, and that a compensation or bonus for the renewal is required. He would hastily make a few remarks as to each of them. Four of these modifications were, in his opinion, either unnecessary or injurious: they were, however, embodied in the bill, not so much because of their being decidedly deemed important, as in obedience to a spirit of compromise and concession, with a belief that they would undergo a full and fair discussion, and be finally either

struck out, or moulded into such form as would meet the approbation of the Senate.

1. The first modification, if it can be properly so called, confers upon the corporation the authority of appointing two or more officers to sign and countersign the notes of the bank, the denomination of which shall be less than one hundred dollars. The present charter exacts the performance of this arduous duty from the president and the principal cashier. It is one to which they are physically incompetent. Their labors are necessarily directed constantly to other objects, objects less mechanical and of much higher moment. It would be impossible for them two officers, were they even to give all their time exclusively to signatures, to furnish a sufficient amount of circulation. They must be aided in this department of duty, or they must neglect it. Congress had, on several occasions before this, been apprised of the embarrassment experienced from this cause, but circumstances have heretofore interposed to preclude the relief solicited. The committee have deemed it beneficial: and the more so, because, by rendering unnecessary the continuance of the expedient resorted to by the bank, in the issue of branch orders, one topic of complaint may be removed, and the dangers and facilities of forgery be diminished.

2. The second modification prohibits the issuing by the corporation of any notes of a denomination less than fifty dollars, unless they are payable at the bank or branch whence they are issued. Mr. D. must confess that he could not esteem this as of any importance. It was designed as a check upon the operations of the respective branches: to prevent their paying out notes which were payable at other branches, and thus as it were pushing into circulation paper which the branch that pays it out is not bound to redeem in specie.

3. The third modification made it obligatory upon the corporation to receive at the bank, or at any of its offices of discount and deposit, in payment of balances due by State banks, notes issued by, and payable at any other branch. This seemed to him to prescribe a duty utterly impracticable to any moneyed institution of this extent. It involved, in effect, the principle that the notes of the bank were to be payable at every one of the twenty-five offices now in being, and at every other which may hereafter be established. Could that be done? Was it possible to have the capital of the bank, in specie, at every place, at the same time? If bound to redeem all their notes, no matter whence issued, at all their offices, their whole specie capital, in fact, all the resources of the institution, ought to be, at the same instant, in the vaults of every office. If each branch be bound to receive the notes of other branches in payment, it is equivalent in practical result to obliging it to pay specie for those notes. As a matter of courtesy and accommodation, it is done now. While each branch has the discretion to receive or reject, according to the situation of its own peculiar business and proper means, it may carry on the operation unembarrassed; but if made a matter of obligation, each branch would at once be at the mercy of the State banks in its neighborhood, who, by collecting the notes of other branches, might, in a moment of adjusting balances, pounce down upon it, exhaust its vaults, and compel it to close its doors. This suggestion was, however, somewhat a favorite with a member of the committee, and to him, therefore, its further explanation is left.

4. The fourth modification makes it unlawful for the corporation to hold longer than two years, after acquiring title, any real estate, except such as is necessary for the transacting of its business. The existing charter manifested much jealousy with regard to the acquisition of landed property by this moneyed institution, and a restriction in this particular had been carefully prescribed. Real estate is, in truth, not the material for banks; they can do nothing advantageously with it: what they desire is that

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which is readily convertible, transferable, manageable. Land exacts more time, attention, and expense, than they can afford, compared with other objects, to give it: they do not want it, and only take it as a last resort, to avoid a positive loss. Shortly after this charter went into operation, however, in the years 1819, 1820, 1821, very reluctantly on the part of the bank, it legally became possessed, especially in Cincinnati, of real estate to a considerable amount; and though it be satisfactorily shown that it had been acquired according to the provisions of the act of incorporation, and had been judiciously and faithfully treated, and as rapidly parted with as was consistent with the interests of the institution, yet great jealousies and distrusts seemed to have prevailed upon the subject, and these impelled the committee to report the present restrictions; not that they believed these jealousies and distrusts to be well founded, but because they deemed it of importance to do all that could safely be done to obviate objections to an establishment so extensively useful.

5. The fifth modification prevents the existence in any one State of more than two offices of discount and deposit, and not more than one unless more than one be already established. If there be now two, they are to remain; when there are, as in New York, three, one is to be withdrawn; and where none are yet located, but one is to be permitted. The expediency of this provision has been, and may still be, justly doubted. One State at least, Alabama, already having a branch, is desirous of a second. Like the third modification which he [Mr. D.] had noticed, he present one springs from a perfectly fair disposition to protect, to every reasonable extent, the interests of the State banks, and it is founded upon this consideration: wherever it is useful or necessary for the attainment of the national objects—of collecting and disbursing the revenues—there let an office of discount and deposit be fixed; but, where those objects are not in view, let the field of ordinary banking business be left exclusively to State institutions. In other words, unless the principle upon which the creation of a Bank of the United States is deemed alone constitutional or expedient, is also in reality the basis for the location of a branch, it ought not to exist. However sound this suggestion may be, as far as it goes, it obviously overlooks, in his [Mr. D.'s] opinion, one of the constitutional foundations of the bank, that is, the maintenance of a uniform, sound currency. This is essential in every part of the country; and the proposed prohibition might dangerously interfere with its attainment.

The sixth provision relates to the compensation to be paid into the treasury as an equivalent for the franchise conferred by a renewal of the charter; that is, the bonus from the bank. It was known that the adoption of any rule upon this subject, or of any amount, must in a great degree be arbitrary. Many projects were under consideration before the committee, but they have preferred the one oftenest tried and best understood. It is proposed that the bank shall pay one million five hundred thousand dollars in three successive annual instalments of five hundred thousand dollars each. The sum is the same that was exacted at the period of giving the charter; and although it be recollected that the term of prolongation is fifteen instead of twenty years, less by one-fourth, it should not be forgotten that the institution in 1816 was untried, unformed, in embryo; now, it is matured, in the full tide of success, and infinitely more competent to pay the same amount, even for the shorter term. This mode of stipulating the bonus obtained preference, owing also to its simplicity and certainty, when contrasted with the plan, proposed elsewhere, of requiring interest upon the public deposits—a plan which must be accompanied by practical difficulties in details, and which, by the reduction of the revenue, might ultimately yield less than it was thought reasonable and proper to require.

Mr. D. had intentionally avoided any recurrence to a

question which he was aware would actuate the suffrages of many of the Senators present. The constitutional power to establish a bank had been asserted and sustained for so many years, by every department of the Government, and had been so long acquiesced in by the people of the United States, that, according to his repeatedly expressed desire of aiding to give permanency and stability to the institutions of the country, he must consider the matter as definitively settled, and at rest. It had, over and over again, been ably and elaborately discussed in both Houses of Congress, and before the highest judicial tribunal of the nation, by the strongest minds. These discussions were all collected, and in the possession of every member, in the volume recently compiled by the Clerk of the House of Representatives, and placed under our control. No ingenuity or learning could shed new light upon the topic, and he presumed such would be the opinion of all whom he addressed, how strong soever might be the conscientious convictions of some that it had heretofore been erroneously determined.

He had now said all that he deemed it material or proper to say at this opening stage of the discussion on the bill. He was conscious that much might be added: but he was not desirous to anticipate objections, and would refrain from further trespassing on the attention of the Senate, until a sense of duty compelled him to it.

Mr. BENTON then inquired if it was the intention of the friends of the bill to urge on the discussion, before the documents ordered to be printed were laid on the tables.

Mr. DALLAS disclaimed any such intention. He thought it probable that, if the Senate were now to adjourn, the reports and documents might be furnished by the time the Senate would meet to-morrow. He had expected that the documents would have been printed before this day, when he gave notice of his intention to call up the bill. He was not disposed to urge the discussion any further, until the whole of the information was before the Senate.

Mr. WEBSTER said that no one wished to continue the discussion until all the lights which could be shed on the subject were obtained. But he might not be disposed to wait until all the documents ordered by the other House could be printed. These documents were not under the control of the Senate. They had reached a late period of the session. The voice of the country, if it demands any thing, demands legislative action on this subject. Two or three weeks ago, the House ordered these documents to be printed, and he had been daily expecting them. The different reports had been published in the newspapers: and he was desirous to see the documents on which these reports were grounded, but he was not disposed to wait very long. It would be recollected that the report of the committee of the House was hostile to the institution. They might not therefore see the importance of expediting the printing, as the other side did. At any rate, it was not a subject over which the Senate had any control. He hoped the papers might be expected without any further delay. He was not willing to push the discussion against the inclinations of Senators, but he was unwilling to put off the discussion too far. He was willing to go into executive business this afternoon, to give time for the documents to be furnished. But he could not consent to put this question aside. It was late in the session; they had reached the usual period of adjournment. A long notice had been given, and he was anxious that the discussion should now proceed, without interruption, until its termination.

Mr. BUCKNER moved that the Senate proceed to the consideration of executive business.

The CHAIR decided that such motion was not in order while the bill was pending, and could only be received informally, if there was no objection.

Mr. GRUNDY said he entirely concurred with the Senator from Massachusetts as to the importance of going on with this discussion: and he hoped the Senate would

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[MAY 24, 1852.]

go into executive business until the documents should be furnished.

Mr. MOORE objected to this course, on account of the thinness of the Senate. He intimated that he desired time to look at the documents, as he proposed to move an amendment to the bill, to impose further restrictions on the bank. He moved to postpone the further consideration of the bill until Monday.

Mr. WEBSTER expressed his concurrence in the views thrown out by the Senator from Tennessee. If it was an earlier period of the session, he would also be happy to add the views of the gentleman from Alabama, as far as his vote could go. But it was very late in the session. He was willing to go into executive business for the residue of this day, and even during the whole of tomorrow, if the documents were not printed before that time, but he should not feel disposed to give his vote for any longer delay.

Mr. MOORE persisted in his motion to postpone.

Mr. EWING asked for the yeas and nays on the motion.

At the suggestion of Mr. GRUNDY, Mr. MOORE then withdrew his motion.

The motion of Mr. BUCKNER was then informally received, and agreed to.

The Senate then proceeded to the consideration of executive business; and, after remaining about an hour with doors closed,

The Senate adjourned.

THURSDAY, MAY 24.

A resolution offered yesterday by Mr. ROBBINS, referring it to the Committee on the Library to inquire into the expediency of erecting an equestrian statue of Washington, executed in bronze, in the square east of the capitol, was taken up and agreed to.

BALTIMORE AND OHIO RAILROAD.

On motion of Mr. SMITH, the Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing a subscription on the part of the United States to the stock of the Baltimore and Ohio Railroad Company; and the bill having been read,

Mr. CHAMBERS made a few remarks in its support, and called for the yeas and nays on the question.

Mr. MILLER rose to ask the amount of the appropriation proposed to be invested in this road. The number of shares to be subscribed for were ten thousand, and he wished to know how much would be expended in their purchase.

Mr. SMITH answered that the sum proposed to be appropriated was a million of dollars.

Mr. MILLER said he should like to know what was now the price of the stock of this company in the market. If, said he, we are to go into this stockjobbing transaction, we ought to be informed whether it is likely to prove a profitable or unprofitable concern. He entertained the strongest objections to this species of transactions, mingling the affairs of the Government with those of a private company. If we are, said he, to appropriate money for internal improvements, I had rather see the money given away at once, than thus joining in the speculations of individuals. Your Secretary of the Treasury, in representing the interests of the United States, will be continually coming in conflict with opposite interests in the institution, and the interests of the United States will always be in the minority.

Mr. SMITH said he was not able to give the gentleman the information he sought. He did not know the present value of the stock in the market. It was at present, he believed, a dead stock—there were no sales; and, in consequence of the misfortunes of the company, somewhat depressed. The company had believed that, as they purchased the land, they had a right to make a road on it; but they had been stopped by an injunction of the

Supreme Court, sued out by the Canal Company, and they could not tell when they should go further, until they come to a compromise with that company. With respect to the real value of the stock, they were only to judge by analogy. The Canal Company, which was now in a very prosperous condition, had commenced with but very few individual subscriptions; its stock had in a manner been forced into the market; but, by the subscription of a million of dollars on the part of Congress, and the subscriptions of the corporations interested, the company had been enabled to get along. The Railroad Company, however, had been bottomed on very different principles; the subscription of the company had, in the first instance, been three millions of dollars; and the State of Maryland and the city of Baltimore had subscribed half a million each. Half the subscription had been paid up; and there was no doubt, from the characters of the subscribers, that all would eventually be paid. So far, then, as related to this much, the stock was safe. The State of Maryland had passed a law authorizing a lateral road to Washington city. This was found to be practicable, and the road would be constructed, provided Congress gave the aid contemplated in the bill. Mr. S. would not enter into a comparison of the relative merits of canals and railroads. He believed, however, that railroads had the advantage. In the first instance, they were passable at all seasons of the year, which was not the case with canals; and they gave greater facilities to the transportation of the mails than had ever yet been known in this country. This had been fully demonstrated in the Baltimore railroad, between that place and Frederick; for the mail is now carried to Wheeling in two days, whereas it formerly could only be carried there in four. When the road is completed, the mail will be carried to Wheeling in thirty hours. These were advantages which it was important to consider in making up an opinion on the merits of the bill. When the subject was before the Senate on a former occasion, some gentlemen urged that a railroad of some ten or fifteen miles might be carried into successful operation; but that it would be impossible to succeed with one as far as the Cumberland mountains. What was before doubt and uncertainty, Mr. S. said was now rendered certain. The experience on the Baltimore railroad, as far as Frederick, sufficiently demonstrated that the most sanguine anticipations of its friends could be fully realized.

This railroad, he might now say, was in full operation to the Point of Rocks, into the very interior of the country. Such was a general outline of the subject; it was one of a truly national character. For, let us suppose that it is extended further into the interior, say to the Ohio, the intercourse will be completed in thirty hours, he might say less; a thing which could not be accomplished by canals, or any other mode whatever. In reply to a letter of his, proposing certain queries, he had a communication, which would save him the trouble of calculation. Mr. S. then read a comparative statement of the cost of transportation by the railroad and by the turnpike. He stated that the cost of transportation of a barrel of flour from the Point of Rocks to Baltimore on the railroad was only twenty-seven cents; by the turnpike, seventy-five cents; thus saving to the agriculturists at least two-thirds. A ton of iron by the railroad, about three dollars and seventeen cents; by the turnpike, upwards of ten dollars. This iron was conveyed some twelve miles to Frederick, and thence to Baltimore, a distance of seventy miles, and, after paying the expense of the first twelve miles, was conveyed this distance at less expense than iron obtained not many miles from Baltimore. To other questions put by him, he had received information respecting the length of the rails now laid, together with their expense. And he had since later information, that warehouses for the accommodation of the produce transported, were built at the Point of Rocks; and that when the double track

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was completed, and steam power employed, the distance would be accomplished in seven hours. Thence the opening to Leesburg, to Winchester, &c. and thereby facilitate the mail conveyance. Mr. S. further stated that two millions of the stock subscription, amounting to fifty per cent., had already been paid in. They did not call on the Government for any advance till after the 1st of July, 1833, when the public debt would be paid off. After stating the weekly and monthly receipts from the railroad as at present in operation, which presented a favorable result, Mr. S. concluded his remarks by expressing his hope that the object he proposed would be carried into execution.

Mr. MANGUM thought the bill embraced certain appropriations, which involved principles of much consideration. The appropriations already passed this session were numerous, both by public and private bills, the pension bill, &c.; and such being the case, he hoped that if the vote should be taken on this question, it would be done with deliberation. It called for a million of dollars, and yet he [Mr. M.] conceived that it was of little more magnitude, as regarded its merits, than a private internal improvement bill. Many Senators were now absent; and although it was not his intention to throw any obstacles in the way of its being fairly discussed, he would move that it be now laid on the table.

A division being called for, it was decided in the affirmative—yeas 20, nays 14.

BANK OF THE UNITED STATES.

The Senate then took up the bill to modify and continue the act to incorporate the subscribers to the Bank of the United States.

Mr. GRUNDY observed that, if any member wished to address the Senate, he should throw no obstacle in the way; but, if the Senate was disposed to postpone further discussion until to-morrow, when the documents expected might come in, the balance of the day might be profitably employed in executive session. There was some executive business to be transacted, for which the public service was suffering, and he thought it could then be acted on better than to interrupt a discussion going on, on an important subject. For his part, he had rather hear an unbroken argument on the bank question, and he would, therefore, move that the Senate proceed to the consideration of executive business.

Mr. WEBSTER said he had stated yesterday that, on account of the absence of the documents ordered by the Senate, and which were necessary for facilitating the discussion, he was willing to wait until to-morrow. He had, therefore, no objection to passing the bill by at present, and going into executive session; but he was unwilling to delay the subject longer than to-morrow; and, as a member of the committee, he should feel it his duty to press the consideration of the subject at that time.

Mr. CLAY thought that the important subjects of public interest which were pressing on the Senate should be acted on at once. At this late period of the session it was time that something should be done. There was the tariff question, the land question, and the question of the bank, all equally important, and it was immaterial to him which of them had the preference, so that some one of them was acted on at once. If there was to be a further postponement of the bank bill, he hoped the Senate would take up one of the others he had named; and he would, to-morrow, ask for the consideration of one of them, if the discussion on the bank question was not then continued.

Mr. GRUNDY remarked that he had no wish to delay the discussion. As to the time or manner, he had nothing to say. The committee who had charge of the bank bill could press it in their own way and in their own time. All he now wanted was to proceed to the consideration of executive business, for which the public service was now suffering.

The question on Mr. GRUNDY's motion was then taken, and carried, and the Senate proceeded to the consideration of executive business. When the doors were opened, The Senate adjourned.

FRIDAY, MAY 25.

INTEREST—PROTESTED DRAFTS.

A joint resolution reported by the Committee on Finance to authorize the Secretary of the Navy to allow interest in certain cases, was then taken up.

Mr. SMITH explained that this resolution was to authorize the Secretary to pay the interest on bills drawn from foreign stations. He adverted to the fact that bills properly drawn on the department had been protested, sent back, and had been returned with an addition of twenty per cent. damages. Another case would have occurred at this session, for want of funds, had not the Secretary put his endorsement on the draft; and, on this security, the bank gave the amount of the draft, with the exception of the interest. This resolution was intended to meet such cases, as the bank, on receipt of the interest, would always be ready to give money for the drafts.

Mr. HAYNE made one or two remarks in opposition to the resolution. He was desirous to meet every special case with a special law. He moved to lay this resolution on the table, and the motion was carried in the affirmative.

RAILROAD.

Mr. CHAMBERS moved that the Senate take up the bill to authorize a subscription to the stock of the Baltimore and Ohio railroad, and asked for the yeas and nays, which were ordered.

The question being taken, the result was as follows:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Ewing, Hendricks, Holmes, Johnston, Knight, Naudain, Robbins, Ruggles, Silsbee, Smith, Sprague, White, Wilkins.—18.

NAYS.—Messrs. Benton, Brown, Foot, Frelinghuysen, Grundy, Hayne, Hill, King, Mangum, Marcy, Miller, Moore, Poindexter, Prentiss, Robinson, Seymour, Tipton, Tomlinson, Troup, Waggaman, White.—21.

So the motion was rejected.

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The Senate then resumed the consideration of the bill to continue the Bank of the United States.

Mr. WEBSTER said that though he was entirely satisfied with the general view taken by the chairman of the committee, [Mr. DALLAS,] and with his explanation of the details of the bill, yet there were a few topics, upon which he desired to offer some remarks; and if no other gentleman wished at present to address the Senate, he would avail himself of this opportunity.

A considerable portion of the active part of life has elapsed, said Mr. W., since you and I, Mr. President, and three or four other gentlemen, now in the Senate, acted our respective parts in the passage of the bill creating the present Bank of the United States. We have lived to little purpose, as public men, if the experience of this period has not enlightened our judgments, and enabled us to revise our opinions; and to correct any errors into which we may have fallen, if such errors there were, either in regard to the general utility of a national bank, or the details of its constitution. I trust it will not be unbecoming the occasion, if I allude to your own important agency in that transaction. The bill incorporating the bank, and giving it a constitution, proceeded from a committee of the House of Representatives, of which you were chairman, and was conducted through that House under your distinguished lead. Having recently looked back to the proceedings of that day, I must be permitted to say that I have perused the speech by which the subject was introduced to the consideration of the House, with a revival of the feeling of approbation and pleasure

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with which I heard it; and I will add, that it would not, perhaps, now, be easy to find a better brief synopsis of those principles of currency and of banking, which, since they spring from the nature of money and of commerce, must be essentially the same, at all times, in all commercial communities, than that speech contains. The other gentlemen now with us in the Senate, all of them, I believe, concurred with the chairman of the committee, and voted for the bill. My own vote was against it. This is a matter of little importance; but it is connected with other circumstances, to which I will, for a moment, advert. The gentlemen with whom I acted on that occasion, had no doubts of the constitutional power of Congress to establish a national bank; nor had we any doubts of the general utility of an institution of that kind. We had, indeed, most of us, voted for a bank, at a preceding session. But the object of our regard was not whatever might be called a bank. We required that it should be established on certain principles, which alone we deemed safe and useful, made subject to certain fixed liabilities, and so guarded that it could neither move voluntarily, nor be moved by others out of its proper sphere of action. The bill, when first introduced, contained features, to which we should never have assented, and we set ourselves accordingly to work with a good deal of zeal, in order to effect sundry amendments. In some of those proposed amendments, the chairman, and those who acted with him, finally concurred. Others they opposed. The result was, that several most important amendments, as I thought, prevailed. But there still remained, in my opinion, objections to the bill, which justified a persevering opposition till they should be removed.

The first objection was to the magnitude of the capital. In its original form, the bill provided for a capital of thirty-five millions, with a power in Congress to increase it to fifty millions. This latter provision was struck out on the motion of a very intelligent gentleman from New York, (Mr. Cady,) and I believe, sir, with your assent. But I was of opinion that a capital of thirty-five millions was more than was called for by the circumstances of the country. The capital of the first bank was but ten millions, and it had not been shown to be too small; and there certainly was no good ground to say that the business or the wants of the country had grown, in the mean time, in the proportion of thirty-five to ten. But the state of things has now become changed. A greatly increased population, and a greatly extended commercial activity, especially in the West and Southwest, evidently requires an enlarged capacity in the national bank. The capital, therefore, is less disproportionate to the occasion, than it was sixteen years ago; and whatever of disproportion may be thought still to exist, will be constantly decreasing. The augmentation of banking capital in State institutions is by no means a reason for reducing the capital of this bank. At first view, there might appear to be some reason in such a suggestion, but I think a further reflection on the duties expected to be performed by the bank, in relation to the general currency of the country, will reject it. On the whole, I am disposed to continue the capital as it is.

There was another objection. The bill had divided the stock into shares of one hundred dollars each, not of four hundred dollars each, as in the first bank; and it had established such a scale of voting by the stockholders, as showed it to be quite practicable for a minority in interest to control all elections, and to seize on the entire direction of the bank. It was on this very ground, it was under the apprehension of this very evil, that the last attempt to amend the bill, made by me, proceeded. That attempt was, a motion to diminish the number of shares, by raising the amount of each from one hundred dollars to four hundred.

There was yet one other provision of the bill, which was regarded as unnecessary and objectionable. That

was, the power reserved to the Government of appointing five of the directors. We had had no experience of our own of the effect of such Government interference in the direction of the bank; and in other countries it had been found that such connexion between Government and banking institutions produced nothing but evil. The credit of banks has generally been very much in proportion to their independence of Government control. While acting on true commercial principles, they are useful both to Government and the people; but the history of the principal moneyed institutions of Europe has demonstrated that their efficiency and stability consist very much in their freedom from all subjection to State interests and State necessities. The real safety to the public lies in the restraints and liabilities imposed by law, and in the interest which the proprietors themselves have in a judicious management of the affairs of the corporation. I will only say, on this part of the subject, that it is unquestionably true that the successful career of this institution then commenced, when its stock, leaving the hands of speculation, came to be owned, for the common purposes of investment, by such as desired to make investments, and when the proprietors exercised their proper discretion in constituting their part of the direction, with a single view of giving to the bank a safe and competent administration.

The question now is, sir, whether this institution shall be continued. We ought to treat it as a great public subject, to consider it, like statesmen, as it regards the great interests of the country, and with as little mixture as possible of all minor motives.

The influence of the bank, Mr. President, on the interests of the Government, and the interests of the people, may be considered in several points of view. It may be regarded as it affects the currency of the country; as it affects the collection and disbursement of the public revenue; as it respects foreign exchanges; as it respects domestic exchanges; and as it affects, either generally or locally, the agriculture, commerce, or manufactures of the Union.

First, as to the currency of the country. This is, at all times, a most important political object. A sound currency is an essential and indispensable security for the fruits of industry and honest enterprise. Every man of property or industry, every man who desires to preserve what he honestly possesses, or to obtain what he can honestly earn, has a direct interest in maintaining a safe circulating medium; such a medium as shall be a real and substantial representative of property, not liable to vibrate with opinions, not subject to be blown up or blown down by the breath of speculation, but made stable and secure, by its immediate relation to that which the whole world regards as of permanent value. A disordered currency is one of the greatest of political evils. It undermines the virtues necessary for the support of the social system, and encourages propensities destructive of its happiness. It wars against industry, frugality, and economy; and it fosters the evil spirits of extravagance and speculation. Of all the contrivances for cheating the laboring classes of mankind, none has been more effectual than that which deludes them with paper money. This is the most effectual of inventions to fertilize the rich man's field, by the sweat of the poor man's brow. Ordinary tyranny, oppression, excessive taxation, these bear lightly on the happiness of the mass of the community, compared with fraudulent currencies, and the robberies committed by depreciated paper. Our own history has recorded for our instruction enough, and more than enough, of the demoralizing tendency, the injustice, and the intolerable oppression on the virtuous and well disposed, of a degraded paper currency, authorized by law, or any way countenanced by Government.

We all know, sir, that the establishment of a sound and uniform currency was one of the great ends contemplated

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in the adoption of the present constitution. If we could now fully explore all the motives of those who framed, and those who supported it, perhaps we should hardly find a more powerful one than this. The object, indeed, is sufficiently prominent on the face of the constitution itself. It cannot well be questioned that it was intended by that constitution to submit the whole subject of the currency of the country, all that regards the actual medium of payment and exchange, whatever that should be, to the control and legislation of Congress. Congress can alone coin money; Congress can alone fix the value of foreign coins. No State can coin money; no State can fix the value of foreign coins; no State (nor even Congress itself) can make any thing a tender but gold and silver, in the payment of debts; no State can emit bills of credit. The exclusive power of regulating the metallic currency of the country would seem necessarily to imply, or, more properly, to include, as part of itself, a power to decide how far that currency should be exclusive, how far any substitute should interfere with it, and what that substitute should be. The generality and extent of the power granted to Congress, and the clear and well defined prohibitions on the States, leave little doubt of an intent to rescue the whole subject of currency from the hands of local legislation, and to confer it on the General Government. But, notwithstanding this apparent purpose in the constitution, the truth is, that the currency of the country is now, to a very great extent, practically and effectually under the control of the several State Governments; if it be not more correct to say that it is under the control of the banking institutions created by the States: for the States seem first to have taken possession of the power, and then to have delegated it.

Whether the States can constitutionally exercise this power, or delegate it to others, is a point which I do not intend, at present, either to concede or to argue. It is much to be hoped that no controversy on the point may ever become necessary. But it is a matter highly deserving of consideration, that, although clothed by the constitution with exclusive power over the metallic currency, Congress, unless through the agency of a bank established by its authority, has no control whatever over that which, in the character of a mere representative of the metallic currency, fills up almost all the channels of pecuniary circulation.

In the absence of a Bank of the United States, the State banks become effectually the regulators of the public currency. Their numbers, their capital, and the interests connected with them, give them, in that state of things, a power which nothing is competent to control. We saw, therefore, when the late war broke out, and when there was no national bank in being, that the State institutions, of their own authority, and by an understanding among themselves, under the gentle phrase of suspending specie payments every where south of New England, refused payment of their notes. They were not called to answer for this violation of their charters, as far as I remember, in any one State. They pleaded the urgency of the occasion, and the public distresses; and in this apology the State Governments acquiesced. Congress, at the same time, found itself in an awkward predicament. It held the whole power over coins. No State, or State institution, could give circulation to an ounce of gold or of silver, not sanctioned by Congress. Yet all the States, and a hundred State institutions, claimed and exercised the right of driving coin out of circulation by the introduction of their own paper; and then of depreciating and degrading that paper, by refusing to redeem it. As they were not institutions created by this Government, they were not answerable to it. Congress could not call them to account, and, if it could, Congress had no bank of its own, whose circulation could supply the wants of the community. Coin, the substantial constituent, was, and was ad-

mitted to be, subject only to the control of Congress; but paper, assuming to be a representative of this constituent, was taking great liberties with it, at the same time that it was no way amenable to its constitutional guardian. This suspension of specie payments was of course immediately followed by great depreciation of the paper. It shortly fell so low, that a bill on Boston could not be purchased at Washington under an advance of from twenty to twenty-five per cent. I do not mean to reflect on the proceedings of the State banks. Perhaps their best justification is to be found in the readiness with which Government itself borrowed of them their paper, depreciated as it was; but it certainly becomes us to regard, attentively, this part of our experience, and to guard, as far as we can, against similar occurrences.

I am of opinion, sir, that a well conducted national bank has an exceedingly useful and effective operation on the general paper circulation of the country. I think its tendency is manifestly to restrain, within some bounds, the paper issues of other institutions. If it be said, on the other hand, that these institutions in turn hold in check the issues of the national bank, so much the better. Let that check go to its full extent. An over issue by the bank itself, no one can desire. But it is plain that, by holding the State institutions, which come into immediate contact with itself and its branches, to an accountability for their issues, not yearly or quarterly, but daily and hourly, an important restraint is exercised. Be it remembered, always, that what it is to expect from others, it is to perform itself; and that its own paper is at all times to turn into coin by the first touch of its own counter.

But, Mr. President, so important is this object, that I think that, far from diminishing, we ought rather to increase and multiply our securities; and I am not prepared to say that, even with the continuance of the bank charter, and under its wisest administration, I regard the state of our currency as entirely safe. It is evident to me that the general paper circulation has been extended too far for the specie basis on which it rests. Our system, as a system, dispenses too far, in my judgment, with the use of gold and silver. Having learned the use of paper as a substitute for specie, we use the substitute, I fear, too freely. It is true that our circulating paper is all redeemable in gold and silver. Legally speaking, it is all convertible into specie at the will of the holder. But a mere legal convertibility is not sufficient. There must be an actual, practical, never-ceasing convertibility. This, I think, is not, at present, sufficiently secured; and, as it is a matter of high interest, it well deserves the serious consideration of the Senate. The paper circulation of the country is, at this time, probably seventy-five or eighty millions of dollars. Of specie, we may have twenty or twenty-two millions: and this, principally, in masses in the vaults of the banks. Now, sir, this is a state of things which, in my judgment, leads constantly to overtrading, and to the consequent excesses and revulsions which so often disturb the regular course of commercial affairs. A circulation, consisting in so great a degree of paper, is easily expended, to furnish temporary capital to such as wish to adventure on new enterprises in trade; and the collection in the banks of most of what specie there is in the country affords all possible facility for its exportation. Hence, overtrading does frequently occur, and is always followed by an inconvenient, sometimes by a dangerous, reduction of specie. It is in vain that we look to the prudence of banks for an effectual security against overtrading. The directors of such institutions will generally go to the length of their means in cashing good notes, and leave the borrower to judge for himself of the useful employment of his money. Nor would a competent security against overtrading be always obtained, if the banks were to confine their discounts, strictly, to business paper, so denominated; that is, to notes and bills

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which represent real transactions, having been given and received on the actual purchase and sale of merchandise, because these transactions themselves may be too far extended. In other words, more may be bought than the wants of the community require, on a speculative calculation of future prices. Men naturally have a good opinion of their own sagacity. He who believes merchandise is about to rise in price, will buy merchandise, if he possesses money, or can obtain credit. The fact of actual purchase, therefore, is not proof of a really subsisting want; and of course the amount of all purchases does not correspond always with the entire wants or necessities of the community. Too frequently it very much exceeds that measure. If, then, the discretion of the banks, exercised in deciding the amount of their discounts, is not a proper security against overtrading; if facility in obtaining bank credits naturally fosters that spirit; if the desire of gain and love of enterprise constantly cherish it; and if it finds specie collected in the banks inciting exportation, what is the remedy suited and adequate to the case? Now, I think, sir, that a closer inquiry into the direct source of the evil will suggest the remedy. Why have we so small an amount of specie in circulation? Certainly the only reason is, because we do not require more. We have but to ask its presence, and it would return. But we voluntarily banish it by the great amount of small bank notes. In most of the States the banks issue notes of all low denominations, down even to a single dollar. How is it possible, under such circumstances, to retain specie in circulation? All experience shows it to be impossible. The paper will take the place of the gold and silver. When Mr. Pitt, in the year 1797, proposed in Parliament to authorize the Bank of England to issue one pound notes, Mr. Burke lay sick at Bath of an illness from which he never recovered; and he is said to have written to the late Mr. Canning, "tell Mr. Pitt that if he consents to the issuing of one pound notes, he must never expect to see a guinea again."

The one pound notes were issued, and the guineas disappeared. A similar cause is producing now a precisely similar effect with us. Small notes have expelled dollars and half dollars from circulation in all the States in which such notes are issued. On the other hand, dollars and half dollars abound in those States which have adopted a wiser and safer policy. Virginia, Pennsylvania, Maryland, Louisiana, and some other States, I think seven in all, do not allow their banks to issue notes under five dollars. Every traveller notices the difference when he passes from one of these States into those where small notes are allowed. The evil, then, is the issuing of small notes by State banks. Of these notes, that is to say, of notes under five dollars, the amount now in circulation is doubtless eight or ten millions of dollars. Can these notes be withdrawn? If they can, their place will be immediately supplied by a specie circulation of equal amount. The object is a great one, as it is connected with the safety and stability of the currency, and may well justify a serious reflection on the means of accomplishing it. May not Congress and the State Governments, acting, not unitedly, but severally to the same end, easily and quietly attain it? I think they may. It is but for other States to follow the good example of those which I have mentioned, and the work is done. As an inducement to the States to do this, I propose, in the present bill, to reserve to Congress a power of withdrawing from circulation a pretty large part of the issues of the Bank of the United States. I propose this, so that the State banks may withdraw their small notes, and find their compensation in a larger circulation of those of a higher denomination. My proposition will be, that, at any time after the expiration of the existing charter of the bank, that is, after 1836, Congress may, if it see fit, restrain the bank from issuing for circulation notes or bills under a given sum—say ten or twenty dol-

lars. This will diminish the circulation, and consequently the profits, of the bank; but it is of less importance to make the bank a highly profitable institution to the stockholders, than that it should be safe and useful to the community. It ought not, certainly, to be restrained from the enjoyment of all the fair advantages to be derived from the discreet use of its capital in banking transactions; but the leading object, after all, in its continuance, is, and ought to be, not private emolument, but public benefit.

It may, perhaps, strike some gentlemen, that the circulation of small notes might be effectually discouraged, by refusing to receive not only all such small notes, but all notes of such banks as issued them, at the custom-houses, land offices, post offices, and other places of public receipt, and by causing them to be refused also, either in payment or deposit, at the Bank of the United States. But the effect of such refusal may be doubtful. It would certainly, in some degree, discredit such notes, but probably it would not drive them out of circulation altogether; and if it should not do this, it might very probably increase their circulation. If in some degree they become discredited, to that degree they would become cheaper than other notes; and universal experience proves that, of two things which may be current, the cheaper will always expel the other. Thus, silver itself, because it is proportionally cheaper with us than gold, has driven the gold out of the country; that is to say, we can pay a debt of one hundred dollars, by tendering that number of Spanish or American dollars. But we cannot go into the market and buy ten American eagles for these hundred silver dollars. They would cost us a hundred and four. Thus, as we can pay our debts cheaper in silver than in gold, we use nothing but silver, and the gold goes where it is more highly valued. The same thing always happens between two sorts of paper, which are found at the same time in circulation. That which is cheapest, or of less value than the other, always drives its more respectable associate out of its company.

Measures, therefore, such as I have alluded to, would be likely, I fear, rather to aggravate, than to remedy the evil. We must hope that all notes under five dollars may be entirely withdrawn from circulation, by the consent of the States and the State banks; and when that shall be done, their place will be immediately supplied with specie. We should then receive an accession of ten millions of dollars, at least, to our specie circulation; and those ten millions will find their place, not in the banks, not collected any where in large masses, but in constant use, among all classes, and in hourly transfer from hand to hand. It cannot be denied that such an addition would give great strength to our pecuniary system, discourage excessive exportation of specie, and tend to restrain and correct the evils of overtrading. England has applied the like remedy to a similar evil, though she has carried the restriction much higher, and allowed the circulation of no notes for less sums than five pounds sterling.

I have thought this subject, Mr. President, of so much importance, as that it was fit to present it, at this time, to the consideration of the Senate. I propose to do no more, at present, than to insert such a provision as I have described in this bill. In the mean time, I hope the matter may attract the attention of those whose agency will be desired to accomplish the general object.

The next point on which I will offer a few remarks, is, the great advantage of the bank in the operations of the treasury; first, in the collection, next in the disbursement of the revenue. How is the revenue to be collected, through all the custom-houses, the land offices, and the post offices, without some such means as the bank affords? Where are payments made at the custom-houses to be deposited? In whose hands are these large sums to be trusted? And how are they to be remitted to Washing-

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ton, or wherever else they may be wanted? I dare say, sir, that the operations of Government might be carried on, in some way, without the agency of a bank; but the question is, whether they could be carried on safely, without loss, and without charge. Look to the disbursement of the revenue. At present the bank is bound to transmit Government funds, in one place, to any other place, without expense. A dollar at St. Louis or Nashville becomes a dollar in New Hampshire or Maine, if the treasury so choose. This, certainly, is very useful and convenient. If there were no Bank of the United States at New Orleans, for example, duties to the Government, at that place, must be received either in specie, or in bills of local banks. If in the former, the funds could not be remitted where they might be required, without considerable expense; if in the latter, they could not be remitted at all, until first converted into specie. If bills of exchange were resorted to, they would be often not to be had without a premium, and always attended with more or less risk. In short, the utility of the bank, in collecting and disbursing the revenue, is too obvious to be argued, and too great not to strike any one conversant with such subjects, without the aid of comment.

I have alluded to its dealings in foreign exchanges, as one of the most important powers of the corporation. There are those who think this power ought to be withheld. It is, I think, one of the most common objections to the bank, in the large cities; but I do not think it well founded. It is said that the trade in exchange ought to be left free, like other traffic. Be it so; but, then, why not leave it as free to the bank as to others? The bank enjoys no monopoly. If it be true that, by the magnitude of its capital, and the distribution of its several offices, it acts upon the rates of exchange, not locally, but generally, and thus occasionally restrains the profit of dealing in one place, by bringing the general rates, through the whole country, nearer to a uniformity, the occasional profits of individuals may be lessened, but the general effect is beneficial to the public. If, at the same time that it keeps the domestic exchanges of the country at low rates, it keeps the rates of foreign exchanges nearly uniform and level, I hardly know how it could do greater service to the commercial community. In the business of foreign exchange, the bank has, and always will have, powerful rivals. It is natural that these rivals should desire that, in this particular, the bank should retire from business. But are its dealings in exchange found prejudicial, by those who deal in it themselves, no further than to buy for their own remittances, in the ordinary way of business? In things of this kind, we may most safely guide ourselves by the light of experience; and taking it for granted that the general interest of the trading community is injured by sudden fluctuations in exchange, and benefited by keeping it as steady as the commerce of the country will allow; in other words, by keeping the price of bills so as that it corresponds with the real state of the exchange, and not raised or lowered for ends of speculation. I have inquired of those who could inform me, whether, for ten or twelve years past, the rates of exchange have or have not been as steady and unvarying as may ever be expected; and the information I have received has satisfied me that the power of the bank of dealing in foreign exchange has been far from prejudicial to the commercial world. While there is a dealer, with competent funds and credit, always willing to sell foreign bills at moderate rates, and always ready to buy them, also, the very nature of the case furnishes a considerable degree of security against those fluctuations which arise from speculation, although it leaves private dealings entirely free.

If that power should be now taken away from the bank, I think I can perceive that consequences of some magnitude would follow, in particular parts of the country. At present, the producer, or the shipper of produce, at New

Orleans, Savannah, or Charleston, in making shipments for Europe, can, on the spot, cash his bill, drawn against such shipment, without charge for brokerage, guaranty, or commission. If the planter has sold to the shipper, the latter has his bill discounted, and pays the planter, who thus receives the price for his crop, without delay, and without danger of loss. Suppose the bank were denied the power of purchasing foreign bills, what would be the necessary operation? The producer or shipper might send the cotton or the sugar to the North, and, in that case, the bank could cash his draft. But if he sent it abroad, his bill must be sent to his agent in the bill market of the Northern cities, for sale; and if he wishes to realize the amount, he will draw on his agent, and sell such draft. This, evidently, subjects him to a double operation, and to the expenses of commission, guaranty, &c.

It is plain, I think, that, in the present state of things, the shipper of Southern and Western produce enjoys the benefit of both the foreign and the Northern market more perfectly than he would if this state of things were to be so changed that he could not draw on his consignee in the foreign market as advantageously as he can now do it.

But, if there be a question about the utility of the operations of the bank in foreign exchange, there can be none, I suppose, as to its influence on that which is internal or domestic. I speak now of internal exchange, as exchange merely, without considering it connected, as it usually is, with advance or discount, in anticipation of the maturity of bills. In regard to mere exchange, the operations of the bank appear to have produced the most beneficial effect. I doubt whether, in any extensive country, the rates of internal exchange ever averaged so low. Before the bank went into operation, three, four, or five per cent. was not uncommon, as the difference of exchange between one extremity of the country and the other. It has at times, indeed, as I am informed, been as high as six per cent. between New Orleans and Baltimore; and, indeed, between other places in this country, much higher. The vast amounts bought and sold by the bank, in all parts of the country, average perhaps less than one-half per cent. I doubt whether this exceeds the rates between comparatively neighboring parts of Great Britain, or of the continent of Europe; although much of it consists in exchange between the extreme South and the Northern and Eastern parts of the Union. With respect to the effect and operation of the Bank upon the general interests of agriculture, commerce, and manufactures, there will be found a great difference, as we look at different parts of the country. Every where, I think, they have been salutary; but they have been important in very different degrees in different quarters. The influence of the bank on the general currency of the country, and its operations in exchanges, are benefits of a general nature. These are felt all over the country. But in loans and discounts, in the distribution and actual application of its capital, different portions of the country have partaken, and are partaking, in very different degrees. The West is a new and fast-growing country, with vast extents of rich land, inviting settlement and cultivation. Enterprise and labor are thronging to this scene of useful exertion, and necessarily create an urgent demand for capital. This demand the bank meets, to a very considerable degree. The reports of the bank show the existing extent of its accommodation to this part of the country. In the whole Southern and Western States, that is to say, south and west of Philadelphia, the amount exceeds forty-three millions of dollars. In the States lying on the Mississippi, and its waters, it exceeds thirty millions of dollars. Of these thirty millions, nineteen or twenty are discounts of notes, and the residue of acceptances of bills drawn on other parts of the country. This last amount is not strictly a loan: it is an advance in anticipation of a debt. But

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other advances are needed quite as fast as this is paid off, as every successive crop creates a new occasion and a new desire to sell bills. I leave it to Western gentlemen to judge how far this state of things goes to show that the continuance of the bank is important to the agriculture and commerce of the West. I leave it to them to contemplate the consequences of withdrawing this amount of capital from their country. I pray them, also, to inquire what is to be their circulating medium, when the notes of the bank are called in. Do they see before them neither difficulty nor danger in this part of the case? Are they quite confident that, in the absence of the bills and notes of the Bank of the United States, they need have no fears of a bad currency, depreciated paper, and the long train of ills that follow, according to all human experience, those inauspicious leaders? I ask them, also, to judge how far it is wise to settle this question now, so as to give time for making this vast change, if it is to be made at all. The present charter is to continue but four years. If it be not renewed, this debt must be called in within that period. Not a new note can be taken to the bank, for a dollar of it, after that time. The whole circulation of bank notes, too, must be withdrawn. Is it not plain, then, that it is high time to know how this important matter is to be adjusted? The country could not stand a sudden recall of all this capital, and an abrupt withdrawal of this circulation. How, indeed, the West could stand the change, even if it were begun now, and conducted as gradually and as gently as possible, I confess I can hardly see. The very commencement of the process of recall, however slight, would be felt in the prices of the very first crop, partly from the immediate effect of withdrawing even a small part of the capital, and partly from the certainty of future pressure from withdrawing the rest. Indeed, gentlemen must prepare themselves, I think, for some effect on the prices of lands and commodities by the postponement of this question, should it take place, as well as for embarrassments, in other respects. That postponement will, at best, not diminish the uncertainty which hangs over the fate of the measure. Seeing the hostility which exists to renewing the charter, and the extent of that hostility if the measure cannot now be carried, not only a prudent regard to its own interests, but the highest duty to the country, ought to lead the bank to prepare for the termination of its career. It has not before it one day too many to enable it to wind up, without distressing the public, such vast concerns. If it were certain that the charter was to be renewed, a postponement would be of little importance. But this is uncertain; and a postponement would render it more uncertain. A motion to postpone, should such be made, will be mainly supported by those who, either on constitutional grounds, or some other grounds, are, and always will be, against the renewal. A postponement, under such circumstances, and such auspices, cannot but create far stronger doubts than now exist of the final renewal of the charter. It is now two years and a half since the President invited the attention of Congress to this subject. That invitation has been more than once repeated. Every where the subject has been considered; every where it has been discussed. The public interest now requires our decision upon it, and the public voice demands that decision. I trust, sir, we shall make it, and make it wisely.

Mr. President, the motives which prescribe my own line of conduct on this occasion are not drawn from any local considerations. The State, in whose representation I bear a part, has as little interest, peculiar to itself, in the continuance of this corporation, as any State in the Union. She does not need the aid of its capital, because the state of her commerce and manufactures does not call for the employment of more capital than she possesses. She does not need it, in any peculiar degree, certainly as any restraint or corrective on her own paper currency. Her

banks are as well conducted as those of other States. But she has a common interest in the continuance of a useful institution. She has an interest in the wise and successful administration of the Government in all its departments. She is interested that the general currency of the country should be maintained in a safe and healthy state. She derives a benefit with others (I believe it a great benefit) from the facility of exchanges in internal commerce, which the bank affords. This is the sum of her motives. For these reasons, she is willing that the bank should be continued. But if the matter should be otherwise determined, however much she might regret it on general and public grounds, she certainly does not apprehend from such a result inconveniences to her own citizens, such as may and must fall, so far as I can see, on some others.

Mr. President, I will take leave of the subject for the present, with a remark which I think is due from me. For some years past, I have not been inattentive to the general operations of the bank, or to their influence on the public interests and the convenient administration of the Government; and I take the occasion to say, with sincerity and cheerfulness, that, during that period, its affairs have been conducted, in my opinion, with fidelity, as well towards the Government as towards its own stockholders, and that it has sought the accomplishment of the public purposes designed by its institution, with distinguished ability and distinguished success.

Adjourned.

SATURDAY, MAY 26.

The resolution offered yesterday by Mr. CHAMBERS, instructing the Committee on the Judiciary to inquire if any further measures are necessary to enforce the judgment or decrees of the Supreme Court, was taken up and agreed to.

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The Senate then resumed the consideration of the bill to modify and continue the act to incorporate the subscribers to the Bank of the United States.

Mr. MOORE offered as an amendment to the bill an additional section, providing that it should not be lawful to establish a branch in any State without the assent of that State; that the capital of such branch shall be subject to taxation, in like manner with that of the State bank; and that, if the bank does not declare what is the amount of such capital, it may be lawful for the State to assume any particular sum as the amount of the capital. Mr. M. did not wish, at present, to press the consideration of this amendment, and he moved that it be printed. He would take this occasion to return his thanks to the Senator from Massachusetts for his proposed amendment to the bill, by which the State of Alabama would be entitled to another branch in the northern part of the State. A branch was much needed in that part of the State, and had been applied for. Whatever might be his final vote on this bill, he hoped the amendment suggested by the Senator from Massachusetts would be adopted.

Mr. DALLAS presumed there would be no objection to the motion to print, provided it did not delay the discussion of the bill.

The motion to print was agreed to.

Mr. WEBSTER said he would propose an amendment to the sixth section of the bill as reported. By that clause it was provided that, after the 10th April, 1836, it should not be lawful for the directors to establish in any State more than two branches where one now existed, nor more than one altogether, where at present there was none. He would propose to strike out all after the word "State," and to insert, in lieu thereof, that it would not be lawful for the directors to "establish or retain more than two offices of discount or deposit in any State." The priv-

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lege, Mr. W. added, which was sought by the northern part of Alabama, could meet with future attention.

The question was put on the amendment, when it was adopted.

Mr. WEBSTER proceeded to say that yesterday he had alluded to a modification contained in the seventh section, which regarded the bonus to be paid by the bank for its exclusive privileges. That section provided that the bonus should be paid in three annual instalments, of \$500,000 each. He would move that it be amended, so that the bank should pay, by way of a bonus, an annuity or yearly sum of \$150,000, each and every year during its term of fifteen years.

Mr. SMITH asked what benefits the bank gained for the payment of this sum. That it would have certain exclusive privileges, he knew, and the use of the Government deposits was probably also calculated upon; but it should be observed that those deposits would differ materially from their former amount. Should the reduction on duties take place, as was supposed, by the repeal of ten millions, under a new tariff, the deposits would consequently be so much less. And he thought the payment of \$150,000 annually for the use of half the former deposits, a heavy tax.

Mr. WEBSTER hoped the measure would have the Senator's approbation, when he would consider what the benefits really would be. It not only had exclusive privileges over other banks, but a provision was also intended to be embraced to augment the amount in bank ten millions; and from the interest of this, annually, together with the yearly payment of the one hundred and fifty thousand dollars, the Government would derive a respectable revenue. It was found that, if the bonus had been fixed at \$100,000 a year, it would not equal the old bonus.

Mr. MARCY inquired if there was not a proposition before the committee, from a very respectable quarter, to pay a bonus of three millions of dollars for the charter of a bank.

Mr. WEBSTER answered that there was.

Mr. BENTON objected to the payment of any bonus whatever, and, in lieu of that species of compensation, expressed his opinion that the proper compensation for the bank, provided this exclusive privilege was sold to it, would be to reduce the rate of interest on loans and discounts. A reduction of interest would be felt by the people; the payment of a bonus would not be felt by them. It would come into the treasury, and probably be lavished immediately on some scheme, possibly unconstitutional in its nature, and sectional in its application. He was not in favor of any scheme for getting money into the treasury at present. The difficulty lay the other way. The struggle now was to keep money out of the treasury; to prevent the accumulation of a surplus; and the reception of this bonus would go to aggravate that difficulty, by increasing that surplus. Kings might receive bonuses for selling exclusive privileges to monopolizing companies. In that case his subjects would bear the loss, and he would receive the profit; but, in a republic, it was incomprehensible that the people should sell to a company the privileges of making money out of themselves. He was opposed to the grant of an exclusive privilege; he was opposed to the sale of privileges; but if granted, or sold, he was in favor of receiving the price in the way that would be most beneficial to the whole body of the people; and, in this case, a reduction of interest would best accomplish that object. A bank, which had the benefit of the credit and revenue of the United States to bank upon, could well afford to make loans and discounts for less than six per centum. Five per centum would be high interest for such a bank; and he had no doubt, if time was allowed for the application, that applications enough would be made to take the charter upon these terms.

Being on his feet, Mr. B. said he would again go on to

submit some reasons why the question of renewing the bank charter should not be decided at this time. He did not object to discussion. It was through discussion that the people were reached. Congressional debates excited and fixed their attention, often imparted to them information, and aided them in reflecting back their wishes and sentiments upon their representatives. He applauded the President for having brought this subject before the Congress and the people, in his three annual messages; he was well satisfied that the directors of the bank had moved their application at the present time: he had no objection even to the present discussion, except that it detained him from his family, and consumed time which he wished to employ on subjects of more immediate and pressing importance to his constituents; but he took a clear and broad distinction between discussion and decision; and as discussion should always precede decision, and leave as much time for consideration afterwards as possible, he was opposed to decision now. There was certainly no necessity for it. The bank charter had four years yet to run, and two years after that to continue in force for winding up its affairs; in all, six years before the dissolution of the corporation: and if he was to name the true appropriate time for Congress to make its decision, it would be in the two years which intervened between the expiration of the charter and the dissolution of the corporation; and this would remit the final decision to the Congress which would sit between 1836 and 1838. The stockholders had not applied for the recharter at this session. Their resolution, adopted in triennial meeting last September, authorized the president and directors to apply at any time before the next triennial meeting, which would be in September, 1834; so that, according to the resolution of the stockholders, there were yet two sessions of Congress to be held before the question need be decided.

Many reasons oppose the final action of Congress upon this subject at the present time. We are exhausted with the tedium, if not with the labors of a six months' session. Our hearts and minds must be at home, though our bodies are here. Mentally and bodily we are unable to give the attention and consideration to this question, which the magnitude of its principles, the extent and variety of its details, demand from us. Other subjects of more immediate and pressing interest must be thrown aside, to make way for it. The reduction of the price of the public lands, for which the new States have been petitioning for so many years, and the modification of the tariff, the continuance of which seems to be weakening the cement which binds this Union together, must be postponed, and possibly lost for the session, if we go on with the bank question. Why has the tariff been dropped in the Senate? Every one recollects the haste with which that subject was taken up in this chamber; how it was pushed to a certain point; and how suddenly and gently it has given way to the bank bill! Is there any union of interest—any conjunction of forces—any combined plan of action—any alliance, offensive or defensive, between the United States' Bank and the American system? Certainly they enter the field together, one here, the other yonder, (pointing to the House of Representatives,) and leaving a clear stage to each other, they press at once upon both wings, and announce a perfect non-interference, if not mutual aid, in the double victory which is to be achieved. Why have the two bills reported by the Committee on Manufactures, and for taking up which notices have been given, why are they so suddenly, so easily, so gently, abandoned? Why is the land bill, reported by the same committee, and a pledge given to call it up when the Committee on Public Lands had made their counter report, also suffered to sleep on the table? The counter report is made; it is printed; it lies on every table; why not go on with the lands, when the settlement of the question of the amount of revenue to be derived from that source

precedes the tariff question, and must be settled before we know how much revenue should be raised from imports?

An unfinished investigation presented another reason for delaying the final action of Congress on this subject. The House of Representatives had appointed a committee to investigate the affairs of the bank; they had proceeded to the limit of the time allotted them; had reported adversely to the bank, and especially against the renewing of the charter at this session; and had urged the necessity of further examinations. Would the Senate proceed while this unfinished investigation was depending in the House? Would they act so as to limit the investigation to the few weeks which were allowed the committee, when we have from four to six years on hand in which to make it? The reports of this committee, to the amount of some 15,000 copies, had been ordered by the two Houses of Congress, to be distributed among the people. For what purpose? Certainly that the people may read them, make up their minds upon their contents, and communicate their sentiments to their representatives. But these reports are not yet distributed; they are not yet read by the people; and why order this distribution without waiting for its effects, when there is so much time on hand? Why treat the people with this mockery of a pretended consultation, while proceeding to act before they can read what we have ordered to be sent to them? Nay, more, the very documents upon which the reports are founded are yet unprinted! The Senate is actually pushed into this discussion, without having seen the evidence which was collected by the investigating committee, and which the Senate itself has ordered to be printed for the use of its members!

The decision of this question, continued Mr. B., does not belong to this Congress, but to the Congress which will be elected under the new census of 1830. It looked to him like usurpation for this Congress to seize upon a question of this magnitude, which need not be decided until the new and full representation of the people comes in, and, if decided, the decision of which is irrevocable, though it cannot take effect until 1836, that is to say, until three years after the new and full representation would be in power. What Congress is this? It is the apportionment of 1820, formed on a population of ten millions of people. It is just going out of existence. A new Congress, apportioned upon a representation of thirteen millions, is already provided for by law, and after the 4th of March next—within nine months from this day—will be in power, and entitled to their seats where we now sit. That Congress will contain thirty members more than the present. Millions of people are now unrepresented, who will be then represented. The West alone loses twenty votes!—in the West alone, a million of people lose their voice in the decision of this question! And why? What excuse? What necessity? What plea for this sudden haste which interrupts an unfinished investigation, sets aside the immediate business of the people, and usurps the rights of our successors? No plea in the world, except that a gigantic moneyed institution refuses to wait, and must have her imperial wishes immediately gratified. If charters were to be granted, it should be with as little invasion of the rights of posterity—with as little encroachment upon the privileges of our successors, as possible. Once in ten years, and that at the commencement of each full representation under a new census, would be the most proper time.

Mr. B. had nothing to do with motives. He neither preferred accusations, nor pronounced absolutions; but it was impossible to shut his eyes upon facts, and to close up his reason against the deduction of inevitable inferences. The Presidential election was at hand—it would come on in four months—and here was a question which, in the opinion of all, must affect that election—in the opinion of

some, may decide it—which is pressed on for decision four years before it is necessary to decide it, and six years before it ought to be decided. Why this sudden pressure? Is it to throw the bank bill into the hands of the President, to solve, by a practical reference, the disputed problem of the Executive veto, and to place the President under a cross fire from the opposite banks of the Potomac river? He [Mr. B.] knew nothing about that veto, but he knew something of human nature, and something of the rights of the people under our representative form of Government; and he would be free to say that a veto which would stop the encroachment of a minority of Congress upon the rights of its successors—which would arrest a frightful act of legislative usurpation—which would retrieve for the people the right of deliberation, and of action—which would arrest the overwhelming progress of a gigantic moneyed institution—which would prevent Ohio from being deprived of five votes, Indiana from losing four, Tennessee four, Illinois two, Alabama two, Kentucky, Mississippi and Missouri one each—which would save six votes to New York and two to Pennsylvania; a veto, in short, which would protect the rights of two millions of people, now unrepresented in Congress, would be an act of constitutional justice to the people, which ought to raise the President, and certainly would raise him, to a higher degree of favor in the estimation of every republican citizen of the community than he now enjoyed. By passing on the charter now, Congress would lose all check and control over the institution for the four years it had yet to run. The pendency of the question was a rod over its head for these four years; to decide the question now, is to free it from all restraint, and turn it loose to play what part it pleased in all our affairs—elections, State, federal, and Presidential—that it pleased.

Mr. B. turned to the example of England, and begged the republican Senate of the United States to take a lesson from the monarchical Parliament of Great Britain. We copied their evil ways; why not their good ones? We copied our bank charter from theirs; why not imitate their improved example on the question of renewing the charter? Formerly it was the custom to renew the charter half a dozen years before it was out; but in 1826 this practice was denounced by the whig members, and has been totally discontinued. The charter of the Bank of England expires in 1833—it is now within nine months of its expiration, and is not yet renewed, and will not be renewed without leaving open the question for the fullest inquiry and latest deliberation. The question has been annually debated in Parliament for five or six years; the freest range is allowed to the discussion; the danger of such an institution, even in a monarchy, is loudly proclaimed; and all parties agree—tories as well as whigs—in leaving open the question for ultimate decision to the last moment. In the House of Commons, in January, 1831, Sir Henry Parnell expressed his hope that the House would be called upon to institute a strict examination into all the circumstances connected with the banking system in England before the question of the recharter was decided; and the Chancellor of the Exchequer, Lord Althorp, fully concurred in his sentiments, and pledged himself that his Majesty's ministers were in favor of inquiry, and would make no private arrangement with the bank to forestall the free action of Parliament. Here, then, is a British ministry and a British Parliament keeping open the question of renewing the English charter to the last month, and all concurring in favor of strict examination and full inquiry, while we must be hurried into decision four years too soon, and without finishing the examination we have begun, or seeing the papers which we have ordered to be printed! An immense proportion of the stockholders in the present misnamed Bank of the United States are Englishmen. These Englishmen have to wait for the expiration of their charter in England, and

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have to submit there to the strictest examination into their banking operations; but here they will not wait, and will not submit!

The impropriety of proceeding to decision at the present time was too obvious and egregious to be overlooked by the advocates of the bank. They have found it necessary to anticipate the objection, and to offer reasons to rebut it. What are those reasons? Why, first, that the President has brought this question to the notice of Congress. Certainly he has, and that not once, but three times, and always for the same purpose—for the purpose of exciting inquiry and discussion—to carry the question to the people, as well as to Congress; and in his last message he declares expressly that he leaves the question, for the present, to the enlightened consideration of Congress and the people! Here is an invitation to consider before we decide; an invitation for the people to consider as well as Congress; and it is a total perversion of his recommendation for Congress to decide, without considering, and especially without leaving the people any opportunity to consider! He [Mr. B.] had attempted, on a former occasion, to excite discussion in conformity to the President's recommendation, but it was kept out by a vote of the Senate; and now he was called upon to decide without time for discussion. Another reason given for deciding at this session, is, that next session will be too short for so important a subject! as if the present session was yet to last longer than the next one will be! The next session will certainly be three months long, and may be four or five months long. If Congress chooses to meet, as it has the right to do, and as many believe it ought to do, in October or November, the present session cannot last but three or four weeks, and we have our hands full of pressing and immediate business—the public lands—the tariff—and many minor subjects. This answer will not do. The next session will be four times as long as the remainder of this session; it will consist of the same members who are now here; it must be precisely the same thing to the bank, as a moneyed institution, to have its application passed upon then as now; but, as a political institution, it may be quite different; the Presidential election will then be over! the political effect of the veto may then be lost! and, therefore, a decision just after the election can answer no purpose! a decision just before the election is the only thing which can accomplish the views of the combined forces which have now taken the field!

A third reason given for present decision is, that the bank may begin to draw in its debts and wind up its affairs, if the charter is not renewed. This is no reason at all. It is less than none. Such a reason can only impose upon the most ignorant and uninformed. The bank has two years, by its charter, to wind up its affairs after the expiration of the charter, and may take as many years more as it pleases, by following the example of the old Bank of the United States, and converting its directors into trustees, to collect the debts and sell the effects of the corporation. The application for the renewed charter of the old bank was refused in the very last year of its existence. Then, as now, an affected cry was raised of pressure upon the debtors, and distress of the community, if the question was not decided a long time beforehand; but the republican Congress of that period, like the whig Parliament of the present day in England, kept open the question to the last moment; and when decided, none of the evils took place which had been predicted; none of the dreadful pictures were realized which had been conjured up by interested stockholders and terrified debtors, to alarm and divert from their duty the Congress of 1811. The corporation was dissolved *instantly*; it had not the two years to go upon, which this bank has after the expiration of its charter; it came to a sudden and final end, but without shock to the community, or injury to itself. The stockholders resolved themselves into

their natural capacities. They laid aside their artificial creations and legal appellations; and, instead of electing directors and cashiers, they elected trustees and clerks; and these trustees and clerks, who, by the bye, were the same old officers of the bank, went on to settle up its affairs as a private concern. They executed their trust quietly and leisurely; they were many years about it; and conducted things so gently, and finished off so gradually, that no man can tell, without a reference to history, when they finished. Surely this bank, if not renewed, can wind up in the same way; and if it will not, the sooner the unfortunate debtors can get out of its clutches, the better for themselves. If they have a disposition to press their debtors, and distress the community, they can do it without the pretext of an unrenewed charter.

But it is said the debts to this bank are so great! Thirty millions of dollars due from the West; half as much from the South; nearly seventy millions in all! It is indeed a frightful debt; and infinitely more burdensome than a public debt of the same amount, for the interest is payable every sixty days in advance, with accumulations from exchange and compound operations, which make it equal to nine or ten per cent. We are rejoicing at emancipation from a national debt, at the moment that we have fallen into a bank debt, far greater than that of the revolutionary war, and infinitely more devouring upon our resources, from its multiplied and compound exactions for interest, and its absorption of specie, and infinitely more galling to our spirits, from its direct bearing upon the property and persons of our citizens. It is said that the bank must begin to diminish this debt if it has not an immediate assurance of a renewed charter. Good! Nothing better could happen! The sooner it is diminished, the better for the freedom, the prosperity, and the happiness of the country. It has been created in a sudden and extraordinary manner. An immense proportion of it has grown up since the President's demonstration against the bank in 1829, and for the undeniable purpose of creating an interest in favor of a renewal by multiplying the number of persons interested in the renewal. In the mean time, the country is worse off than for many years past. The cry of pecuniary distress resounds from all quarters. The pressure upon the money market is the theme of every tongue. The bank itself is crippled and disabled from fulfilling the object of its creation. In a time of profound peace, it can give no aid to the merchants who are in debt to the treasury! A payment of six millions of public debt is deferred three months, because the revenue bonds could not be paid! And this is the condition of a bank which is to aid the nation in time of war and peril! Every interest, public and private, requires this great debt to be diminished. The president of the bank, in a letter printed and laid upon the tables of the Senators, says there are no standing accommodations at bank; then, surely, indefinite time is not wanted to pay them. A large part of the Western debt is in domestic bills of exchange. These cannot be permanent debts, unless they are disguised loans, to draw interest as a debt, and premium as bills of exchange. If real bills of exchange, they will be paid at maturity, or be returned dishonored, and delivered up to the pursuit of the law; if not real bills of exchange, but disguised loans, they are usurious and void, a violation of the charter, an oppression upon the country, and ought to be detected and exposed. So far as the West is concerned, the sooner it can get rid of its thirty millions of bank debt, the better. It would stop the exhausting drain of near three millions of bank interest; it would relieve its flourishing towns from the grasp of a power which can crush them at any moment.

Mr. B. said he had given reasons enough to show the inexpediency of final action upon this question at present; but he had another reason to give, of a nature entirely different from those he had urged, and one which

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was entitled to the consideration, not only of the people's representatives here, but of the people themselves at home. It was a reason which would address itself to that portion of the people, and their representatives, who were in favor of national banking, but not wedded to the present British monarchical bank, misnamed Bank of the United States. He alluded to the establishment of several American banks, with moderate capitals, and without exclusive privileges, to be located in the different sections of this Union, and to supersede and succeed the present gigantic institution. This was the plan of Mr. Madison. He suggested it in his speech in the House of Representatives, in the year 1791, against the establishment of the first United States' Bank, and recommended it to the consideration of those who were determined to embark the United States in the banking career, he himself being opposed to any banks; but if there was one, he insisted there ought to be several. The genius of our republican Government, the equal privileges of the people, the extent of our country, the diversity of our pursuits, and our abhorrence of monopolies, would all require the multiplication and diffusion of banks, if there was a single one. Mr. Madison complained of the proneness of our statesmen to copy English examples, without considering the difference between the genius of the English Government and our own. Theirs was a monarchy; ours a republic: theirs preferred a single bank, with enormous power and extensive privileges, because it favored the concentration of wealth and power in the hands of a few; ours (if it admitted of any bank) would require several, because it abhorred exclusive privileges, and required the diffusion of wealth and power, and the equal distribution of benefits, as well as burdens, to all parts of the Union. The suggestion of Mr. Madison had appeared to him [Mr. B.] to be eminently just and proper from the time that he first read it; and he had been entirely confirmed in that opinion, and convinced of the advantage of several banks over one, (if there are to be any), even in a monarchy, by tracing and comparing the history of the three Scottish banks with the single British bank. In reading this history, he had seen the advantage of checking powers in banking Governments as well as in political Governments. The three Scottish banks had held each other in check, had proceeded moderately in all their operations, conducted their business regularly and prudently, and always kept themselves in a condition to face their creditors; while the single English bank, having no check from rival institutions, ran riot in the wantonness of its own unbridled power, deluging the country, when it pleased, with paper, and filling it with speculation and extravagance; drawing in again when it pleased, and filling it with bankruptcy and pauperism; often transcending its limits, and twice stopping payment, and once for a period of twenty years. There can be no question of the incomparable superiority of the Scottish banking system over the English banking system, even in a monarchy; and this has been officially announced to the Bank of England by the British ministry, as far back as the year 1826, with the authentic declaration that the English system of banking must be assimilated to the Scottish system, and that her exclusive privilege could never be renewed. This was done in a correspondence between the Earl of Liverpool, first Lord of the Treasury, and Mr. Robinson, Chancellor of the Exchequer, on one side, and the Governor and Deputy Governor of the Bank of England on the other. In their letter of the 18th January, 1826, the two ministers, adverted to the fact of the stoppage of payment, and repeated convulsions of the Bank of England, while the Scottish banks had been wholly free from such calamities, declared their conviction that there existed an unsound and delusive system of banking in England, and a sound and solid system in Scotland! And they gave the official assurance of the British Government, that neither his

Majesty's ministers, nor Parliament, would ever agree to renew the charter of the Bank of England with their exclusive privileges! Exclusive privileges, they said, were out of fashion! Nor is it renewed to this day, though the charter is within nine months of its expiration!

In the peculiar excellence of the Scottish plan, lies a few plain and obvious principles, closely related to republican ideas. First. No exclusive privileges. Secondly. Three independent banks to check and control each other, and diffuse their benefits, instead of one to do as it pleased, and monopolize the moneyed power. Thirdly. The liability of each stockholder for the amount of his stock, on the failure of the bank to redeem its notes in specie. Fourthly. The payment of a moderate interest to deposits. Upon these few plain principles, all of them founded in republican notions, equal rights, and equal justice, the Scottish banks have advanced themselves to the first rank in Europe, have eclipsed the Bank of England, and caused it to be condemned in its own country, and have made themselves the model of all future banking institutions in Great Britain. And now, it would be a curious political phenomenon, and might give rise to some interesting speculations on the advance of free principles in England, and their decline in America, if the Scottish republican plan of banking should be rejected here, while preferred there, and the British monarchical plan, which is condemned there, should be perpetuated here! and this double incongruity committed without necessity, without excuse, without giving the people time to consider, and to communicate their sentiments to their constituents, when there is four, if not six years, for them to consider the subject before final decision is required!

Following out the suggestion of Mr. Madison, and taking the Scottish plan for his basis, Mr. B. said he had sketched a skeleton plan for three moderate republican banks, in place of the present gigantic monarchical one; and would submit his plan for the consideration and improvement of those who advocated the establishment of a national bank, without being wedded to the one which we copied from England, and the original of which is now condemned in England.

Mr. B. then read his plan as follows:

Plan for three Banks.

1. Locations: One north of the Potomac; one south of that river; one at New Orleans; all with leave to establish branches, subject to taxation, where the States may permit.
2. Capital: Not to exceed five or six millions of dollars each.
3. No exclusive privileges.
4. Each stockholder to be liable to the amount of his stock on the failure of the bank to redeem its notes in specie.
5. No bonus to be paid to the United States for their charters. In lieu of bonus, the interest which the bank may take on its loans and discounts, to be reduced to five per centum.
6. United States to own no stock.
7. Foreigners to own none.
8. To make compensation to the United States for the use of public deposits.
9. To allow a moderate interest to other deposits.
10. To hold no real estate except for their necessary accommodation.
11. No member of Congress, or officer of the Federal Government, to be a stockholder or director.
12. No person to be a stockholder or director in any two of these banks at the same time.
13. To issue no note for a less amount than \$20; nor to receive or pay out a State bank note of less amount.
14. Each to be on an equal footing with respect to the favors of the Federal Government.

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Mr. B. did not present this sketch as a perfect plan. He only threw it out for consideration, especially for the consideration of the people who he hoped would be allowed time to consider it. A suggestion which emanated from Mr. Madison—principles which had the approbation of Europe—certainly deserved consideration; and if the plan which he submitted should have the fortune to be perfected and recommended by a committee of Congress, or other respectable portions of the community, and supersede the present bank, it might tend to lessen the evils, and to diffuse the benefits of the banking system in America. The details of the plan were particularly open to improvement; but the great principles on which it was founded, he held to be incontrovertibly and immeasurably preferable to the principles on which the present Bank of the United States rested. It is certainly more republican, for it avoids monopoly and exclusive privileges, and diffuses itself over the great sections of the Union, instead of being confined to a single city. It is better for the people; for the people are always better served by rival institutions than by a single one. It is better for the Government: for then the Government will not lie at the mercy of any one bank; nor be forced to trust all its money to the keeping of one; nor be confined to the reception of notes issued by one; nor be compelled to suspend important payments, for example, a public debt, because any one of these banks may have become so crippled and disabled as not to be able to help the merchants to pay their revenue bonds. It will be better for our free institutions: for if there is but one bank, it must quickly fall into the hands of one political party, to be used for the exaltation of themselves, and the depression of their adversaries; but if there are several, each party may find a refuge in some one from the persecutions of the other. The moderate capitals which are proposed would prevent them from being too powerful; and the tendency of our political parties to degenerate into sectional parties, would leave the bank of each section in the hands of the dominant party of that section; while the branches of the other banks would present a resource to the minorities. As for the story that the present Bank of the United States is not a political engine, it is a story for nurses to tell, and for children to believe. It is a political engine! and a tremendous one, too! Its power is terrific, and irresistible, having the secret, ramified, and despotic organization of the Jesuits, with the revenues of an empire. No individual can stand before it. But one man in America can now stand before it, and him it now defies to the encounter! If victorious now, it is conqueror forever. It will go on to take possession of all power, through the medium of all elections. Senators, Representatives, Presidents, Judges, must all be bank men! and even the State Legislatures must be bank Legislatures, in order to secure the election of bank Senators! Mr. B. wished, in the first place, to destroy this tremendous power—to extirpate it, root and branch, from the country. If that could not be done, he was for weakening the monster which he could not kill; he was for republicanizing, as far as it could be done, the odious and dangerous monarchical features which it contained; he was for superseding the mammoth institution by smaller ones, which would be less formidable to the liberties of the country, and more manageable by the representatives of the people.

Next to the political advantages which would result from diffusing the banking power, would be the pecuniary advantage to the South and West, in emancipating them from subjection to a remote and rival section of the Union, and rendering them masters of their own moneyed system. At present, the moneyed system of every Southern and Western city is under the domination of the Northeast. The consequence of this domination is a reversal of every natural relation between these sections of the Union, and the impoverishment and exhaustion of the dependent parts.

Looking at their respective resources, and the comparative exportations of domestic productions, and the South and West should be infinitely richer than the Northeast; and so they undoubtedly would have been, had it not been for a series of federal legislative acts, of which the establishment of the United States' Bank is the most disastrous and oppressive. As the sources of national wealth in the production of the great staple exports—cotton, tobacco, rice, provisions—they should abound with gold and silver; exchange should be in their favor; their local bank paper should be in demand every where; they should be the largest importing quarters of the Union. But not being masters of their own moneyed system, they retain none of these advantages which nature so bountifully bestowed upon them. Their gold and silver is drained off to the seat of the moneyed powers; exchange is against them, because they are debtors, instead of being creditors, to the Northeastern section of the Union; their bank notes are at a discount every where, because it is the interest of the moneyed power to disparage them; imports they hardly possess at all, because it requires capital, that is to say, money, to establish importing houses, and pay the duties on imported goods. Without money, without the control of their own moneyed system, the Southern and Western cities cannot have the benefit of their own commerce. Their produce is bought by non-resident merchants; the imports and the profits go to distant and rival cities; and thus it is that New Orleans, with an exportation of thirteen millions of domestic produce, imports but seven millions of foreign goods; Mobile, with as large a domestic export as Philadelphia, imports but 150,000 dollars; Charleston, with an exportation of seven millions, imports one million; Virginia, with an exportation of five millions, imports but half a million; while Philadelphia, with a domestic exportation of three millions, imports nine millions; New York, with the same exportation with New Orleans, imports thirty to forty millions; and so of all the other cities in the section of the moneyed power. The unnatural state of the moneyed system, chiefly induced by the Bank of the United States, is the principal cause of these unnatural results. Abolish that bank; let each section of the Union become the master of its own money markets, and imports and exports would quickly balance each other. New Orleans and Charleston would take new and gigantic starts. Every Southern and Western town would immediately feel the advantage of their moneyed independence.

Mr. B. concluded with saying that the plan which he suggested was not only to be republican, but American; it was to admit of no stockholders but those who were citizens. The present Bank of the United States was full of foreigners. It was monarchical in its organization, and foreign in its character. The former Bank of the United States was justly odious, and truly condemned, on account of its foreign composition; and the present bank was more largely imbued with foreign capital than the former one was. Foreigners, in the former bank, held but 18,000 shares of \$400 each, making \$7,200,000 of stock; in the present bank, they own 84,055 shares of \$100 each, making \$8,405,500 of stock. It is to no purpose to say the foreigners have no votes: those who have the money will rule in all moneyed institutions. They had no votes in the former bank; but the republicans of 1811 would not tolerate an institution of which they were members. The best feature in the Scottish plan of banking—the best which he proposed in the plan he had sketched—was the liability of stockholders for the amount of their stock. This, of course, would require American stockholders; as a privilege to sue British lords and ladies in England, Scotland, and Ireland, would be a nugatory and ridiculous provision.

Mr. BUCKNER made a few remarks, in reply to his colleague, [Mr. BAXTON.] That gentleman had opposed the consideration of the bank question at the present time,

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and one of the reasons given by him was, that, by a postponement until after the next Presidential election, the President would be relieved from a cross fire from the friends and opponents of the bank, with regard to his approval or veto of the bill.

[Mr. BENTON explained that such was not his meaning. The idea intended to be conveyed by him was, that the bill, if acted on now, would necessarily be connected with the Presidential election, not that the President himself would be embarrassed by it.]

Mr. BUCKNER said he was glad to hear the gentleman's disclaimer, for he had apprehended differently the tenor of the gentleman's remarks. But, lest others might entertain similar views, he would say a word or two on the subject. If the President had placed himself, or his friends had placed him, in such a position as to be embarrassed by the decision of this great question, it was not the fault of the friends of the bank, nor was it their duty to relieve him from the cross fire that might, in consequence, be directed against him. Who was it, asked Mr. B., that first brought up the bank question, continually teasing both Congress and the public with their opposition to the institution? It was not the friends of the bank, but rather those who now thought to entrench themselves behind the new census. A postponement on such grounds would never be sanctioned by the people of the United States; and he entertained a different opinion of the President, to whom he had always given his support, to believe that any action on the question could place him in a situation of embarrassment. But why postpone this question, more than any other, until the Congress under the new census? If we wait until then before we act on this important national question, that a decision may be made on it by a fuller representation of the people of the United States, does not the same reason apply with equal force to other great national questions—to the tariff, in which all the people of the United States are interested; and to the public lands, more peculiarly interesting to the people of the West, both of which the gentleman is so anxious to bring forward? Why should we now press the land question, of such all-absorbing interest to the people of the West, on the very heels of a Congress in which, as the gentleman says, their representation will be increased by twenty-one members. I ask, why should we postpone the bank question for the consideration of a Congress under the new census, rather than the question of the public lands? Sir, if the principle of the gentleman prevails, every great national question must be laid aside, for the like reasons; and it will, in future times, be looked to as a precedent, and the last Congress under an apportionment will postpone every important national question for the consideration of their successors. Mr. B. would have been willing to have postponed the bank bill altogether until the next Congress, had not the subject been forced upon their attention by the opponents of the bank, and compelled its friends to act. As it was, he was ready to decide on it now, holding himself, as he did on all public questions, responsible to his country and to his constituents.

Mr. BENTON said that, as the amendment was of great importance, and as a number of Senators were absent, he would move an adjournment—negatived, 19 to 23.

Mr. CLAYTON had a few observations to make in answer to the gentleman from Missouri, [Mr. BENTON], on the postponement of the bill to a more advanced period. He had suggested that party feelings would be engendered with it, and that, in consequence of the Presidential election, it would become a party question with the people, and therefore ought to be postponed. He would reply to the gentleman, that the question has been pressed on Congress this very session by the President himself, and their acting on it is in perfect accordance with the sentiments he has expressed.

[Mr. CLAYTON here read the paragraph in the last message in reference to the subject.]

As he [Mr. C.] understood the sentence, the President had conceived it his duty to press the early decision of this important question on the people, nor could he see, nor appreciate, the principle laid down by the gentleman, [Mr. B.,] how it could influence the election, or be put aside on that account, when they were told it had been brought before them by the President himself.

But again, he [Mr. C.] would inquire of the Senator from Missouri, if his argument were now good, as to its postponement till the time of the expiration of the charter, why he had so strenuously pressed a decision on the question even last session. If the gentleman's memory will only serve him, or if he will turn to what is recorded on their journals, he will find that, on the 2d of February, 1831, a resolution was introduced by himself, that "the sense of Congress should be expressed against renewing the charter." In that year the gentleman had thought it right for Congress to pass on its constitutionality—why not now, in 1832? He [Mr. C.] could not see the force of the gentleman's reasoning respecting the new ratio. The President had not referred to it, nor was it probable it had ever occurred to him; and it appeared to him [Mr. C.] that the President had placed it before the present Congress. He trusted, he was confident, that, in deciding the question, party feelings would have no place. He perfectly agreed with the honorable chairman of the committee, [Mr. DALLAS,] that it should be solely a legislative business, and that they should act on it as such, and not suffer themselves to be carried away by any bias or prejudice whatever, or other feelings. It was a measure in which the interests of the whole American people were involved, and if aught of party feelings would have place, they would not be introduced by himself, or the friends with whom he generally coincided in sentiment. There was no occasion for him to dwell on the general features of the measure, after the eloquent remarks of the gentleman from Massachusetts [Mr. WEBSTER] yesterday; he would merely refer to the plan proposed by the gentleman from Missouri, of establishing three separate banks—one at New Orleans, one at Richmond or Charleston, and one north of the Potomac.

This scheme of revolutionizing the banking system was fraught with more evil; it would necessarily create a rivalry between the different interests; give rise to more sectional feelings; would tend to disserve the Union; and there would be an end to all uniformity of currency. He considered that the South and the West were more benefited by a United States' Bank than the other parts of the Union. Its benefits were a sound currency, and a uniformity in the value of the circulating medium; so that, in all places, the value of a representative by paper was equalized and ascertained.

The great evils that were felt on the refusal to recharter the old bank, must be remembered. They arose from the immense quantity of paper that was then put into circulation throughout all parts of the country. This paper was so abundant, that any man could obtain what he wished, by simply putting down his name. Property, in consequence, rose above its real value; and the effect was, before the opening of the new bank could take place, and the depreciation of things to their intrinsic standard, that, for every dollar that had been borrowed, two had to be paid. But he had not intended to enter on the general question; his object had merely been, in rising, to reply to the proposition for postponing the measure; and he could not see how it could be effected by the new representation. This body, next year, would be the same, with probably a single exception that might arise in consequence of death or resignation; and, as regarded the election, it would be known that we were acting in conformity with the President's wish, to go on with it in the present session.

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Indian Appropriations.

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Mr. DALLAS, also, made some remarks in reply to Mr. BENTON, and in favor of immediate action on the question.

Mr. BENTON said that the President, in the passage read by the Senator from Delaware, left the discussion of the question to the representatives of the people and to the people themselves. The people themselves had not yet had an opportunity to discuss the question. They had not been able to read, much less to consider, any thing in regard to the question. Congress had collected information, stated facts, and drawn up reasonings upon the question, all which had been ordered to be printed for distribution among the people. But if we would give effect to the order to print, if we would give effect to the Executive recommendation, we must let the people have time to read what we may submit to them. The effect and purpose of the resolution submitted by him last year was to excite discussion, not to decide this question. It is by discussion here that the people abroad are informed. He did not object to the discussion now, only for the reason that the discussion will interfere with other business, and detain us from our homes.

Mr. MARCY said he hoped the Senator from Massachusetts would put his proposition in blank, that we may increase the amount of the bonus. It had been declared by a very intelligent friend of the bank, that the renewal of the charter would increase the value of the stock, by the amount of seventeen millions of dollars. It was proper, therefore, that the Government should have a suitable equivalent for the benefit thus to be conferred on the stockholders.

The question was then taken on Mr. WEBSTER'S amendment, and it was decided in the affirmative—yeas 32, nays 10.

On motion of Mr. BENTON, the yeas and nays being desired by one-fifth of the Senators present, those who voted are as follows:

YEAS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Ellis, Ewing, Foot, Frelinghuysen, Grundy, Hayne, Hendricks, Johnston, King, Knight, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Robinson, Seymour, Silsbee, Tazewell, Tipton, Tomlinson, Waggaman, Webster, White, Wilkins.

NAYS.—Messrs. Benton, Brown, Dickerson, Dudley, Hill, Mangum, Marcy, Smith, Sprague, Troup.

Mr. WEBSTER then submitted two amendments, and moved that they be printed; which was ordered.

The first authorizes the Secretary of the Treasury, in addition to that now held by the United States, to purchase stock in the bank to an amount not exceeding three millions of dollars; and the second provides that Congress may hereafter pass a law restraining the bank, or any of its branches, from making or keeping in circulation, after the 4th of March, 1836, any notes or bills of less amount than ——— dollars.

Mr. HAYNE rose to inquire whether the gentleman proposed, by his first amendment, that the United States should subscribe for the additional stock at its par value, or go into the market and purchase it at the market price. If the latter, he would suggest that Congress could, at any time hereafter, if thus disposed to invest its surplus revenue, pass a law to buy stock to the amount that it might be deemed proper at the time to hold. There was no necessity for appending such a provision to the charter, unless it was intended to give the United States an advantage over other purchasers in the market.

On motion of Mr. CLAYTON,

The Senate then adjourned.

MONDAY, MAY 28.

INDIAN APPROPRIATIONS.

On motion of Mr. WHITE, the Senate postponed all the preceding orders, and took up the bill making appropriations for the Indian Department for the year 1832.

The Senate then proceeded to consider, as in Committee

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of the Whole, the amendment reported by the Committee on Indian Affairs, appropriating 5,000 dollars to be expended, under the direction of the Secretary of War, for the relief of the Seminole Indians, on account of the failure of their crops last year.

The amendment was agreed to.

Mr. TIPTON then moved to amend the bill, by striking out the proviso that no portion of the money appropriated by this bill shall be used to reward agents for settling disputes among themselves.

Mr. FRELINGHUYSEN, regarding this as the best feature in the bill, objected to its being stricken out, and asked for the yeas and nays on the question.

The yeas and nays were ordered.

Mr. TIPTON asked if it would not be better to permit a few blankets to be given to divert the Indians from their customary habit of having blood for blood, than to risk the repetition of outrages similar to those which had been perpetrated by the Sacs or the Menominees. A discretionary power confided to the agents might prevent this effusion of blood.

Mr. FRELINGHUYSEN replied that the committee of the other House had inserted in the bill the clause which it was now proposed to strike out; and he considered that, in introducing it, the committee had done a great public service. He did not wish to see a continuance of this system of bribes, but would prefer that a moral influence should be brought to bear upon these people. If the agents were to tell them that, unless they abandoned their sanguinary habits, the Government of the United States would withdraw its countenance and protection from them, it would have more influence than all the bribes which could be given them, in the form of blankets and rum. He was desirous to prevent agents from exercising this discretionary power; and hoped the vote of the Senate would sustain the course of the House of Representatives.

Mr. WHITE made a few observations similar in their import, stating that the gentleman of the other House who had introduced the clause, and in whose opinion he had much confidence, believed that disputes were sometimes got up for the purpose of obtaining the rewards held out by Government. He knew of no such practices himself; but, if they existed, they ought to be discouraged. He thought the motion calculated to embarrass the bill, and was sorry the gentleman from Indiana had made it. He would be compelled to vote against it.

The question was then taken on the motion to amend; and decided as follows:

YEAS.—Messrs. Dallas, Forsyth, Hendricks, King, Smith, Tipton, Waggaman.—7.

NAYS.—Messrs. Bell, Brown, Buckner, Chambers, Clay, Clayton, Dickerson, Dudley, Foot, Frelinghuysen, Grundy, Hill, Holmes, Johnston, Kane, Knight, Mangum, Marcy, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Sprague, Tazewell, Tomlinson, Troup, Webster, White, Wilkins.—34.

So the motion was negatived.

The bill was then reported to the Senate as amended; and the amendments being concurred in, the bill was ordered to be engrossed, and read a third time.

Mr. CLAY presented a petition from George Johnson and others, of New York, manufacturers of hair cloth, &c. praying that the reduction of duties proposed by the Secretary of the Treasury might not become a law.

Mr. C., in presenting this petition, availed himself of the opportunity to state that, from this petition, and from a number of letters which had been addressed to him, concerning the state of our manufactures, and the prosperous condition of some of them, he had become convinced that it was a solemn duty which Congress owed to the country to proceed in the work of regulating the duties with the greatest caution. They might not be aware that they were giving a fatal stroke to some branches of the arts, while

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incautiously legislating on the subject, which more full consideration would have induced them to avoid. He had thought it his duty to make this remark, and he would move that the petition be laid on the table and printed.

The motion was agreed to.

BANK OF THE UNITED STATES.

The Senate then again proceeded to consider the bill to modify and continue the charter of the Bank of the United States.

The question being on the amendments proposed by Mr. WEBSTER, being in substance—

1st. That the Secretary of the Treasury should, at any time hereafter, when directed by the President, have the power to purchase additional stock in the bank to an amount not exceeding three millions; and

2d. That it should not be lawful for the bank, after the 4th of March, 1831, to issue any notes of a less value than — dollars.

Mr. WEBSTER acceded to the suggestion of the gentleman from South Carolina, that, in reference to his first amendment, Congress could act hereafter, whenever such action should be called for by circumstances. He would not therefore press that amendment.

The amendment was then withdrawn.

Mr. WEBSTER said a few words in defence of his second amendment, which imposed no restriction until after the expiration of the present charter. The effect of his proposition would be to introduce more specie into circulation, and to banish the small notes with which the country is inundated. He moved to fill the blank with ten dollars, but expressed his willingness to vote for a higher restriction, if any Senator should move it.

Mr. BENTON would propose to substitute twenty dollars, and would ask for the yeas and nays on the question. He alluded to the precedent in England of fixing on a high amount, and to the evils that had occurred from a contrary system, by the efforts of counterfeiters being confined to notes of small amount, as circulating among the laboring and poorer classes, who were less able to detect the forgery. The notes of the United States' Bank, also, circulating to the greatest distance, where counterfeits were less liable to be detected, if of a low amount, and thus circulating among the marketing class, might induce the same evils.

Mr. FOOT was in favor of the amendment, but not in the extent of the gentleman from Missouri, [Mr. BENTON.] Eight years ago, he [Mr. F.] had made an attempt to prohibit the circulation of notes under five dollars. He believed, if the measure could be made general—if the power extended to raise the amount of State notes, it would have the effect to increase the circulation of specie. He would be in favor of making it ten dollars; but not till the State banks, by one consent, shall limit theirs to five dollars. For, if the notes of the Bank of the United States were high, no benefit from it would accrue to the country; for they would not be brought in circulation through the States. He was willing to leave a discretionary power in Congress, when the States would come into it.

Mr. SMITH was in favor of the limitation of ten dollars; but would be opposed to a higher restriction than five dollars, unless the States were limited to be under five dollars. Of all the evils that could befall the country, that of a sudden return to a specie currency would be the worst. If it were to be brought about, it must be gradually.

Mr. CLAY mentioned the state of the banking system in Kentucky—the failure of several banks. When he first heard the amendment, he was opposed to it. The proposition to pass an enactment thus restricting the amount of the notes, would seriously affect the resources of that State—they had no bank of their own, and, by raising the notes of the bank above five dollars, they would have to have recourse to the notes of their neighboring States for

their circulating medium, to transact their ordinary business and dealing. Therefore, he was opposed to a higher sum than ten dollars, and would only agree to this, as a discretionary favor resting in Congress whether it might be prudent hereafter to fix on that amount.

After a few remarks from Mr. FOOT and Mr. CHAMBERS, the question was taken on filling the blank with twenty dollars, when it was agreed to; and the amendment thus shaped was concurred in.

Mr. MOORE then moved his amendment, 1st, that no branch should be established in any State, without the assent of the State; and, 2d, that every branch shall be liable to taxation in the State as the State banks are, or in proportion as other property is taxed.

Mr. HOLMES asked for a division of the amendment.

Mr. FORSYTH moved a modification of the amendment, so as to exclude so much of it as requires the assent of the States to the location of a branch within their limits. His reason was, that, as some of the States entertained doubts as to the constitutionality of the power exercised in the establishment of these branches, he did not desire that they should be placed in a situation to be sufferers on account of their conscientious scruples. If there were local as well as general benefits resulting from these establishments, these States ought not to be shut out from the enjoyment of these advantages on account of their doubts.

Some discussion took place on this proposition, in which Messrs. SPRAGUE, EWING, FORSYTH, KANE, BENTON, BUCKNER, MILLER, KING, CHAMBERS, CLAY, and TAZEWELL took part.

Mr. JOHNSTON said this amendment contained two distinct propositions, which ought to have been separately presented for discussion. The two propositions received the consideration of the committee: it was determined finally to limit the extension of the branches to the number already established, unless by the consent of the States, and to take a bonus, in lieu of all other taxes, either of the General Government or of the States.

It is now proposed to reverse both, first, by making the operation of the charter depend on the consent of the States to the establishment of a branch within their limits and jurisdiction, and then to give the States the further power of taxing them.

Both of these, if adopted, defeat totally the end of the charter, or they make the operation of an act of Congress depend on the will of each of the States. These propositions are founded either on constitutional objections to the power of Congress over the subject, or on the expediency of the exercise of this restraining power on the part of the several States.

With regard then, 1st, to the constitutional power. The passage of the act presupposes the power; and besides the sanction of all the branches of the Government, which it must receive, it has already been twice chartered, and sustained by the judgment of the Supreme Court. Those who believe there is no power to grant the charter, cannot save their consciences, or the constitution either, by this limitation.

We either have the power, or we have not. If we have it, the assent of the States is not necessary to confer or confirm it. If we have not the power, they cannot give it by their assent. It either derogates from the power, or implies a doubt of the authority of Congress, or it obtains for them the authority to do what is otherwise an unconstitutional act, by unconstitutional means. If we have the power, it is plenary; if we have it not, it cannot be conferred by the assent or sanction of one or all the States. It can only be given by an amendment to the constitution.

Now, 2dly, with regard to the expediency. It is to give the States the power to defeat, and one of them may, and probably will, defeat the operation of the law. The bank is instituted for great national purposes, not for the mere pecuniary benefit of the States, although that is a

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great object—not for the benefit of stockholders—not for the mere discounting of notes—but to receive and distribute the revenue—to furnish a sound currency, a general medium of circulation through all the States—to equalize exchange, and other objects of a public nature.

How can these purposes be attained, unless the branches are established in all the commercial States? Two-thirds of the revenue is received in the single city of New York. That great emporium is also the centre of a great part of all the commerce of the United States; and perhaps half of all the bills, domestic and foreign, either pass through or terminate there. If New York refuses to admit a branch, where and how will you receive the revenue, and how distribute it? How can you regulate exchange, or furnish a general circulation? Will not that single State, then, counteract the design of Congress? And other intermediate States would do the same thing. Suppose Louisiana should refuse, must the benefit of this charter to all the Western States be defeated by her refusal to admit a branch into her city, the commercial centre of at least ten States in the Union? If, therefore, the bank is founded on any public national objects, and it can be justified on no other, is it wise and proper to make its utility depend on the assent of each of the States? To give them the power by anticipation to annul our own laws, and defeat the wisest purposes?

With regard to the power of taxation. It matters little to the bank whether they pay a bonus to the Government, or a tax to the States—but both would be unjust. If they pay it to us, it either goes to the treasury for the use and benefit of all, or it may be applied, in our discretion, to any public object, or divided among the States. If we give the power to the States to tax, it will operate more favorably upon some States. Louisiana would receive a much larger share, from being the emporium of the West, than the other States. Besides, the power to tax, as a franchise, is an unlimited power over the subject, and may be used to exclude or expel the bank from the State. If you give the power to tax like other banks, some States have no banks, and many do not tax their banks; some do tax them, but in general they stipulate a bonus. If like other property, there will be the difficulty of ascertaining the capital and regulating the rates; collision with the States hostile to the bank will be unavoidable.

Besides, why confer the power? If they have the power, then it is unnecessary; if they have not, shall Congress give the States the power to do what they can do without, and at the same time to destroy a great national institution? The jurisdiction over the subject is exclusive. The assent of the States is no more necessary or proper than it would be to ask them to establish a custom-house, or to carry the mail or march troops within their limits.

The amount of the bonus—how we shall employ it, or divide it, is a distinct question.

Mr. WEBSTER said he trusted the Senate would not act on these propositions, without fully understanding their bearing and extent. For my own part, said he, I look upon the two parts of the amendment as substantially of the same character. Each, in my opinion, confers a power in the States to expel the bank at their pleasure; in other words, entirely to defeat the operations and destroy the capacity for usefulness of the whole bank. The simple question is, shall we, by our own act, in the charter itself, give the States permission to expel the bank and all its branches from their limits, at their own pleasure? The first part of the amendment gives this permission in express terms; and the latter part gives it in effect, by authorizing the States to tax the loans and issues of the bank, with no effectual limitation. It appears to me idle to say that this power may be safely given, because it will not be exercised. It is to be given, I presume, on the supposition that probably some of the States will choose to exercise it; else why is it given at all? And will they not so

choose? We have already heard, in the course of this debate, of two cases in which States attempted to exercise a power of this kind, when they did not constitutionally possess it. Two States have taxed the branches, for the avowed purpose of driving them out of their limits, and were prevented from accomplishing this object merely by force of judicial decisions against their right. If, then, these attempts have been made to exercise this power, when it was not legally possessed, and against the will of Congress, is there any doubt it will be exercised when its exercise shall be permitted, and invited by the proposed amendment? No doubt, in my mind, the power, if granted, will be exercised, and the main object of continuing the bank thus defeated.

I have already said that the second branch of the amendment is as objectionable and as destructive as the first. I think it so. It appears to me to give ample power, by means of taxation, to expel the bank from any State which may choose to expel it. It gives a power of taxation, without fixed limits, or any reasonable guards. And a power of taxation, without fixed limits, and without guards, is a power to embarrass, a power to oppress, a power to expel, a power to destroy. The States are to be allowed to tax the branches according to the amount of their loans and discounts, in like manner as other banks, or other property in the State, shall be liable to taxation.

Now, sir, some of the States have no banks. Of course they tax no banks. In other States, the banks pay the State a bonus, on their creation, and are not otherwise taxed. In other cases, the State in effect itself owns the bank, and a tax on it, therefore, would be merely nominal. Besides, no State is to be bound to lay this tax, as it taxes its own banks. It has an option to tax it in that manner, or as other property is taxed. What other property? It may be as lottery tickets, gaming tables, or other things which may be deemed fit to be discouraged or suppressed, are taxed. The bank may be classed with other nuisances, and driven out or put down by taxation. All this is perfectly within the scope of the amendment. The license is broad enough to authorize any thing which may be designed or wished.

Now, sir, in the first place, I doubt exceedingly our power to adopt this amendment, and I pray the deliberate consideration of the Senate, in regard to this point. In the first place, let me ask, what is the constitutional ground on which Congress created this corporation, and on which we now propose to continue it? There is no express authority to create a bank, or any other corporation, given to us by the constitution. The power is derived by implication. It has been exercised, and can be exercised, only on the ground of a just necessity. It is to be maintained, if at all, on the allegation that the establishment of a national bank is a just and necessary means of carrying on the Government, and of executing the powers conferred on Congress by the constitution. On this ground, Congress has established this bank, and on this it is now proposed to be continued. And it has already been judicially decided that Congress having established a bank for these purposes, the constitution of the United States prohibits the States from taxing it. Observe, sir, it is the constitution, not the law, which lays this prohibition on the States. The charter of the bank does not declare that the States shall not tax it. It says not one word on that subject. The restraint is imposed not by Congress, but by a higher authority, the constitution. Now, sir, I ask how we can relieve the States from this constitutional prohibition. It is true that this prohibition is not imposed in express terms; but it results from the general provisions of the constitution, and has been judicially decided to exist in full force. This is a protection, then, which the constitution of the United States, by its own force, holds over this instrument, which Congress has deemed necessary to be created, in order to carry on

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the Government, so soon as Congress, exercising its own judgment, has chosen to create it. Can we throw off, from this Government, this constitutional protection? I think it clear we cannot. We cannot repeal the constitution. We cannot say that every power, every branch, every institution, and every law of this Government, shall not have all the force, all the sanction, and all the protection, which the constitution gives it. By the constitution, every law of Congress is finally to be considered, and its construction ultimately settled by the Supreme Court of the United States. These very acts, before referred to, taxing the banks, were held valid by more or fewer of the States' judicatures, but were finally pronounced unconstitutional by the Supreme Court of the United States; and this, not by force of any words in the charter, but by force of the constitution itself. I ask whether it is competent for us to reverse this provision of the constitution, and to say that the laws of Congress shall receive their ultimate construction from the State courts. Again: the constitution gives Congress a right to lay duties of imposts, and it prohibits the exercise of any such power by the States. Now, it so happens that the national treasury is full, and the State treasuries are far less so. It might be thought very convenient that a part of the receipts at the custom-houses should be received by the States. But will any man say that Congress could now authorize the States to lay and collect imposts under any restrictions or limitations whatever? No one will pretend it. That would be to make a new partition of power between this Government and the State Governments. Mr. Madison has very correctly observed, that the assent of the States cannot confer a new power on Congress, except in those cases especially provided in the constitution. This is very true; and it is equally true that the States cannot obtain a new power, by the consent of Congress, against the prohibition of the constitution, except in those cases which are expressly so provided for in the constitution itself.

These reasons, sir, lead me to think that if, for purposes connected with the beneficial administration of the Government, we deem it necessary to continue this corporation, we are not at liberty to repeal any protection, or any immunity, with which the constitution surrounds it. We cannot give to a law of the United States less than its constitutional effect. The constitution says that every such law, passed in pursuance of the constitution, shall be paramount to any State law. We cannot enact that it shall not be so: for that would be to repeal, so far, the constitution.

Allow me now, Mr. President, to inquire on what ground it is that the States claim this power of taxation. They do not claim it as a power to tax all property of their own citizens. This they possess, without denial or doubt. Every stockholder in the bank is liable to be taxed for his property therein, by the State of which he is a citizen. This right is exercised, I believe, by all the States which lay taxes on money at interest, income, and other subjects of that kind. It is, then, not that they may be authorized to tax the property of their own citizens; nor is it because any State does not participate in the advantage of the premium or bonus paid by the bank to Government for the charter. That sum goes into the treasury for the general good of all.

Nor can the claim be sustained, nor indeed is it asserted, on the strength of the mere circumstance that a branch or an office is established in a State. Such office or branch is but an agency. It is no body politic or corporate. It has no legal existence of itself. It is but an agent of the general corporation. That these agents have their residence or place of business in a particular State, is not of itself the foundation of any claim. But, according to the language of the amendment, the ground of this claim to tax is evidently the loans and issues; and these loans

and issues, properly speaking, are the loans and discounts of the bank. The office, as an agent, conducts the arrangements, it is true; but the notes which are issued are notes of the bank, and the debts created are debts due to the bank. The circulation is the circulation of the bank. Now the truth is, what the States claim, or what this amendment proposes to give them, is, a right to tax the circulation of the bank. It is on this right that the argument rests. The common way of stating it is, that, since State banks pay a tax to the State, these branch banks, coming among them, ought to pay a similar tax. But the State banks pay the tax to the State for the privilege of circulation; and the proposition is, therefore, neither more nor less than that the United States' Bank shall pay the States for the same privilege. The circulation of the bills is the substance. The locality of the office is but an incident. An office is created, for example, on Connecticut river, either in Massachusetts, Vermont, Connecticut, or New Hampshire. The notes of the bank are loaned at this office, and put into circulation in all these States. Now no one will say that the State where the office happens to be placed, should have a right to lay this tax, and the other States have no such right. This would be a merely arbitrary distinction. It would be founded on no real or substantial difference, and no man could seriously contend for it, as it seems to me. Under this very amendment, Pennsylvania would be authorized to collect a large tax, and New Jersey no tax at all, although the State circulation of New Jersey is as much infringed and diminished as that of Pennsylvania by the circulation of the Bank of the United States. The States which have the benefit of branches, (if it be a benefit,) are to have the further advantage of taxation, while other States are to have neither the one nor the other. Founding the claim on the State right to derive benefit from the paper circulation which exists within it, the advocates of the claim are clearly not consistent with themselves when they maintain a measure which professes to protect that right in some States, and to leave it unprotected in others.

But the inequality of the operation of this amendment is not the only, nor the main, objection to it. It proceeds on a principle not to be admitted. It asserts, or it takes for granted, that the power of authorizing and regulating the paper currency of the country is an exclusive State right. The ground assumed can be no less broad than this: because the Bank of the United States having the grant of a power from Congress to issue notes for circulation, its right is perfect, if Congress could make such grant. It owes nothing to the States, if Congress could give what it has undertaken to give; that is to say, if Congress, of its own authority, may confer a right to issue paper for circulation. Now, sir, whoever denies this right in Congress, denies, of course, its power to create such a bank as now exists; at least, so it strikes me. The Bank of the United States is quite unconstitutional, if the whole paper circulation belongs to the States; because the Bank of the United States is a bank of circulation, and was so intended to be by Congress, which expressly authorized the circulation of notes and bills. The power of issuing notes for circulation is not an indispensable ingredient in the constitution of a bank merely as a bank. The earlier banks did not possess it, and many good ones have existed without it. A bank with no such power might yet very well collect the public revenue, (provided there was a proper medium in which it could be paid,) could tolerably well remit the revenue to the treasury, and could deal usefully, to some extent, in the business of exchange.

On what ground is it, then, that Congress possesses the power not only to create a bank, but a bank of circulation? Simply, as I suppose, because Congress possesses a constitutional control over the currency of the country, and has power to provide a safe medium of circulation, as

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for other purposes as for the collection of its own funds and revenue. The bank, therefore, already possesses unconstitutional power, if the paper circulation be subject, exclusively, of State right or State regulation. And, sir, it is not a little startling that such exclusive right should now be asserted. I observed, the other day, in my opinion, it was very difficult to maintain, on the face of the constitution itself, and independent of long-continued practice, the doctrine that the States could authorize the circulation of bank paper at all. They can coin money; can they then coin that which becomes actual and almost the universal substitute for money? Is it the right of issuing paper, intended for circulation, the place and as the representative of metallic currency, derived merely from the power of coining and minting that metallic currency? As bringing this matter to a just test, let me ask whether Congress, if it had the power of coining money, and of regulating the use of foreign coins, could create a bank, with the power to circulate bills. For one, I think it would be difficult to make that out. Where, then, do the States, whom all control over the metallic currency is altogether prohibited, get this power? It is true that, in some countries, private bankers, having no legal authority to coin, issue notes for circulation. But this they always do with the consent of Government, expressed or implied; and Government restrains and regulates all their operations at its pleasure. It would be a startling proposition, in any other part of the world, that the prerogative of coining money, held by Government, was liable to be contracted, counteracted, or impeded, by another prerogative, held in other hands, of authorizing a paper circulation. It is further to be observed, that the States cannot issue bills of credit; not that they cannot make them a legal tender, but that they cannot issue them at all. Is not this a clear indication of the intent of the constitution to restrain the States as well from establishing a paper currency, as from interfering with the metallic circulation? Banks have been created by States with no capital whatever; their notes being put into circulation simply on the credit of the State or the State law. What are the issues of such banks but bills of credit issued by the State? I confess, Mr. President, that the more I reflect on this subject, the more clearly does my mind approach the conclusion that the creation of State banks, for the purpose, with the power of circulating paper, is not consistent with the grants and prohibitions of the constitution. But, sir, this is not now the question. The question is not whether the States have the exclusive power; it is, whether they alone have the power. May they rightfully exclude the United States from all interference with the metallic currency? Are we interlopers, when we create a bank of circulation? Do we owe them a seigniorage for the circulation of bills, by a corporation created by Congress? Up to the present time, the States have been content with a concurrent power. They have indeed controlled vastly the larger portion of the circulation; but they have not claimed exclusive authority over the whole. They have demanded no tax or tribute from a bank issuing paper under the authority of Congress. Nor do I know of any State or States now insisting upon it. It may be that individual States have put forth such claims, in their relative capacity; but, at present, I recollect no instance. The amendment, however, which is now proposed, asserts a claim, and I cannot consent to yield to it. We seem to be making the last struggle for the authority of Congress to interfere at all with the actual currency of the country. I shall never agree to surrender that authority; nor could we soon yield the coinage power itself; nor do I think there would be much greater danger, nor a much earlier departure from constitutional principle, in consenting to such surrender, than in acquiescing in what is now proposed.

Mr. MOORE said, I regret extremely, sir, the protracted discussion to which this proposition has given rise; and, sir, I regret it none the less on account of the seeming necessity which it has devolved on me to throw myself upon the indulgence of the Senate, whilst I attempt, in a brief manner, to support it.

As far as this amendment has received opposition upon constitutional principles, I may be permitted to congratulate myself that it has fallen to the lot of the honorable Senator from Virginia, [Mr. TAZEWELL,] than whom none is better qualified for the task, of placing this matter upon its true ground, and of removing every difficulty and objection that has been urged on this score; this has been done most ably and effectually, and I think I may add to the satisfaction of all.

But, sir, I think I have just reason to complain that great injustice has been done me, and the amendment I have had the honor to propose, by gentlemen in the opposition applying arguments and objections as if to meet feature and principle not contained in the amendment.

Sir, it cannot be disguised that the main opposition to this proposition has been predicated upon the assumed fact, that, if successful, it would recognise the right in the States to impose taxation "*ad libitum*," or to an amount which would exclude or expel these institutions from the country. This is not my object; the amendment contains no such feature, and is obnoxious to no such objections. It expressly provides that the tax shall be such as is imposed upon other banks or upon other property owned by citizens of the State; but if the phraseology be objectionable, amend it, make it a reasonable tax, or establish any other proper rate of taxation of which the subject is susceptible; but let not gentlemen intimate that the object is, or that the effect will be, to produce expulsion.

I cannot believe, Mr. President, the effect of the modification would be to prejudice the institution. I have been actuated by no such views in bringing it forward; but I do sincerely believe it right and just, and that with it the institution will be more popular, and, if the modification is adopted, that the citizens will invite the location of its branches in the State of Alabama.

Sir, if I am not greatly mistaken, a portion of them have already done so; for as well as my memory serves me, in the memorial which I had the honor of presenting from the citizens of Mobile, asking the rechartering of this institution, it is solicited upon these terms. But the honorable Senators from Massachusetts and Pennsylvania [Messrs. WADSWORTH and DALLAS] ask with great emphasis, what does this amendment propose to tax? whether the banking house, the office of discount and deposit, &c.

I answer, sir, that it proposes to tax the very subject-matter in relation to this institution, which is constitutionally a proper subject for taxation.

Gentlemen may call it a franchise, a faculty, an immunity, a banking privilege, or by any other name they may be pleased to give it; we care not; but they object to this tax, because it is upon the loans and issues of the bank. Let them point out a better mode of getting at the object; it is well known that these branches have no actual capital; but it is equally well known that they are authorized to carry on banking operations upon a nominal capital. By the State laws, other bank capital is taxed, and private moneyed capital of an individual is taxed at interest; and, sir, I can see no solid objection to the taxing of this banking operation, and in this way. But it is alleged that "it is not a subject of taxation by the laws of the State, because it is foreign capital." Now, sir, is this so; is this tenable?

With due deference to the opinion of other gentlemen, I must be permitted to say that I view the power of taxation as one of the highest attributes of State sovereignty, and that the State possesses this power in the most unlimited extent over all objects or subjects of property

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Baltimore and Ohio Railroad.—Commissioner of Indian Affairs.

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within its jurisdiction. Sir, I care not whether the property belongs to a foreigner or a citizen, provided it be within the jurisdiction of the State, and receives protection from her laws; this circumstance constitutes the right of taxation.

The State of Alabama imposes a tax upon foreign merchandise, their own bank stock, the money of their own citizens placed at interest; race turfs, race horses, pleasurable carriages, &c., these are considered as the most legitimate objects of taxation, because the tax is either paid by the wealthy, who are most able to bear it, or it is paid for property, which is most profitable to the owners. But we are compelled to go further, and extend the tax to other objects, real estate, slaves, a man's saddle horse, his cattle, his family clock in his house, his time-piece in his pocket; nay, sir, a poor man who owns not one cent of property, and may have a large family to support, is required to pay a poll tax; yes, sir, he must pay for his scalp, and upon the principle that his personal rights and privileges are protected by the laws of the State which makes this demand upon him.

I have said that foreign merchandise, introduced from New York or elsewhere, was in our State subject to taxation; and why should not moneyed capital, brought from Europe or elsewhere, be also subject to taxation? Why should the individual who brings this capital among us enjoy exemption from liability to taxation? This capital is more actively and profitably employed. Bankers drag thousands of dollars from the pockets of our fellow-citizens; their rights are equally protected; the laws afford them all the necessary facilities in carrying on their banking operations, in the collection of their debts, &c. And what is more, if their rights are invaded, they will be defended by the citizens of the State, and mainly by these very poor men, too, who pay a poll tax, many of whom have no property to protect and defend, while they, with their lives, defend and protect millions for bankers. For my part, I cannot conceive of a more legitimate subject of taxation than bank stock. For the reasons I have already intimated, the tax is paid by those most able to bear it, and upon property which yields immense profits to the owners.

But the propriety of this tax is objected to, again, on the ground that the corporation has already given to the General Government a sufficient equivalent for all the privileges, immunities, &c. in the bonus provided for in this amended charter; and to permit the States to impose a further tax, would be too burdensome and improper, &c. Now, sir, is this so? Are we not bound to view this bonus as in consideration for the franchise, immunities, and the deposits the General Government afford this institution as a corporate body, unconnected with the privileges it may enjoy by the location of its branches in the States, under State authority? Can it be presumed that a State would yield its right of taxation, as regards its branches, for the inconsiderable amount of interest it may have in the bonus? Of what value will the proportion of this one and a half million of dollars, to which the State of Alabama may be entitled, be to that State? It will not be the means of reducing the high taxes and heavy burdens which are pressing so oppressively upon our citizens. No, sir, this bonus will be taken from the general coffers, and appropriated to purposes of internal improvement, the erection of breakwaters, lighthouses, canals, subscription to stock in the Baltimore and Ohio Railroad Company, &c.; for, sir, it was with some difficulty that an attempt to obtain one million from the treasury for this project was successfully resisted the other day. Sir, experience assures us these are the purposes to which this one and a half million of dollars will be appropriated, unless, indeed, the amendment of the honorable Senator from Maine [Mr. SPRAGUE] shall succeed, which provides that the bonus shall be divided among the several States according

to their respective representation in Congress. And, although I do not think this would do justice to the State of Alabama, yet I believe, as a distinct and substantial proposition, I would support it in preference to the original plan; but, sir, I cannot vote for it as a substitute to the proposition I have had the honor to submit.

Whatever, sir, may be the final fate of this amendment, whether it shall receive the favorable consideration of the Senate or not, I shall have the consolation to know I have in proposing it, discharged a solemn duty to my constituents, and will only repeat what I have before intimated that in relation to it I have not been influenced from any view to embarrass the institution, but that I have preferred it would finally be promotive of its best interest and prosperity, at the same time it guarded the sacred constitutional rights of the sovereign States.

The Senate adjourned.

TUESDAY, MAY 29.

BALTIMORE AND OHIO RAILROAD.

Mr. SMITH moved that the Senate proceed to consideration of the bill authorizing a subscription to stock of the Baltimore and Ohio railroad.

Mr. MILLER said he had viewed the vote by the Senate a few days ago had refused to take up that as indicating a determination not to go any further with these expenditures for internal improvements. He asked for the yeas and nays; and he hoped the decision of the question now would determine whether the Senate intended to take up the bill this session or not. It should be taken up, he should consider it as a relief of the charge that the administration were disposed to cut down wasteful expenditures for internal improvements.

Mr. SMITH reminded the Senate that this was no question of money, but an appropriation for a profitable investment of stock.

The question was then taken on the motion to consider the bill, and was decided as follows:

YEAS.—Messrs. Chambers, Clay, Clayton, Dallas, Davis, Holmes, Johnston, King, Naudain, Poindexter, Robbins, Ruggles, Seymour, Silsbee, Smith, Tipton, Wilman, Wilkins.—18.

NAYS.—Messrs. Bell, Benton, Buckner, Dickerson, Dudley, Ellis, Foot, Forsyth, Frelinghuysen, Grant, Hayne, Hill, Kane, Knight, Mangum, Marcy, Moore, Robinson, Sprague, Taxewell, Tomlinson, Wells.—23.

COMMISSIONER OF INDIAN AFFAIRS.

The Senate then proceeded to consider the bill pointing a commissioner of Indian affairs, and for other purposes.

Mr. WHITE made a brief explanation of the condition of the Indian office, to show the necessity which existed for the appointment of this officer. He stated that the amount which had been distributed last year from the office was not less than a million of dollars; that the Indian Department consisted of a superintendent, ten agents, and thirty-six subagents; that the number of Indians with whom the Government had some business to transact, was 313,120; that the licenses which were granted in 1828, were eighty-eight, and in 1830, ninety-eight; that the number of Indian schools, established by treaty or otherwise, was fifty-four, and that the number, according to the last statement, of treaties containing appropriations, was fifty-two, and some had been negotiated since. To all these different branches the personal attention of the Secretary of War is now required. The creation, therefore, of such an officer as is provided by the bill, is deemed to be indispensably necessary. The first section of the bill provided for the appointment of the officer, leaving the amount of his salary in blank. The second

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Bank of the United States.—Railroad Iron.

[SENATE.]

tion prevented the introduction of ardent spirits among Indians; and there was another section, which authorized the dismissal of such interpreters and mechanics as were no longer necessary, and the discontinuance of forts and subagents.

He moved to fill the blank in the first section with "one thousand dollars;" and the motion was agreed to—16 yeas, 11 nays.

The bill was then ordered to be read a third time.

BANK OF THE UNITED STATES.

The Senate then resumed, as in Committee of the whole, the bill to modify and continue the act to incorporate the subscribers to the Bank of the United States. The question being on the motion of Mr. FORSYTH to amend the amendment offered by Mr. MOORE, by striking out so much as requires the assent of the States to the establishment of branches within their limits, and inserting such words as would complete the sense of the due of the amendment—

After some observations from Mr. EWING, Mr. SMITH moved a division of the amendment, so that the question might be first taken on the motion to strike out.

After a few remarks from Mr. HOLMES, Mr. BUCKLEY, and Mr. DALLAS, the yeas and nays having been called, on the call of Mr. SMITH, the question was put he motion to strike out, and decided as follows:

YEAS.—Messrs. Bell, Buckner, Chambers, Clay, Clay, Dallas, Dickerson, Ewing, Foot, Forsyth, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Poindexter, Tamm, Robbins, Robinson, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster, Williams.—28.

NAYS.—Messrs. Benton, Bibb, Brown, Dudley, Ellis, Hayne, Hendricks, Hill, Kane, King, Mangum, Miller, Moore, Tazewell, Tipton, White.—18.

The residue of Mr. FORSYTH's amendment, being the striking out of three or four words to render the sense of the amendment complete, was agreed to.

The question was then put on the residue of the amendment, which was agreed to without a division.

Mr. SPRAGUE then moved to amend the amendment, by striking out the provision giving the authority to tax branches, and substituting a provision that the bonus to be paid by the bank to the United States shall be divided among the several States, in proportion to their population.

Mr. WEBSTER then made some observations at length, in reply to the arguments of Mr. TAZEWELL. After he concluded,

Mr. TAZEWELL inquired if he had understood the Senator from Massachusetts correctly, as entertaining doubts of the power of the States to create State banks.

Mr. WEBSTER replied that it was now too late to question a power which had been acquiesced in by the different branches of the Federal Government for these forty years.

But if the question had been originally put to him on such acquiescence, he should have expressed great doubts on the subject. He then referred to the clauses of the constitution which prohibit the States from coining money, and reserve to the United States the exclusive power of regulating the currency, and making issues of gold and silver; and inferred, that, if the constitution thus expressly excluded the States from issuing a metallic currency, it never intended that they should authorize the States of that which is a representative of the metallic currency.

The States had been indulged with the power of issuing banks for forty years, and now they demanded to have that power exclusive, and to tax the branches of the United States' Bank established in their limits, for the purpose of establishing a uniform currency.

Mr. FORSYTH asked if he had understood the Senator from Massachusetts as stating that the States had the right

to tax such of their citizens as held stock in the United States' Bank, on account of that stock.

Mr. WEBSTER replied in the affirmative.

Mr. FORSYTH replied that if that was the case, how was it contended that the eight and a half millions of stock held by foreigners were to be considered as not liable to taxation?

Mr. WEBSTER replied that, by the comity of nations, the property of foreigners was held free from taxation. Why did we not tax the loans of the Barings to the Ohio canal, or the Holland loan to the Chesapeake and Ohio canal, or the Pennsylvania loan? It is the understanding between nations not to tax private property in peace, or to confiscate it in war. We may hold stock in the funds of Great Britain, but we are not liable to taxation for that stock.

After a few words from Mr. SPRAGUE, in explanation of his views,

Adjourned.

WEDNESDAY, MAY 30.

The Senate disposed of sundry private bills, and then spent the remainder of the day in executive business.

THURSDAY, MAY 31.

RAILROAD IRON.

The bill to exempt from duty imported iron actually laid on railroads or inclined planes, being under consideration,

Mr. SMITH explained the object of the bill: it was to exempt from the present duty of twenty-five per cent. bars of iron imported for the use of railroads and inclined planes, made by any State or incorporated company. He suggested the advantages which the country was likely to derive from railroads; and that, in the present full state of the treasury, it was the duty of the Government to extend to them every possible facility. The iron for the cars and carriages was manufactured in the United States; and one company in Baltimore had, last year, expended one hundred thousand dollars in the purchase of iron. He considered this iron as a raw material, which could not enter into competition with any of our domestic manufactures.

Mr. DALLAS moved to amend the bill by striking out the words "by any State or incorporated company;" and, also, the words "on any such railroad or inclined plane." It was his purpose to extend the provision to any individuals who may have imported, or may import, iron for the use of a railroad. He had presented a memorial on this subject, presenting a case of that kind, which he desired to embrace.

Mr. DICKERSON objected to the amendment. If the Senate were about to go beyond the exemptions allowed by the existing tariff law, he hoped the privilege would not be extended beyond the iron imported by any State or incorporated company. The iron referred to by the Senator from Pennsylvania was imported previous to 1828, before the duty on iron was imposed. He inquired if this iron was gaged, finished, and in every way prepared for a railroad. The law ought to be made to operate on future cases alone, and limited to States and incorporated companies.

Mr. HAYNE moved an amendment, providing that the benefit of drawback should be extended to any importer of railroad iron, on his giving bond that, within three years, it should be laid down, or the duties should be paid in full.

Mr. CLAY stated that the effect of this amendment would be to destroy the security of the Government. He was of opinion that cases like that to which the Senator from South Carolina looked, in his amendment, would be of rare occurrence. Railroad iron would rarely be im-

ported years before it was required; when, in a few months, a supply could always be obtained from England. But, as the tariff question would soon come up for discussion before the Senate, he thought the best method would be to introduce into the general bill a provision to exempt iron of this character, if it was thought right to exempt it, from the full duty. He therefore moved to lay the bill and amendment on the table, and to print the amendment.

The motions were agreed to.

INDIAN WAR.

On motion of Mr. SMITH, the preceding orders were then postponed, and the bill to reappropriate the unexpended balances of former appropriations was taken up.

Mr. HENDRICKS moved to amend the bill by inserting an appropriation of twenty thousand dollars, to be expended for the relief of such friendly Indians as may seek protection within the Indian agencies on the Northwestern frontier. He stated that this amendment had the sanction of the War Department, being regarded by the Secretary as a necessary appropriation.

Mr. TIPTON said a few words in a low tone of voice. Orders, he stated, either had been, or would immediately be, issued, to invite all friendly Indians to come within the agencies. Such as did not accept the invitation, and were afterwards found in the woods and prairies, would be treated as enemies, since it would be impossible to discriminate between friends and enemies, unless they should come within the protection of the agencies.

Mr. CLAYTON said he would feel obliged to the Senator from Indiana to state what was the cause of the present war.

Mr. TIPTON replied that the Indians in that quarter of the country had been for a long time dissatisfied. He had been much among them, and, during a long residence there, had repeatedly heard their complaints. In 1829, about twenty of them came to him, and complained that the white men encroached on their lands, and ploughed up their cornfields, and committed other depredations upon them; and these complaints were repeated last year. He attributed the present difficulties to the inadequate protection which had been given to them by the Government against these intruders who interrupted their repose, and interfered with their exertions to raise the crops necessary for their subsistence. The Government had disregarded their complaints, suffered them to be imposed upon and injured, and had thus produced the hostile feeling which now exhibited itself. There was another cause which had led to the present state of things. These Indians were still in the habit of receiving British presents. There was a band who called themselves the British band of Sacs and Foxes. It was not to be doubted that they were influenced by a Power on the other side of the water. Unless, however, the Government would send among these Indians persons unconnected with trade, and who would not be guilty of acts of fraud and imposition, the state of things which has now occurred, will occur again and again. Every evil which now exhibited itself had grown out of difficulties between the Indian agents, the traders, and the Indians; and from the circumstance that the Government had permitted the white people to encroach on their grounds and break up their cornfields.

Mr. KANE read a letter from the Secretary of War, stating that official accounts had been this morning received at the department of the defeat of a body of the militia in an attack made by the Indians. The Governor of Illinois had called out 2,000 additional troops; and it was reported that there would be great difficulty in procuring the supplies. These Indians, it was stated, deceived the commander of the militia, by approaching him under a flag of truce. The letter suggested the propriety of increasing the appropriation of 150,000 dollars, now contained in the bill, to 300,000.

Mr. BUCKNER concurred in the propriety of the amendment offered by the Senator from Indiana, but thought the amount insufficient. He conceived the probability of all the Indians translated to the western shore of the Mississippi, being obliged to throw themselves upon the protection of the United States. If all the friendly Indians within the limits of the United States were to be received under the protection of the Government, he suggested that they might be employed with more efficiency than our own troops against the hostile Indians.

He stated that, from his knowledge of some of the Indians, he would be disposed to place implicit confidence in their attachment, fidelity, and courage. They would afford better protection to the frontier, than an equal number of white troops; and if they were so employed, it would be necessary to supply them with weapons, and to give them protection to their wives and families. He thought it impossible to determine how long these brutalities would last. As soon as it was known that the Indians had been successful in their attack, every hostile Indian would be ten to join with them. He moved to strike out 20,000, and insert 50,000 dollars.

Mr. HENDRICKS accepted the amendment as a modification of his motion.

Some further discussion took place on the amount to be appropriated; when

Mr. FRELINGHUYSEN, in consequence of an amendment that the Secretary of War had recommended for this object, moved to strike out 50,000, and insert 20,000 dollars.

The motion was carried in the affirmative.

The amendment, as amended, was then agreed to.

Mr. KANE then moved, in conformity with the suggestion in the letter of the Secretary of War, that the sum of \$150,000 for the expenses of defending the frontier be stricken out, and \$300,000 inserted in its room.

The amendment was agreed to.

Mr. DUDLEY moved to amend the bill by adding a section appropriating \$500 to defray the additional expenses of one of the commissioners to Green Bay. He said that General Rich had been required, after his return from Green Bay, to come on to Washington, and that the appropriation was to cover the expenses which he had incurred during that journey. He had come at a time of great inclemency, and under circumstances of personal inconvenience, and while in a state of impaired health, he had performed his services faithfully.

Mr. WHITE said that the allowance for this journey had been 15 cents per mile, and \$3 a day, and General Rich claimed 40 cents a mile, and \$8 a day.

The motion was negatived.

Mr. KING moved to amend the bill by inserting a clause providing that any balance which might remain of the appropriation for recording patents, might be applied for the purpose of arranging the papers in the State Department which were in a state of much confusion.

The motion was negatived.

The bill was then reported as amended; and the Senate having concurred in the amendments, the bill was ordered to be read a third time.

BANK OF THE UNITED STATES.

The Senate then resumed, in Committee of the Whole, the consideration of the bill to modify and continue the act to incorporate the subscribers to the Bank of the United States. The question being on Mr. SPRAGUE's amendment to the amendment submitted by Mr. MOORE, to the effect that the bonus to be paid by the bank should be distributed among the several States according to the federal numbers of their population.

Mr. CLAYTON said a few words in favor of the amendment. The principle, he said, had been recommended by the President of the United States, in one of his

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ages, and was not liable to the objections that had been urged against a distribution of surplus revenue.

Mr. MARCY called for a division of the question, so as first to take it on striking out; and then inquired if, in case the amendment should be stricken out, it would be in order to propose an amendment to the substitute.

The CHAIR having stated that it would, a division of the question was ordered.

Mr. HAYNE then called for the yeas and nays on the question; which were ordered.

After some remarks from Mr. MOORE,

Mr. KANE rose to express his views with regard to the amendment, as briefly as he could, for he was sensible that the late period of the session did not admit of much argument. He was in favor of preserving the amendment of the gentleman from Alabama, as it then stood, in its precise language throughout, because the corporation and its members possessed privileges, to the exclusion of the rights of the rest of mankind. He was for taxing the bank and its branches to the extent of its loans and issues, because to that extent it prevented others from doing a similar business. It was known that banking was an original right; every man had the right to bank on his own account; and in that country from whence banking was derived, it was not only an original, but a common law right. It would be unjust in States to deprive their citizens of rights in favor of a few, without an equivalent; and therefore, when States did give exclusive privileges, they made those to whom they were granted pay for them. But the United States claimed the right to grant this privilege. If, then, the right given to this corporation by the United States be an exclusive right, it was not only a deprivation of the rights of individuals, but of the States, to grant such exclusive rights. It was on this ground that he was in favor of retaining the right of taxing the bank and its branches to the extent of its loans and issues. But it is said this has already been done. The bill requires a bonus of \$150,000 annually for fifteen years. This provision was arbitrary; it could not be ascertained the amount of benefit that would accrue to the bank for the renewal of the charter, and there were therefore no precise data by which, in the outset, to assess the just amount to be exacted. A bonus for exclusive privileges was the offspring of necessity—the expedient of profligate princes of arbitrary Governments, exacted simply because wanting a little money, and there were those who were willing to give it.

Mr. SPRAGUE made a few remarks in reply to Mr. KANE, in favor of the amendment.

Mr. HAYNE observed that, when the amendment of the gentleman from Alabama was first introduced, there was some embarrassment. Believing, as he did, that the States possessed the power of taxing the branches of the bank within their limits, he was at first unwilling to concur in an amendment that seemed to express a doubt as to that power. He concurred with the gentleman that no legislation on the part of Congress could either add to, or take from, the rights of the States. He regarded the amendment as nothing more or less than as a limitation in the charter, which will prevent any difficulty between the bank and the State. By inserting the provision, the bank would be left no pretext for resisting the right of the States to tax its branches. It had been said that this tax might be made ruinous, and drive the branches from the States; but this objection would apply as well to any other objects of taxation—to mercantile, and all the species of property liable to taxation. With regard to the substitute of the gentleman from Maine, he was opposed to it *to toto caelo*. He regarded it as a principle which, when once introduced, would never cease to operate as a curse on the country. It had before this been introduced in other forms, and strenuously resisted; it would again be attempted; and he would undertake to say that, if this amendment prevailed, it would be only the commencement.

Mr. H. entered into various arguments against the proposed substitute. If adopted, gentlemen would see its effects before this bill passed; it would then become the interest of those in favor of it to increase the bonus, which would probably be fixed at \$500,000 a year, instead of \$150,000. He should oppose the corrupting influence of this system, which should not be permitted to exist.

After some remarks from Messrs. SPRAGUE and CLAYTON,

Mr. MILLER said he was opposed to striking out the amendment, as well because of its intrinsic merits, as because he was opposed to the substitute proposed by the gentleman from Maine. He regarded this proposition as a universal truth that there was no species of property in this country that was not liable to taxation, both by the Federal and State Governments. The Federal Government had the right to tax the State banks; and, on the other hand, the States had a right to tax the branches of the United States' Bank within their respective limits. If it be contended that the emanation of the charter from the Federal Government protected the corporation from taxation, the same exemption might, with as much reason, be claimed for a corporation, for a ferry, for mercantile business, or, in short, for any property owned by citizens out of the State imposing the tax. With regard to the case of McCulloch and the State of Maryland, referred to by the Senator from Delaware, he admitted that the Supreme Court had decided against the power claimed by the State. But if a provision of this kind were introduced in the bill, the Supreme Court would never decide that Congress had not the right to introduce it; and it would preclude the court from deciding against the power of the States. The gentleman contended that Congress did not possess the right to insert such a provision; but it was obvious that those who granted a privilege, had the right to prescribe the conditions on which it should be exercised. Mr. M. urged various arguments in favor of the amendment, and against the substitute proposed by Mr. SPRAGUE.

After some remarks from Messrs. MARCY, SMITH, and MANGUM,

Mr. HAYNE said, before the question was taken, he would read an extract from a petition of Messrs. Thorndike and others, merchants of Boston, praying for a charter of a national bank. Mr. H. read the extract, by which it appeared that the petitioners offered to pay a bonus of one per cent. on the amount of their capital; and, also, to pay to the States a tax not exceeding the amount imposed by them on their own banks. The bonus provided in the present bill, said Mr. H., is one-half per cent. These gentlemen offer double the amount—one per cent.; and this he only mentioned to show that mercantile men, of great experience, were of opinion that the bank could not only pay a bonus of \$600,000 per annum, but pay a reasonable tax to the States.

Adjourned.

FRIDAY, JUNE 1.

TOPOGRAPHICAL ENGINEERS.

The Senate proceeded to consider the bill to organize the corps of topographical engineers.

The bill having been read in Committee of the Whole,

Mr. HAYNE expressed his hope that some sufficient reason for this organization would be given by the chairman of the Military Committee. Where was the necessity for the increase of officers proposed by the bill? We were in a period of profound peace; and there was an engineer corps in the service of the Government. He repeated his desire for some explanation.

Mr. BENTON replied that a number of citizens were now in the employment of the Government as civil engineers, and they were employed at considerable expense, and were not subject to martial law. The bill organizes

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a corps which will be able to render more efficient services to the country, and which will be more readily controlled, as it will be under military government. He also suggested that the bill would effect a considerable reduction of expense.

Mr. FOOT asked if there were not now officers of the army who were detailed for this very service. The Senate had been told that money would be saved by this creation of new officers. During the whole time that he had been in the public service, he had never known any saving produced by the creation of new officers.

Mr. SMITH, in reply, stated that it was true that officers were detailed for this service, but it was a cause of much complaint, because the regular duty which was thus devolved on those who remained with their corps, was double. It has sometimes happened that but a single officer has been left to an artillery company. He stated that instances had occurred of officers who, after being in the topographical service, had imbibed such a dislike of the regular service, that, rather than return to it, they had resigned. Being once detailed on that service, they become unfit for military duty; and thus it frequently happens that the best officers are lost to the country.

Mr. HAYNE briefly expressed the objections to the bill, which had presented themselves to his mind. He regarded the new organization proposed by the bill as exceptionable, because it left several able and faithful officers to be dismissed. He referred to the present mode of employing the graduates of West Point in the topographical duty. If they were found qualified, they might be still kept on that duty; but if not qualified, and any one should feel discontent in being ordered back to military duty, he might resign. There would be found plenty of brevets to take his place. If it was desirable to get rid of the citizens from the topographical duty, that could be done by repealing the law which authorizes the employment of civil engineers. The Secretary of War has found it more advantageous to employ citizens than to send the military on this service.

Mr. FOOT said he had heard it suggested that this was hit upon as a convenient mode of getting rid of certain officers in the army. He did not know whether this was the fact or not; but he thought, under all the circumstances, it would be becoming in the Senate to act cautiously on the subject. He would, therefore, move to lay the bill on the table.

The motion was agreed to—yeas 27.

EXTENSION OF PATENTS.

The Senate proceeded to consider a bill authorizing letters patent to be issued to Thomas —, —, and James Lang; the two former being residents in Great Britain, and the last a resident in Scotland.

Mr. MARCY, from the Committee on the Judiciary, moved to amend the bill by introducing the words "and to Samuel Hill, of —, in the county of Nottingham, England, for an improved piston and valve for steam engines," &c.

Mr. WEBSTER regarded this as an important bill. It granted letters patent to foreigners who did not reside here, who never had resided, and who never intended to reside here. "If it was right to do this, some general principle ought to be adopted. He had strong objections to legislation in special and individual cases. The law of patents had been already so modified as to give them to any foreigner who showed a disposition to reside here. Some years ago, a man named Brown obtained a patent, by holding out the idea that such was his intention; but having obtained it, he gave it to be understood that he never intended to reside here; and he never came here at all. He was desirous Congress should exercise the powers granted to it, by the passage of a general law, if the principle was to be established that foreigners should have

patents. He did not know that he might not give his consent to such law. But he could not consent to take up special cases. It was not possible for the two Houses to sit in judgment on the merits of any invention which was to be submitted to them; and, if they could not, it would be impossible to refuse the passage of any bill after it had passed the House.

He moved to recommit the bill to the Committee on the Judiciary, with instructions to report a general bill.

Mr. DICKERSON said he was opposed to this bill. He was not willing to extend these privileges to foreigners. Congress had, in his opinion, often impeded the progress of science by granting patents. Oliver Evans's mills were an impediment in the way of improvement. He had found out some old invention, and, by giving it a new dress, had obtained a patent, and thus injured the cause of science. A foreigner might obtain a patent here, and might afterwards leave the country, and take steps to prevent it from being of any advantage to us. In case of national rivalry, the foreign Government might buy up a patent, in order to preclude us from any participation in its benefits. He would not, therefore, grant patents, except on the principle of reciprocity, since they were meant to be given for the benefit of individuals.

Mr. HOLMES did not see the dangerous consequences of passing this bill, in such an alarming point of view. He could not find in the constitution any discrimination between foreigners and American citizens. He referred to the recommendation of General Washington, in the first message, as to the introduction of foreign improvements. Under the existing law, foreigners might come and reside here two years, obtain their patents, and then return home, and dispose of their inventions.

Mr. HAYNE said he was one of the committee who reported the bill, and he agreed with the Senator from Massachusetts that it was a subject involving some delicacy. The question was, should we grant rights of an exclusive character to foreigners; and, if so, on what principles? Was it better to act, for the present, in particular cases, or to adopt a general principle? The committee had thought it best to act on a few special cases in order to see how the thing worked, before a general principle was adopted. In this case, the gentleman himself appeared before the committee, and had not established his own respectability, but had satisfied the committee that he was associated with gentlemen in the country, of large capital, whose object it was to introduce it into use among us.

Mr. WEBSTER made one or two additional remarks. He suggested that foreigners would have the power of withholding their improvements from us for fourteen years. He insisted, however, that we had little to fear, since we were already ahead of our foreign brethren in the progress of useful invention. If his motion to recommit should fail, he hoped the chairman of the committee would give satisfactory explanations of the nature of the improvement. He further suggested that, in case Congress should afterwards desire to revoke a patent granted to a foreigner, it could not well be done, as the foreigner would be out of our reach.

The question was then taken on the motion to recommit, and decided in the affirmative—yeas 26.

BANK OF THE UNITED STATES.

The Senate sitting as in Committee of the Whole, the consideration of the bank bill was resumed—the question still pending on Mr. Moore's amendment, giving the Federal States the power of taxing the issues and loans of the bank; and on Mr. Sprague's motion to strike out so much of the same, and to substitute a clause to distribute the bonus to be paid by the bank among the States, according to their federal numbers.

Mr. BIBB rose. The amendments proposed embraced, he said, two distinct questions. The first question related

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to the propriety of recognising the power of taxation in the several States within their own jurisdiction; and the amendment to this went to abrogate such power, and to substitute a correlative proposition in its place, enacting that the bonus to be paid by the bank for its exclusive privileges and franchise should be distributed among the States. Now, for his part, he could not agree to such substitute; or he could not yield up the question of the power of taxation in the States. Such a substitute would seem an attempt to change the nature of the original federal compact—to enlarge it—to make the power of the Federal Government more transcendent than at the adoption of the federal constitution. As regarded the first question, relative to the power of taxing residing in the States, it had been argued in two ways that it did not exist; that this could be proved by the decision of the Supreme Court; and again, that, if it did not exist under the old charter of the bank, Congress could not give it now. It was with the greatest reluctance that he would impugn any decision of the Supreme Court; for, than himself, no man had a higher opinion of its merits, or held it in higher respect. But, nevertheless, he would not blindly surrender his judgment to any tribunal, however exalted, when it was evident its judgment was erroneous. And when the Supreme Court erred, he would not hesitate to express his dissent. And, in the case of *McCulloch* against the bank, it was his opinion that the court had so erred, that its decision amounted to *felix de se*. The principles and the premises there assumed were erroneous—of consequence, so was the conclusion. It was also argued that, if the power of taxation were granted, it included the power to destroy. He [Mr. B.] denied the proposition, and would contend that the power of taxation included the power to protect. The argument was only accordant with tyrannical principles, not with republican doctrines. There was one which could not be exercised in a republic. Where, again, the power of taxation is granted, he would assert that the party exercising this right is bound to protect those taxed in lieu thereof, the same as other institutions. If the argument were conceded, it would allow of the distinction of the property of the bank, and the individual property of the stockholders. And what would become of the property of foreigners? Every day's experience showed the result of taxation within our jurisdiction; if foreign merchants introduced goods, they were taxed at the very threshold, no matter where the owners were domiciled, and the protection of their rights of property followed. It was a universal principle, that our power to tax foreign goods, on their introduction, involved protection, not confiscation. The latter power would be that of a demon, not that of a civilized Government. If real estate is purchased by this corporation, as such, it is not, it is true, the property of A or B, but of the stockholders at large. It is united property, and as a whole, like other property, is a fair subject of taxation. Again: did he hold his property in the bank, he thought that it should not, for that reason, be exempt from taxation. And why should not corporations be taxed? Faculties were taxed. Look at our early laws for internal improvements. Lawyers were taxed for the right of exercising their profession; and even our administration—the property in their hands, under executory deeds, was a subject of taxation. He would ask why, if a person chose to invest his property or his money in this manner, in a corporation, it should not be liable to taxation. Has it not more profit, when thus invested, than in any other mode, and not subject to as much labor or attention on the part of the individual? It was known that, after the payment of all expenses, it left a clear dividend, equal, if not more than property otherwise invested. It should be taxed, in his opinion, above all other property, because it allowed the stockholders, without any trouble on their part, to exercise their different avocations and professions;

and that it was the fairest subject of taxation in the world, because it allowed its owner other disposal of his time.

As this tax formed a portion of the revenue of the country, it must be manifest that the power to impose it existed in the General Government from the adoption of the Federal Union. When the constitution was formed, the right was never doubted. But this power (taking it for granted) in the United States was possessed as concurrent by the several States, unless where, by their own consent, it was expressly denied them by the constitution. Within their own jurisdiction they possessed as full and concurrent power of taxation as the General Government. To prove this, he would refer to the early exposition of this part of our constitution, at the time of its adoption, when it was necessarily best understood. It would be found in the "*Federalist*," page 32, written by Alexander Hamilton. [Mr. B. here read the extract from the *Federalist*.]

Now, sir, said Mr. B., let us examine what is this corporation. It was contended that the power rested in the Government to create it, but he should not now broach the important question which the right involved. But let it be supposed that the Government has the power, have the States the right of taxing it within their jurisdiction? What is this corporation? Is it not merely the right of separate individuals to put their money, their stock, together, for their better interest? And with the exception of some seven millions of stock owned by the Government, it is the property of individuals. Government has no control over it beyond that of other stockholders, who hold the same amount. And whence the privilege of these individuals, by the mere act of putting their aggregate property under the management of a directory, to thus exempt it from the liability it would otherwise be subject to? The Government holding but a small portion of this property, he would say that the bank was under the sway of those individuals, who managed its concerns, as any other property would be managed, to redound most to their interest, and that it was not a Government machine; and, under such circumstances, he would ask if any corporation, exercising the objects and pursuits of individuals, could claim the immunities and privileges of a sovereign power. He would never consent that a corporation of individuals should wield its sovereignty—that their capital should be above the power or reach of those very States in which they exercised their franchise—in which they might be said "to live, move, and have their being."

Let us suppose, said Mr. B., that the branch of the bank in Kentucky, or in Ohio, for example, is robbed. Who punishes the felon? Is it the Government? No, sir. If one of its officers or managers be assaulted, is it the Government punishes for the violence done? No, sir; it is the State in which those acts are committed that punishes, and the State alone has the power. Further, so far as the Government holds property in this corporation, it is a surrender in so much of its sovereign power; for, when a sovereignty mixes with mere individuals, commingles with them, it cannot elevate the individuals to its station, but it sinks to their level.

He had already endeavored to show, by the opinions of Hamilton, and his exposition of the constitution, that the several States possessed a concurrent power of taxation with the Government itself, unless when defined to the contrary; and these were limited to two subjects, viz. imports and exports, the taxing of which is placed in the Government alone. The income on the public lands, which had since been created, might be also added; but where the United States had laid a tax on them, did it prevent the State Government from taxing the same? Both had done so. If the United States laid its hand on some particular objects for taxation, whether slaves, land tax, or other things, it did not place an exclusive right in the Government; because, exercised in those particulars, the State was deprived of the like power, but had likewise a

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correlative, a concurrent power. Nor does it follow that, if this corporation be invested with certain immunities, they shall operate as a bar against the right inherent in the States. Such privileges, if invested in those individuals in their corporate capacity, would resemble the old noblesse in France, whose estates were exempt from all taxation, throwing the burden on the people, and create in this country a great moneyed aristocracy, a privileged class. He would never consent to such privileges. Out of a capital of thirty-six millions, only seven were owned by the Government, thus leaving twenty-nine millions of exempted property. Then, as regarded the property owned by non-residents, which, it would appear, amounted to one-fourth of the whole. By the decision of the Supreme Court, that we could not tax the subjects of a foreign Government, this property was exempt; and if this argument and decision were correct, the whole stock of the bank might be transferred, and thus a general exemption take place. Could this be allowed? And were the States to be called on by their authority, to give their protection to the officers of this corporation resident within them, and yet be restricted from taxing the property and the individuals thus protected? He would ask, what boon was given to the States in lieu?

Mr. B. referred to the laws that had already been passed for taxing the Bank of the United States. In the third volume of the Laws of the United States, would be found an imposition of a direct tax, and, among other things, the law imposes a stamp tax on the notes of all the banks; and the Bank of the United States then, existing under the authority of the United States, had a tax imposed on it, and did make the composition of one per cent. provided for by that law. The other law was that of 1813, which law imposed a tax on banks, and the Bank of the United States was not then exempted. If the Government, then, possesses the power of taxing the United States' Bank, how is it that the States are to be divested of that power? It has been said that, if this power be conceded to the States, they will act widely and inconsiderately, and tax the bank to its ruin. But, because a power may be abused, does it argue that this power does not exist? If this be conceded, it would prohibit the exercise of all lawful power, both by the Federal and State Governments. He meant no disrespect to the Congress of the United States, when he asked if there had never been an abuse, or indiscreet exercise of power, on their part. Where was the remedy, when there was such an indiscreet exercise of power? There was none, other than in the returning good sense of the people of the United States, exercised through their representatives. He admitted that the State of Ohio had acted indiscreetly in taxing the bank so extravagantly as she did. But let us review the circumstances under which she acted. At the close of the war, there was no Bank of the United States, but the currency of the country was confined to notes of the State banks. The Government applied to these banks, and urged them to take its loans. He was in Congress at the time that the cashiers attended, and exposed the situation of the bank. We have no money, said they; but we have stock on which we make our discounts; we consider this cash, which could be realized in time of peace, but now not available. Every bank applied to, thus exposed their situation, and declared their inability to lend; that when war came, their situation would be perilous, for the stock on which they relied, and which yielded them six per cent., could not be turned into money, in case of a pressure on their banks. The reply of the Secretary was that of a statesman. The Government, said he, must have money; and the consequence was, specie payments by the banks ceased; the Government continued to sell treasury notes to them, and they continued to make loans to the Government. The notes of these banks not paying specie, were taken to an immense amount, and circulated throughout the country,

for the payment of the troops, and for the purchase of all the supplies needed to carry on the war; for, unfortunately, the banks that did pay specie, refused to lend money to support an "unnatural and unjust war." When peace came, no time was allowed to these banks, who had put into circulation such a vast amount of notes in order to serve the Government, to call in their circulation; but, forgetful of the benefits received from them, the Government immediately created another bank, to compel those banks to find specie for the amount they had out. What was the consequence? The Bank of the United States went into operation with not three millions, and, in less than eighteen months, issued notes to the amount of eighteen millions, which was afterwards reduced to nine millions. The State banks were drained of their specie to supply the Bank of the United States, (upwards of seventy-two millions were drawn from Kentucky and Ohio alone,) until they found themselves in a situation of great depression and embarrassment, and many of them were ruined. Now, it was not astonishing that, in this state of things, when such a besom of destruction was sweeping away the State institutions, and the fortunes of individuals connected with them, that there should have been such an excitement as caused the legislation of the State of Ohio, before referred to. At that very time, the State of Kentucky was employing, through the medium of her State bank, a capital of seven hundred and fifty thousand dollars, acquired by the sale of her Green river lands. This was the case, also, with the State of Ohio, who made a similar investment of her capital. The bank interfered, and these State institutions were ruined. Here was the cause of the extraordinary excitement which produced that extraordinary taxation of a bank that had produced so much injury. He was not now arguing the question whether the bank should be rechartered or not; he was only contending that, if it should be rechartered, it should not be in such a way as to have the power of breaking down the State institutions.

Mr. B. here entered, at length, into the argument as to the right of the States to tax the branches within their limits, and the propriety and expediency of the National Legislature affirming the right, by introducing such a provision in the charter.

Mr. B. concluded by arguing that the right of taxation belonged to the States in their sovereign capacity—that such rights were not specially adverted to in the constitution; the Congress had not the power to delegate or to compromise. That he was one of those who denied the power of the General Government to raise money for distribution—a proposition which the substitute of the gentleman from Maine, [Mr. SPRAGUE,] so to apply the bonus, would carry into operation. He would oppose it on constitutional grounds—he would oppose it as inexpedient; and, further, he would vote against the substitute as regarded the striking out of the amendment of the gentleman from Alabama, [Mr. MOORE,] as denying the power of taxation in the several States.

Mr. DUNBAR said that, recognising the right of the several States to give instructions to their Senators who ought to consider themselves bound to obey them, he had no difficulty in yielding a ready obedience to the instructions contained in the resolutions he then held in his hands. These resolutions were adopted at the late session of the Legislature of the State of New York, and had never yet been presented to the Senate. The subject had a long time been under discussion, and that resolution had finally received the concurrence of a majority of two-thirds of the Legislature. He believed, therefore, that they spoke the language of a majority of the State. He should accordingly vote against the bill, in whatever shape or form it might be modified. He took this opportunity of expressing his disapprobation to granting a great moneyed monopoly in consideration of a bonus. He concurred in

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the principles of the amendment offered by the gentleman from Alabama, affirming the rights of the States to tax the branches of the bank to the extent that they tax their own institutions, and should give to the amendment his support. In the State of New York, which had a banking capital of twenty-four millions, all paid in, and many insurance and other incorporated companies, all such institutions were taxed, not by the State, for there was no State tax, so called, but taxed under the authority of the State for local purposes. The taxes raised from forty to eighty cents, averaging about fifty cents on the one hundred dollars. He felt that he should neglect the interests of the State he represented here, if he did not urge the introduction of a clause in the bill, reserving to the States the right to tax the branches of the bank equally with their institutions. He asked the reading of the resolutions, and that they might be laid on the table. Mr. D. then handed in and the Secretary read the resolutions adopted by both branches of the Legislature of New York, instructing their Senators and requesting their Representatives in Congress to oppose the rechartering of the Bank of the United States.

Mr. BENTON rose to say that this motion presented the most direct attack upon the rights, the interests, the independence, and the sovereignty of the States, which he had ever personally witnessed. The amendment offered by the Senator from Alabama [Mr. MOORE] was declaratory of the rights of the States, both to refuse admission of these branch banks into their limits, and to tax them like other property, if admitted; if this amendment was struck out, it was tantamount to a legislative declaration that no such rights existed, and would operate as a confirmation of the decision of the Supreme Court to that effect. It is to no purpose to say that the rejection of the amendment will leave the charter silent upon the subject; and the rights of the States, whatsoever they may be, will remain in full force. That is the state of the existing charter. It is silent upon the subject of State taxation; and in that silence the Supreme Court has spoken, and nullified the rights of the States. That court has decided that the Bank of the United States is independent of State legislation! consequently, that she may send branches into the States in defiance of their laws, and keep them there without the payment of tax. This is the decision; and the decision of the court is the law of the land; so that, if no declaratory clause is put into the charter, it cannot be said that the new charter will be silent, as the old one was. The voice of the Supreme Court is now heard in that silence, proclaiming the supremacy of the bank, and the degradation of the States; and, unless we interpose now to countervail that voice by a legislative declaration, it will be impossible for the States to resist it, except by measures which no one wishes to contemplate.

Mr. B. regretted that he had not seen in the papers any report of the argument of the Senator from Virginia [Mr. TAZEWELL] in vindication of the right of the States to tax these branches. It was an argument brief, powerful, and conclusive—lucid as a sunbeam, direct as an arrow, and mortal as the stroke of fate to the adversary speakers. Since the delivery of that argument, they had sat in dumb show, silent as the grave, mute as the dead, and presenting to our imaginations the realization of the Abbe Sieyès's famous conception of a dumb legislature. Before the States surrendered a portion of their sovereignty to create this Federal Government, they possessed the unlimited power of taxation; in the act of the surrender, which is the constitution, they abridged this unlimited right but in two particulars—exports and imports—which they agreed no longer to tax, and therefore retained the taxing power entire over all other subjects. This was the substance of the argument which dumb-founded the adversary: and the distinction which was attempted to be set up between tangible and intangible, visible and invisible, objects of

taxation; between franchises and privileges on one side, and material substances on the other, was so completely blasted and annihilated by one additional stroke of lightning, that the fathers of the distinction really believed that they had never made it! and sung their palinodes in the face of the House.

The argument that these branches are necessary to enable the Federal Government to carry on its fiscal operations, and, therefore, ought to be independent of State legislation, is answered and expunged by a matter of fact, namely, that Congress itself has determined otherwise, and that in the very charter of the bank. The charter limits the right of the Federal Government to the establishment of a single branch, and that one in the District of Columbia! The branch at this place, and the parent bank at Philadelphia, are all that the Federal Government has stipulated for. All beyond that is left to the bank itself to establish branches in the States or not, as it suited its own interest, or to employ State banks, with the approbation of the Secretary of the Treasury, to do the business of the branches for the United States. Congress is contented with State banks to do the business of the branches in the States; and, therefore, authorizes the very case which gentlemen apprehend and so loudly deprecate, that New York may refuse her assent to the continuance of the branches within her limits, and send the public deposits to the State banks. This is what the charter contemplates. Look at the charter; see the fourteenth article of the constitution of the bank; it makes it optional with the directors of the bank to establish branches in such States as they shall think fit, with the alternative of using State banks as their substitutes in States in which they do not choose to establish branches. This brings the establishment of branches to a private affair, a mere question of profit and loss to the bank itself; and cuts up by the roots the whole argument of the necessity of these branches to the fiscal operations of the Federal Government. The establishment of branches in the States is, then, a private concern, and presents this question: shall non-residents and aliens—even alien enemies, for such they may be—have a right to carry on the trade of banking within the limits of the States, without their consent, without liability to taxation, and without amenability to State legislation? The suggestion that the United States owns an interest in this bank, is of no avail. If she owned it all, it would still be subject to taxation, like all other property in which she holds in the States. The lands which she had obtained from individuals in satisfaction of debts, were all subject to taxation; the public lands which she held by grants from the States, or purchases from foreign Powers, were only exempted from taxation by virtue of compacts, and the payment of five per centum on the proceeds of the sales for that exemption.

The right of the States to tax banking institutions of every kind, State or federal, is just as clear, and rests upon the same foundation, as her right to tax land and houses, merchants and jewellers, ferries and taverns. The right clearly exists with respect to the branches of the United States' Bank; and ought Congress to destroy that right, by refusing to insert a declaratory clause to protect it against the decision of the Supreme Court? Of all the subjects of taxation, the moneyed power is the most suitable and proper. Jews were taxed, and enormously taxed, all over Europe, because they dealt in money. They were made to bear the chief burden of taxation, because, having most money, they were most able to bear it. These branch banks ought to be taxed, at least as much as the citizens of the State, upon the same principle. These foreigners and non-residents, carrying on the trade of banking within a State, and making immense sums out of the people of the State, to be carried off and expended elsewhere, and contributing nothing to the military defence of the State, ought certainly to contri-

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bute in money to the support of the Government from which they derive all the benefits of wealth and protection. The lands of non-residents, and of aliens, are not exempted from taxation; why should their banks be exempted? Great is the profit which they derive from the banking business; great is the power which it gives them over the persons and the property of our citizens. The bank debt is now about seventy millions of dollars, which cannot be a less annual tax upon the people of this Union than five or six millions of dollars. In the West alone the debt is near thirty millions, and the annual interest, with exchange and other charges, near three millions. The abduction of specie from the South and West, by the operation of these branches, is now ascertained to exceed twenty-three millions of dollars! Of this immense sum, Louisville has furnished one million one hundred and seven thousand five hundred and sixty-three dollars; Cincinnati, six hundred and twenty-seven thousand dollars; Pittsburg, about nine hundred thousand; St. Louis, three hundred thousand, (within the last two years;) New Orleans, about twelve millions of dollars, besides near a million more shipped direct to Europe, without passing through the mother bank. When carried to Philadelphia, much of this specie is sent abroad, to be sold at a premium in Europe. About five millions of dollars have thus been exported and sold by the bank within a few years at a premium of ninety-seven thousand one hundred and forty dollars; and, in lieu of specie thus abducted from the South and West, these sections are deluged with a small paper currency, as illegal as it is unsound and vicious, and practically unconvertible into specie, because it is made payable five hundred or a thousand miles off. All the flourishing cities of the West are mortgaged to this moneyed power. They may be devoured by it at any moment. They are in the jaws of the monster! A lump of butter in the mouth of a dog! one gulp, one swallow, and all is gone!

The story of foreign capital brought into the States is an illusion, contradicted by the bank itself. The branches at Mobile, Natchez, St. Louis, Buffalo, Utica, and Portland, are shown in the monthly statements to have no capital. The other branches are shown by the President's letter, in answer to a call of the Senate, to have nothing but a nominal capital, without any solid or real foundation. The investigating committee have ascertained from the bank itself that the whole amount of specie ever furnished by the parent bank to the whole batch of her Southern and Western branches, only amounts to the precise sum of eight hundred and ninety-six thousand four hundred and seventy-two dollars! And this is the capital for which the West and South are to be grateful! This is the capital on which a debt of about forty millions in these two sections of the country has been created! This is the capital for which foreigners and non-residents are to become the lords and masters of the land, and for which the States are to be so thankful and so humble as not to require them to pay any tax upon their loans and issues!

The justice of taxing these branches is just as clear as the right to do so, and it belongs to the State itself to exercise the right of taxation, or to compound it for a bonus. The substituted amendment proposed by the Senator from Maine, [Mr. SPRAGUE,] besides being a direct attack upon the rights of the States, is radically wrong in assuming to accept a sum for the States without their consent. Congress cannot bargain for the States. She cannot agree with the bank for a certain sum, and then assign it to the States, as to so many dependent provinces of a paramount empire. It is for the States themselves to say whether this bonus is sufficient, or whether they choose to sell their birthright for any bonus at all; and if this amendment shall be adopted, a proviso will certainly be offered, to refer the acceptance of the bonus to the will of the States: and thus a veto will be placed at once

in the hands of four and twenty States upon the approval of the charter. This is a consequence which the friends of the bank would not relish; yet, if the scheme of paying the bonus to the States individually, instead of paying it to the Federal Government, a reference of the charter to the States, for their acceptance or rejection of the bonus offered, becomes indispensable, unless they are to be treated as miserable dependents of the bank, without even the right of giving an opinion upon the sufficiency of what is offered. Whether referred to them or not, the States will have the power of refusing to accept the bonus: some States may refuse; some are certainly bound to refuse. What then? Does the charter go into effect, without regard to the refusal of the State to receive the bonus? The bank, assuming the lofty superiority of throwing her so much, (and, if she did not pick it up, she might do without it,) the imperial bank, would disregard her pouting, and go on as she pleased. The substitute of the Senator from Maine is certainly ingeniously worded; it suits some State right men, and some anti-State right men. He [Mr. B.] was opposed to every thing in legislation which suited persons irreconcilably opposed on fundamental principles. The substitute seemed to blink the question. Yesterday, when first offered, it had a phrase in it which is now taken out. The States were then to have this bonus "in consideration" of not taxing the branches; but this clause, which implies a right, and the sale of a right, is now taken out, and the substituted amendment had lost its first distinguishing feature.

The amendment of the Senator from Maine proposes to grant an annuity to the States in lieu of the taxes they would have a right to receive, thus placing the States in the same elevated relation with respect to the bank, which the Indian tribes now occupy with respect to the Federal Government. The annuity now in the bill is \$150,000, which, being fairly distributed *per capita*, according to the Indian rule, would furnish about eight mills, or three-fourths of a cent, to each inhabitant of the States. This is a fine sum to be given for the sovereignty of a State; and must have some relation or reference to the value of the mess of pottage which a foolish boy once received for his birthright. If Congress must sell the rights of the States, let them at least take the best price which is offered; and a far better one than that in the bill has been offered. The memorial for a new bank, to be owned wholly by American citizens, offers \$700,000 a year during the continuance for the charter; why not take that, which is nearly five times the amount of the bonus in the bill? The citizens who offer it are acknowledged to be able to take the stock of the bank, to pay the bonus, and to manage its affairs. Why not sell to them in preference to this old company, which offers but the fifth part, and has already had their privilege for twenty years, and is besides so largely made up of foreigners, and now known to be in the hands of the political party which the people of the United States have discarded from office?

Mr. B. expressed his earnest wishes that this deadly blow at the rights of the States might be averted; that the amendment of the Senator from Alabama [Mr. MOORE] might be adopted; and the sovereignty of the States be vindicated from the authority of the Supreme Court; and that the great moneyed power of the Bank of the United States might be forced to contribute, with the citizens of the States, to the support of the Government whose protection they received.

Mr. SPRAGUE replied to Mr. BENTON. It was the general custom, he said, for those who were unable to reply to a proposition, to assail it with invective, and to load it with abusive epithets. When, therefore, it is said that the amendment he proposed was a contrivance unworthy of legislation, he could deign no other reply than that the assertion itself was unworthy. He denied that he had, in any way, attempted to blink or evade the question. He

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stated, in distinct terms, his opinion that the States had no right to tax the branches of the United States' Bank. He agreed perfectly with the decision of the Supreme Court; and had unhesitatingly avowed that, unless a provision to that effect be inserted in the charter, the States will have no right to tax the bank. If you come to the expediency, said he, I deny that also. As to any degradation in the States receiving such trifling annuities, like the Indian tribes, as spoken of by the gentleman from Missouri, he could not, for himself, perceive it. The amendment did not make the annuity; it was already in the bill provided that the United States should receive it. Now, if it was degrading for the States to receive annuities, which, divided among the people, would only amount to seven or eight mills each, would the proportion be much greater if paid to the United States? And such, said Mr. S., are the materials of which arguments are made, to be addressed to the people of the United States. The gentleman from Missouri tells me, said Mr. S., that I ought to make a motion to increase the bonus. I cannot do so, said he, at this stage of the business, but will unquestionably make the motion at a proper time.

The question was then taken on striking out Mr. MOORE's amendment, and decided in the affirmative, by the following vote:

YEAS.—Messrs. Bell, Buckner, Clay, Clayton, Dallas, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Smith, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—26.

NAYS.—Messrs. Benton, Bibb, Brown, Dickerson, Dudley, Ellis, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Robinson, Tazewell, White.—18.

The question was then taken on inserting Mr. SPRAGUE's amendment, and it was also decided in the affirmative—yeas 25, nays 19, as follows:

YEAS.—Messrs. Bell, Buckner, Clay, Clayton, Dallas, Dickerson, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Smith, Sprague, Tipton, Tomlinson, Waggaman, Wilkins.—25.

NAYS.—Messrs. Benton, Bibb, Brown, Dudley, Ellis, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Tazewell, Webster, White.—19.

Mr. FOOT then moved further to amend the bill, by adding an additional section providing that the cashier of the bank shall annually report to the Secretary of the Treasury the names of all the stockholders of the bank who are not residents of the United States; and, on application from the Executives of the several States, furnish them the names of the stockholders who reside in the United States.

Mr. F. said the object of this amendment was to enable the States to tax the stockholders of the bank who reside within their limits. In Connecticut, said Mr. F., we tax the stockholders of our own banks, and would also tax those of the Bank of the United States, who reside in the State; but, on application being made to the cashier of the bank for their names, they were refused.

This amendment was adopted without a division.

Mr. BIBB then offered three sections as amendments:

The first prescribing that the parent bank shall be managed by a president and twenty-four directors, and of the branches by a president and twelve directors each; the President of the United States, by and with the advice and consent of the Senate, to appoint all the presidents, and one-half of the directors, and that it shall not be necessary that they shall be stockholders of the bank;

The second amendment providing that the bank shall not take more than five per cent. per annum, in the shape of interest and discounts; and

The third providing that no person shall vote at any election more than thirty shares, including those he shall vote in his own right, as stockholder, and as attorney, agent, or proxy.

After a debate, in which Messrs. BIBB, DALLAS, SMITH, and GRUNDY, took part,

Mr. BUCKNER called for a division of the question, which was ordered, and it was first taken on the first amendment; which was rejected by the following vote—yeas 2, nays 43.

YEAS.—Messrs. Benton, Bibb.—2.

NAYS.—Messrs. Bell, Brown, Buckner, Clay, Clayton, Dallas, Dickerson, Dudley, Ellis, Ewing, Foot, Frelinghuysen, Grundy, Hayne, Hendricks, Hill, Holmes, Johnston, Kane, King, Knight, Mangum, Marcy, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tazewell, Tipton, Tomlinson, Troup, Waggaman, Webster, White, Wilkins.—43.

The question was then taken on the second amendment to reduce the interest taken by the bank to five per cent., and decided in the negative, as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Buckner, Dickerson, Dudley, Ellis, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Moore, Robinson, Smith, Tazewell, Troup, White.—20.

NAYS.—Messrs. Bell, Clay, Clayton, Dallas, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Miller, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—25.

The question was then taken on the third amendment, and it was rejected by the following vote:

YEAS.—Messrs. Benton, Bibb, Ellis, Grundy, Hayne, Hill, Kane, Marcy, Moore, White.—10.

NAYS.—Messrs. Bell, Brown, Buckner, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, King, Knight, Mangum, Miller, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tazewell, Tipton, Tomlinson, Troup, Waggaman, Webster, Wilkins.—35.

Mr. EWING then moved to amend the bill by striking out the fifth section, which provides that it shall not be lawful for the bank, two years after the 3d of March next, to hold any real estate, except on mortgage, or for the transaction of its business, directing a sale after that time, and imposing a penalty of ten thousand dollars for the infraction of this clause.

This motion was rejected—yeas 22, nays 23, as follows:

YEAS.—Messrs. Bell, Clay, Clayton, Dallas, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Knight, Naudain, Poindexter, Prentiss, Robbins, Robinson, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—22.

NAYS.—Messrs. Benton, Bibb, Brown, Buckner, Dickerson, Dudley, Ellis, Grundy, Hayne, Hill, Johnston, Kane, King, Mangum, Marcy, Miller, Moore, Ruggles, Smith, Tazewell, Tipton, Troup, White.—23.

Mr. WEBSTER then proposed to amend the fifth section by striking out two years and inserting five years, so as to allow the bank five years instead of two to sell its real estate.

This motion was carried without a division.

Mr. WEBSTER then proposed an amendment, striking out that part of the bill providing that the bank and its branches shall receive in payment of debts due by State banks the notes of any of the branches.

After a debate, in which Messrs. WEBSTER, KNIGHT, and TAZEWEILL took part, the amendment having been opposed by the two last named gentlemen,

Mr. WEBSTER withdrew the amendment, stating that

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some modification of this section could be made after the bill should be reported to the Senate.

Mr. BIBB then moved to amend the fourth section, by striking out the words "from any other incorporated bank," so as to make it incumbent on the bank and its branches to receive the notes of any and all of their branches in payment of debts due from individuals as well as from State banks.

This amendment was opposed by Mr. WEBSTER, and supported by Messrs. BIBB, HAYNE, KNIGHT, and GRUNDY, and finally adopted—yeas 25, nays 19, as follows:

YEAS.—Messrs. Bibb, Clayton, Dickerson, Dudley, Ellis, Foot, Grundy, Hayne, Hill, Kane, King, Knight, Mangum, Marcy, Miller, Moore, Poindexter, Prentiss, Robinson, Ruggles, Tazewell, Tomlinson, Troup, White, Wilkins.—25.

NAYS.—Messrs. Bell, Benton, Brown, Buckner, Clay, Dallas, Ewing, Frelinghuysen, Hendricks, Holmes, Johnston, Naudain, Robbins, Seymour, Silsbee, Smith, Sprague, Tipton, Webster.—19.

Mr. EWING then moved to strike out the fifth section of the bill, prohibiting the bank from issuing and circulating notes of a less denomination than fifty dollars, not payable at the bank or branch whence issued, or circulated, unless at the special instance and request of the person to whom the same is payable or issued.

Mr. SMITH here moved an adjournment: negatived—yeas 20, nays 23.

A debate then ensued, in which the motion was advocated by Messrs. EWING, WEBSTER, JOHNSTON, and SILSBEE, and opposed by Messrs. BIBB, KING, HAYNE, MARCY, and TAZEWEEL; when

Mr. TAZEWEEL moved a division of the question, so as to take it first on striking out the last words of the section, which he said rendered the whole nugatory, viz. "unless at the request of the person to whom the same (i. e. the notes) shall be issued, paid out, or put in circulation."

The division having been ordered, the question was taken on striking out the latter part of the section as above, and lost—yeas 17, nays not counted.

The question was then taken on Mr. Ewing's motion to strike out the whole section, and it was decided in the affirmative—yeas 24, nays 15, as follows:

YEAS.—Messrs. Bell, Bibb, Buckner, Clay, Clayton, Dallas, Ewing, Frelinghuysen, Grundy, Hendricks, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Webster, Wilkins.—24.

NAYS.—Messrs. Benton, Brown, Dudley, Ellis, Foot, Hayne, Hill, King, Mangum, Marcy, Miller, Moore, Robinson, Tazewell, Troup, White.—15.

Mr. GRUNDY moved an adjournment; rejected—yeas 18, nays 21.

Mr. BENTON said he had several amendments to offer; and first proposed one repealing so much of the original charter of the bank as restricts Congress from granting a charter to another bank, and grants an exclusive privilege to the Bank of the United States.

Mr. KING moved that the Senate adjourn. It was impossible, he said, for gentlemen to expect to get through with the amendments that evening; it was six o'clock, and the gentleman from Missouri had several other amendments to propose, which would probably occasion debate. On the motion to adjourn, he asked for the yeas and nays, which were ordered; and on their being called, the Senate refused to adjourn, by the following vote:

YEAS.—Messrs. Benton, Bibb, Brown, Dudley, Ellis, Grundy, Hayne, Hendricks, Hill, King, Mangum, Marcy, Miller, Moore, Sprague, Tazewell, Troup, White.—18.

NAYS.—Messrs. Bell, Buckner, Clayton, Dallas, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight,

Naudain, Poindexter, Prentiss, Robbins, Seymour, Silsbee, Tipton, Tomlinson, Webster, Wilkins.—20.

Mr. KING then demanded that the hour should be recorded on the journal at which the Senate refused to adjourn. This, he said, he had a right to ask.

Mr. GRUNDY said he was glad to see an evidence of a determination to do business; but he thought gentlemen were going too far—they were not going to make their bank that night, he would assure them. He would suggest that the Senator from Missouri should give in all his amendments at once, and that the Senate should then adjourn, and consider on them, in order to act promptly in the morning.

Mr. BENTON then handed to the Secretary his amendments; and, without reading, they were, on motion of Mr. GRUNDY, ordered to be printed.

Adjourned.

SATURDAY, JUNE 2.

BANK OF THE UNITED STATES.

The Senate again, sitting as a Committee of the Whole, resumed the consideration of the bank bill.

The series of amendments submitted by Mr. BENTON came up in order.

The first was in the following words:

"That so much of the original charter as restricts any future Congress from granting charters of incorporation to other banking companies, and grants an exclusive privilege to the stockholders in the Bank of the United States, shall be, and the same hereby is, repealed from and after the third day of March, in the year one thousand eight hundred and thirty-six."

Mr. BENTON pointed out the clauses in the charter which granted the exclusive privilege, and imposed the restriction, which it was the object of his motion to abolish; and read a part of the 21st section, which enacted that no other bank should be established by any future law of the United States, during the continuance of that charter, and which pledged the faith of the United States to the observance of the monopoly thereby created. He said the privilege of banking, here granted, was an exclusive privilege, a monopoly, and an invasion of the rights of all future Congresses, as well as of the rights of all citizens of the Union, for the term the charter had to run, and which might be considered perpetual; as this was the last time that the people could ever make head against the new political power which raised itself in the form of the bank to overbalance every other power in the Government. This exclusive privilege is contrary to the genius of our Government, which is a Government of equal rights and not of exclusive privileges; and it is clearly unauthorized by the constitution, which only admits of exclusive privileges in two solitary, specified cases, and each of these founded upon a natural right, the case of authors and inventors; to whom Congress is authorized to grant, for a limited time, the exclusive privilege of selling their own writings and discoveries. But in the case of this charter there is no natural right, and it may be well said there is no limited time; and the monopoly is far more glaring and indefensible now than when first granted; for then the charter was not granted to any particular set of individuals, but lay open to all to subscribe to it; but now it is to be continued to a particular set, and many of them foreigners, and all of whom, or their assignees, had already enjoyed the privilege for twenty years. If this company succeeds now in getting their monopoly continued for fifteen years, they will so entrench themselves in wealth and power, that they will be enabled to perpetuate their charter, and transmit it as a private inheritance to their posterity. Our Government delights in rotation of office; all officers, from the highest to the lowest, are amenable to that principle; no one is suffered to remain in power thirty-five

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years; and why should one company have the command of the moneyed power of America for that long period? Can it be the wish of any person to establish an oligarchy with unbounded wealth and perpetual existence, to lay the foundation for a nobility and monarchy in this America!

The restriction upon future Congresses is at war with every principle of constitutional right and legislative equality. If the constitution has given to one Congress the right to charter banks, it has given it to every one. If this Congress has a right to establish a bank, every other Congress has. The power to tie the hands of our successors is nowhere given to us; what we can do, our successors can; a legislative body is always equal to itself. To make, and to amend; to do, and to undo; is the prerogative of each. But here the attempt is to do what we ourselves cannot amend—what our successors cannot amend—and what our successors are forbidden to imitate, or to do in any form. This shows the danger of assuming implied powers. If the power to establish a national bank had been expressly granted, then the exercise of that power, being once exerted, would be exhausted, and no further legislation would remain to be done; but this power is now assumed upon construction, after having been twice rejected in the convention which framed the constitution, and is, therefore, without limitation as to number or character. Mr. Madison was express in his opinions in the year 1791, that, if there was one bank chartered, there ought to be several! The genius of the British monarchy, he said, favored the concentration of wealth and power! In America, the genius of the Government required the diffusion of wealth and power. The establishment of branches did not satisfy the principle of diffusion. Several independent banks alone could do it. The branches, instead of lessening the wealth and power of the single institution, greatly increased both, by giving to the great central parent bank an organization and ramification which pervaded the whole Union, drawing wealth from every part, and subjecting every part to the operations, political and pecuniary, of the central institution. But this restriction ties up the hands of Congress from granting other charters. Behave as it may—plunge into all elections—convulse the country with expansions and contractions of paper currency—fill in its ability to help the merchants to pay their bonds—stop payment, and leave the Government no option but to receive its dishonored notes in revenue payments—and still it would be secure of its monopoly; the hands of all future Congresses would be tied up; and no rival or additional banks could be established, to hold it in check, or to supply its place.

Is this the Congress to do these things? Is this the Congress to impose restrictions upon the power of their successors? Is this the Congress to tie the hands of all Congresses till the year 1851? In nine months this Congress is defunct! A new and full representation of the people will come into power. Thirty additional members will be in the House of Representatives; two millions of additional people will be represented. The renewed charter is not to take effect till three years after this full representation is in power! And are we to forestall and anticipate them? Take their proper business out of their hands—snatch the sceptre of legislation from them—do an act which we cannot amend—which they cannot amend—which is irrevocable and intangible; and, to crown this act of usurpation, deliberately set about tying the hands, and imposing a restriction upon a Congress equal to us in constitutional power, superior to us in representative numbers, and better entitled to act upon the subject, because the present charter is not to expire, nor the new one to take effect, until three years after the new Congress shall be in power! It is in vain to say that this reasoning would apply to other legislative measures, and require the postponement of the land bill and the tariff bill. Both these bills require immediate decision, and therein differ from the

bank bill, which requires no decision for three years to come. But the difference is greater still; for the land bill and tariff bill are ordinary acts of legislation, open to amendment, or repeal, by ourselves and successors; but the charter is to be irrevocable, unamendable, binding upon all Congresses till the year 1851. This is rank usurpation; and if perpetrated by Congress, and afterwards arrested by an Executive veto, the President will become the true representative of the people, the faithful defender of their rights, and the defender of the rights of the new Congress which will assemble under the new census.

Mr. B. concluded his remarks with showing the origin, and also the extinction, of this doctrine in England. A tory Parliament in the reign of Queen Anne had first granted an exclusive privilege to the Bank of England, and imposed a restriction upon the right of future Parliaments to establish another bank; and the ministry of 1826 had condemned this doctrine, and proscribed its continuance in England. The charter granted to the old Bank of the United States and to the existing bank had copied those obnoxious clauses; but now that they were condemned in England as too unjust and odious for that monarchial country, they ought certainly to be discarded in this republic, where equal rights was the vital principle and ruling feature of all our institutions.

There was now a call for the question; and, on division, the amendment was rejected, as follows:

YEAS.—Messrs. Benton, Brown, Dudley, Ellis, Grundy, Hayne, Hill, Kane, King, Marcy, Miller, Moore, Tazewell, Troup, Tyler, White.—16.

NAYS.—Messrs. Bell, Buckner, Clay, Clayton, Dallas, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tipton, Tomlinson, Waggaman, Webster.—26.

Mr. BEXTON's second amendment was as follows:

"That, from and after the 1st day of April, 1836, no member of Congress, or officer of the Federal Government, or alien, shall hold any stock in said bank."

This provision, said Mr. B., is copied from the charter of the famous Scottish banks, which are now considered as the models of all good banks; and the good effects it has produced in those institutions should encourage all others to assume it. The provision is founded in the just medium between the common law principle of partnerships, which makes each partner liable for the whole debts of the concern, and the corporation principle, which absolves each partner from all liability. Each of these extremes was equally unjust in a banking institution. The liability of each stockholder for the whole debts of the corporation, would always be unjust with respect to himself, and nugatory with respect to the public; the total exemption from all liability was unjust to the public, as stockholders might continue to live in affluence, while those who held their notes might be reduced to beggary. Liability to the amount of the stock was the true principle, and, besides being just in itself, was a principle of easy application; as the holders of the notes, on the failure of the bank, could immediately bring their actions against any stockholder, and continue to recover from him until he had paid up the amount of his stock.

But the fact was, that, where this principle prevailed, there was no occasion to enforce it. It was the true check and control over banks; the effectual restraint upon over-issues. The Scottish banks, which contained it, had never stopped payment; the Bank of England, which did not contain it, had twice stopped. It was the true security, and the only one, against sudden expansions and contractions of the currency—those ebbs and flows, in which there is a deluge of paper to-day, and every body runs in debt, and a dearth of paper to-morrow, and all debtors are ruined. The presence of such a provision prevents the bank from running the risk of these expansions and

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contractions, and keeps it to the same steady line of business which prudent merchants and traders follow. It was the best of remedies for the evils to which banks were most subject; it was the remedy of prevention! for wherever it existed, it had prevented over-issues, and suspensions of specie payment. Mr. B. said it was a common opinion now in the remote parts of the Union, that the Government of the United States was responsible for the payment of the notes issued by the Bank of the United States. Many people were deceived by the name, and gave a credit to the bank to which it was not entitled. The United States were not responsible for one dollar of these bank notes. If the bank stopped payment tomorrow, not a dollar would this Government be liable to pay; neither would the stockholders be liable. It was his wish to realize, in some degree, the belief of those persons, by making all stockholders liable to the amount of their stock, of course, the Government with others, to the amount of the stock held by it. Foreigners alone could not be reached by the provision, as their residence in foreign countries would protect them against suits; and this formed an additional argument against the admission of aliens into this corporation.

The question being taken on this amendment, it was also rejected by the following vote:

YEAS.—Messrs. Benton, Ellis, Grundy, Miller, Robinson, White.—6.

NAYS.—Messrs. Bell, Brown, Buckner, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hayne, Hendricks, Hill, Holmes, Johnston, Kane, Knight, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Smith, Sprague, Tazewell, Tipton, Tomlinson, Troup, Tyler, Waggaman, Webster.—34.

Mr. BENTON's third amendment was then read:

"That the stockholders in said corporation shall be liable in their individual and private capacities to the amount of their stock, if the said corporation should, at any time, fail or refuse to pay its notes, bills, bonds, obligations, drafts, or other securities, in gold or silver coin; and the holders thereof may sue said stockholders before any tribunal having jurisdiction thereof."

Mr. BENTON said, it was from no illiberal prejudice against foreigners that he proposed to exclude them from an interest in this national institution. If foreigners came to the United States to live, and to plant their posterity among us, he was for receiving them with kindness and respect, and extending to them all the advantages of our laws and Government; but while these foreigners remained in their own countries, subject to a foreign prince, and bound by their allegiance to him to prefer his interest to ours, whenever they came in conflict, he was wholly opposed to conferring upon them powers and privileges which would enable them to exercise an influence over our prosperity, and to engross advantages which our citizens would rejoice to possess. This bank is called a national institution; it even bears the name of the United States, as if it actually belonged to the Federal Government: yet at this very moment foreigners hold eight and a half millions of the stock, are rapidly increasing their investments in it, and may, if they please, become its sole owners! How contradictory and absurd that a national institution should belong to aliens! That a bank bearing the name of the United States, should, in fact, be the private property of the nobility and gentry of Great Britain!

Money is called the sinews of war: what then must be the condition of the United States, if, involved in another war with Great Britain, all these sinews should be in the possession of the enemy? But, without extending our speculations to a state of war, which may be remote, and which we would wish to be improbable, it is sufficient to contemplate the dangers of a foreign moneyed influence among us in time of peace. What has been the bane of all confederacies, ancient and modern? Was it not fo-

reign influence, and that influence procured by money? Look at the intrigues of Philip in Greece; look at the intrigues of the neighboring Powers in the affairs of the Dutch, the Swiss, and the Germanic confederacies; money was at the root of all these intrigues; and the arrival of armies was always preceded by the corruption of orators and writers. Suppose the Bank of the United States to continue to glide into the hands of foreigners until it is swallowed up, or nearly swallowed up, by the hereditary nobility, the prime ministers, and the military and naval officers, of European sovereigns; will not this foreign aristocracy then have the control of the moneyed power of our America? And will they not use that power to raise up an American aristocracy, and to depress the American democracy? Assuredly they will; and, as the charter now stands, they may not only use their own money, but the credit and revenues of the United States, to corrupt the press and the Legislature, to govern elections, to tamper with individuals, to enrich and to impoverish whom they please, and to put up and pull down public men according to their own views.

There is no excuse for incurring this danger. Foreign capital is not needed in the United States. Our own citizens have more than they can employ; and, besides, the Bank of the United States needs less private capital than any other bank in the world. The credit and revenues of the United States, and the receivability of its notes in payment of public dues, are its real capital, and diminish the want of private capital throughout the institution, and totally dispense with it in one-third of the branches. This is known to every body. Then, why go abroad for foreign capital? Our own citizens are applying for this charter; they are offering five times as much for it as these foreigners offer; then, why continue the monopoly to foreigners? If the capital of the bank was three times what it is, every dollar of the stock would be taken by our own citizens. If the present bank was broken up into three independent moderate institutions, the citizens of the South and West would quickly subscribe for one bank each. Besides, the dangers of foreign influence, and the injury to our own citizens, from permitting foreigners to continue to hold stock in this bank. Mr. B. dwelt considerably on the injury which was done to the country from the annual transfer of money from the United States to Europe, to pay the dividends to the foreign stockholders. The amount now annually drawn was great; it was on the increase, for aliens were continually engrossing stock; it might amount to the whole annual profits of the bank; for aliens might succeed in acquiring the whole stock; and then the American citizens might pay a larger revenue to their bank lords in Europe than to their own Government in the United States. The annual profits of the bank now were between four and five millions of dollars; they might be carried up to double that sum, and doubtless would be under the new and extended charter; and then the people of America would find their resources in the hands of absentees, to be expended abroad for the enrichment of foreign States.

The exclusion of members of Congress, and officers of Government, from participation in the bank, was necessary, in the opinion of Mr. B., to the purity of the Government, and to the better administration of the affairs of the bank. One of the most baleful operations in a national bank was the business, or trick, of stockjobbing. It was a species of gambling, in which public measures were made to operate upon private fortunes; a system of putting up and pulling down, in which a motion in Congress, or piece of news from a department, would have the effect of raising or depressing stocks, and throwing bargains and speculations in the hands of the initiated, at the expense of *bona fide* holders. Public men should have no temptation to engage in such practices, and, therefore, should have no interest in the bank. Again: the bank is

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to be under the supervision of Congress; it has a right to investigate its proceedings, to condemn its conduct, and to order a *scire facias* against it for violations of its charter. Is it to be supposed that this supervisory power will ever be exerted if Congress is filled with the stockholders of the bank? The evils of this connexion between the officers of the Government and the bank, have been fully experienced in Great Britain, where members of Parliament had, by a clause in the Bank of England charter, a right to own its stock, and where they had always voted in the side of the bank against the people in every question between them. In 1797, they had absolved the bank from liability to redeem its notes in specie, and afterwards made the notes of this insolvent bank, that is to say, their own notes, a legal tender in discharge of all debts, and continued that iniquitous law for twenty-five years. To guard against such dangers in America, we should avoid the cause which led to them in England, and exclude our public functionaries from all interest in our bank.

Mr. GRUNDY said, if the effect of the amendment would be that the individual stockholders would be liable for all the debts of the body at large, he should vote against it; but if it were merely intended that each stockholder should be liable for the amount of the stock held by himself, it would be an improvement in the language of the clause, and would put its meaning beyond doubt, to insert the word "respectively" after "stock," to read "to the amount of their stock respectively."

Mr. BENTON adopted this suggestion. The vote was then taken on the amendment, when it was rejected, as follows:

YEAS.—Messrs. Benton, Ellis, Grundy, Hill, Kane, King, Miller, Moore, Robinson, Troup, White.—11.

NAYS.—Messrs. Bell, Brown, Buckner, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hayne, Hendricks, Holmes, Johnston, Knight, Marcy, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Smith, Sprague, Tazewell, Tipton, Tomlinson, Tyler, Waggaman, Webster, Wilkins.—33.

Mr. BRITTON's fourth amendment was as follows:

"That the said corporation shall not issue any currency which shall not be payable, on demand, at the branch bank where first issued, and subject to the penalties for non-payment, or delay of payment, mentioned in the seventeenth section of the charter."

Mr. BENTON remarked that he had proposed this amendment to test whether it was intended to make the bank a specie-paying bank, or the contrary. He would ask the yeas and nays.

The amendment was lost, by the following vote:

YEAS.—Messrs. Benton, Brown, Dudley, Ellis, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Tazewell, Troup, Tyler, White.—17.

NAYS.—Messrs. Bell, Clay, Clayton, Dallas, Dickerson, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—27.

Mr. MARCY rose to move an amendment, that nothing in the act contained should be construed to prevent Congress from modifying, altering, or changing the same after the 10th of April, 1836.

Mr. M. observed, that, in chartering State banks, the States were in the habit of reserving this power to themselves. He thought that Congress should have the same reservation.

Mr. MARCY and Mr. HILL both rose together, to ask for the yeas and nays. They were ordered accordingly. The vote was as follows:

YEAS.—Messrs. Benton, Dudley, Ellis, Grundy, Hayne, Hendricks, Hill, Kane, King, Marcy, Moore, Tazewell, Troup, Tyler, White.—15.

NAYS.—Messrs. Bell, Brown, Clay, Clayton, Dallas,

Dickerson, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Mangum, Miller, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Waggaman, Webster, Wilkins.—29.

Mr. TAZEWELL then moved to amend the clause (relative to the term of the duration of the charter) by striking out fifteen and inserting ten. His reasons, he said, for wishing to substitute ten years, in lieu of fifteen, arose from the attempted provision to give Congress a control over the charter of the bank having been rejected. By this and other decisions, the Senate had voted that this great moneyed institution should come into the hands of they knew not whom, and the currency be regulated at their discretion. Now, since the Senate thought that Congress should not have power, by such restrictions, over the currency, he hoped, at least, that there would be a restriction on the length of time that this power was to be wielded by the bank. Those who had sent them (the Senate) there, did not, probably, calculate that the power vested in them they should delegate away to others. If they had supposed that Congress would thus have delegated away such rights, he [Mr. T.] apprehended they would have said to them, in such case, if it must be so, make the term of the delegated power as short as possible. And ten years, he was confident, would be found long enough to vest such power in this corporation; and he should, therefore, urge his amendment.

Mr. DALLAS said that the fixing of any particular time for the duration of the charter was, altogether, an arbitrary measure. The time fixed by the committee was predicated on what had been the practice, heretofore, in granting former charters. Yet, the last charter, still in force, was for a longer period—that of twenty years. But the committee were induced to shorten the present term, from the reflection that the bank differs now from what it did formerly; being, at present, in full operation. Besides, the early application for the new charter, some three or four years in anticipation, would operate with the fifteen years proposed as equivalent to eighteen. To this view of the committee he had acceded, in every way possible. Mr. D. would remark that the charge of their giving to the bank unrestricted power over the currency, beyond the control of the Government, was too broad; it went too far. The charter contained every restriction that was necessary. The bank, in its means of doing good, and every thing that was beneficial to the country, was uncontrolled—to effect any mischief, strongly restricted. It had not, heretofore, done any mischief, nor could it now; for, where they have seemingly gone beyond the charter, Congress has interfered, and would interfere again; and, in the event of their going an iota beyond, would abrogate it altogether. Then, looking at the restrictions which the present charter contained, assuredly the accusation that had been made was too broad. But there was one great objection—one strong reason against shortening the charter; and that was, the frequent recurrence of the warm excitement which the discussion of the subject always caused—an excitement which became general throughout the country, and which, in the present instance, has been both felt and seen. Besides, the stockholders had made too early an application for the renewal of their charter. The measure had been forced on Congress by the interest created. The same feeling might be expected to recur prior to every renewal; and thus it would be impolitic to bring on the same, at such short intervals.

If you bring the measure up again within ten years, and that again its discussion is commenced four or five years antecedent to the limitation of its charter, the whole time of Congress would be occupied, to the neglect of every thing beside. If for no other reason, then, but that of self-defence, he [Mr. D.] thought the period should not be shortened. He would add, as regarded his individual

opinion, if it lay with him, he would take from those who had a stake in the bank all interest in making applications for a recharter—even from calling for legislative deliberation on the subject. The interest thus had in obtaining a recharter was productive of mischief; and the mischief was liable to be increased, if the interest so felt should beget electioneering policy to aid the cause. But to political excitement in the public mind he was far from being adverse. He rather rejoiced in it, and looked on it as generally salutary in its results.

Mr. TAZEWELL replied. If he required any additional argument in support of his motion, the Senator from Pennsylvania [Mr. DALLAS] had furnished it in his answer. What has now been avowed? The charter must be prolonged to prevent those having an interest in its recharter from interfering in and influencing the elections. Is this the reason given to us to prove the necessity for its prolongation, in order that we may prevent such interference, and guard against the influence of this money corporation? He [Mr. T.] had proposed to substitute ten years as the term; but if, after this avowal, any gentleman would propose to make it for one year, he would vote for such proposition with more pleasure than for his own. When he had proposed his substitute, he had stated but a single motive for the necessity of the amendment, and that was the intangibility of the bank by Congress; for he thought that intangibility should not be granted for long duration. To this restriction against Congress changing the charter during its continuance, after its policy had been once fixed, he had no objection to subscribe. Let it have settled interests, and so long to abide. For this reason he would wish to leave it free; and, if the public good required it, let Congress be bound—be restrained from after intermeddling with it for a certain period. But if such was to be the case, let that period be as short as possible. We were now about to recharter, in 1832, say ten years more from the expiration of the charter, in 1836, and this would make a term of fourteen years, which was certainly long enough. Longer than this, we should not bind ourselves. If good, in ten years its benefits would be seen and acknowledged. If, on the contrary, it shall prove a curse, shall we bind ourselves for so long a period from effecting a remedy? It would appear, if the arguments of its friends were good, that we should even further prolong its duration. If this were a salutary measure, in place of being an evil; if it were a public benefit, let us, in God's name, make the term at once fifty years; ay, or five hundred. But he apprehended the necessity for occasional recurrence to first principles would be felt; and certainly every ten years was too seldom, in his opinion, to recur to them. For his part, he wished they would recur to them more frequently than for some time had been the habit.

The Senator from Pennsylvania [Mr. DALLAS] had said that the charter was guarded by many salutary restrictions. When have mere words been binding on interested parties, or of aught effect? Look at the constitution of the United States—a document sacred—of tenfold more weight than any act whatsoever; and what respect has been paid to its wordings, or the tenor of its language? Are we not in the daily habit of frittering it away—of interpreting it—of putting constructions on it which its framers denied it could contain? And have we not had evidence of the faith that may be placed in this corporation when interest shall dictate? What had been said by a Senator from Georgia, when speaking of the former charter? That, had he thought, by that enactment, that the States were excluded from the right of taxation within their own jurisdiction, he would never have voted for it. And this Senator was one of its framers, conversant with the import and meaning intended; and yet this very right we have just seen taken away by a vote of this Senate. And if we are to make this exclusion, am I, said Mr. T., to tie my

State for so long a period? If we are to grant this exemption for a time, let us recur to our own power as frequently as possible. Mr. T., in conclusion, alluded to the practice of issuing branch bank orders made payable, he said, probably five hundred or one thousand miles off—a practice, in his opinion, illegal. Besides, from the decision which had just been made, as regarded one of the amendments proposed by the Senator from Missouri, [Mr. BAXTON,] the bank would not, in reality, be a specie-paying bank; for it could be so arranged, by giving drafts on St. Louis in Portland—in Portland on St. Louis, &c., that the supposed power of obtaining specie was only nominal.

Mr. DALLAS said he might, very possibly, in the expression of his opinions with regard to the motion under consideration, have failed to communicate the idea he had in his mind, as the gentleman from Virginia seemed to have misunderstood him. He did not, in taking part in this discussion, consider himself for one moment as the advocate of the bank. He was here in the discharge of a public duty, and he should endeavor to discharge it faithfully; and, if ever he overstepped the line of duty, and became the public or private advocate, he should suffer, as he would deserve, in the estimation of the Senate and of the public at large. He did not mean, nor did he say, that he deprecated a popular examination into abuses that this corporation might commit—not that he would avoid popular excitement; that was not the scope of his remarks. These popular excitements are, on many occasions, in the highest degree, salutary; and during the course of his public life, he had, on more than one occasion, endeavored to provoke them as tending to purify the public atmosphere. The idea he intended to convey was, that, looking at the practical operations and relations of the bank, it was necessary to deprive it of the motives for mixing in political movements. Do we not see, from day to day, that the great interest which the stockholders have in the institution gives them an inducement to engage in political operations; and, if that inducement does exist, the less you can make it consistent with a reasonable time for the Government again to have the control of the institution, the less frequent will be the popular excitement connected with it?

It was true that many things have taken place in the corporation that may not have been anticipated by those who framed its charter. It was impossible, however, for the gentleman from Georgia to speak for others. The judicial decision referred to may have been foreseen and expected by other gentlemen who voted on the bank charter, though not by the gentleman from Georgia; and the decision against the right of the States to tax, and the orders of the branch banks, may have received their entire acquiescence. One or two gentlemen, whatever may be their own sentiments, cannot pretend to answer for the rest. A variety of things might happen to change public opinion in the course of ten, fifteen, or twenty years, the great and leading results of which might be anticipated and provided for by a legislator so intelligent as the Senator from Virginia; but all the minor results can be foreseen by no human eye. In determining the expediency or in expediency of abbreviating the charter of the bank, the Senate must be governed by other considerations than those connected with the corporation; it must depend alone on public consideration, whether the charter is to be prolonged or abbreviated. It was often difficult to determine the precise period to which legislation should extend. That we often do legislate for an indefinite period, and deprive subsequent Legislatures from reviewing our acts, is beyond all question. Congress had formed new States, and agreed with them on the terms and conditions upon which they should enter into the Union, to last as long as the Union itself. Every day's practice in legislation presented contracts entered into to endure for an

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indefinite period. There is a proposition before Congress for such a contract, that will, if adopted, operate to the exclusion of future legislation. We have had a proposition for a gradual reduction of the tariff; and he believed that one of the tariffs was not to take effect until the next Congress. The committee, in framing this charter, had not been particularly attached to any particular number of years for its duration. They found that all the former banks of the United States had been chartered for a longer period than they proposed to charter this one. All the experience they had, went to show that twenty years had heretofore been considered a reasonable time. Make the charter as short as you please, and it will be abused if those who have the government of the institution are disposed to do so; and make it as long as you please, and it never will be abused if they are governed by correct principles. Let the bank ever come in conflict with the legislators of the nation, and the charter will be found to be as weak as any gentleman on that floor could desire it to be. In his apprehension, nothing was so weak, so contemptibly weak, as a moneyed corporation. It is looked at with much jealousy by the people of the United States; and though other powers may be overlooked, the money power is liable to strict and unceasing scrutiny. That limitation of the charter to fifteen years had been scanned over and over again in the committee who had been satisfied so to report it; and really the difference between ten years and fifteen was so slight as not to be worthy of dispute. If he thought, with the gentlemen, that the power of the bank was unlimited, and not within the control of Congress, he would prefer its being renewed from year to year; but, being of a different opinion, having no apprehensions on that account, he should vote against the amendment.

Mr. HAYNE said that the motion of the gentleman from Virginia [Mr. TAZEWELL] was the simple proposition to limit the duration of the charter to ten years in place of fifteen. If it could be shown that the period of fifteen years was preferable, why, so far, good; but the Senator from Pennsylvania [Mr. DALLAS] had gone further; he tells us that this prolongation of the time is not only wise, but it is necessary to prevent, at too frequent recurrence, the interference of those interested in the bank in our elections, its political operation and influence on public affairs, and to deprive it of the motives for such interference. Such was the avowal of the gentleman who stood as its organ on this floor, and who had the framing of the present charter. If this be true, that, for such reason, it is necessary to guard against such influence, in place of restriction, we are, it appears, to legislate by extending its time, by loosening the hands of Congress so much longer from the power of control. He [Mr. H.] was of opinion that more guards and restrictions were necessary, and in this he differed from the Senator from Pennsylvania. The gentleman had admitted that abuses might occur; it was also argued in defence that there was no danger of such abuse; that the bank was too weak to make such attempt. This great moneyed corporation too weak! What, sir, this bank weak, to which, by the enactments that have been carried, the power of regulating the whole currency of the country, from Maine to west of the Rocky Mountains, has been given? But they are bound by the words of a restrictive character; in the charter it is said—what, sir, does a moneyed corporation care for such verbal restrictions? They have power, at discretion, to change the currency at their pleasure; they can depreciate the value of property, by simply drawing in their discounts, and thus acquire it on their own terms. It is absurd, then, to say that the bank is weak; it is made stronger than the Government itself. Look at the decision which the Senate had made, preventing, in effect, specie payments. Such provision had been thought necessary to make specie payments obligatory by the com-

mittee who had deliberated on the measure, and reported the bill; but the friends of the bank did not think fit to retain this section, and they had now stricken out what their own committee thought advisable. Mr. H. then alluded to the magnitude of the evil that had grown up from what he denounced as the issue of base paper; the branch bank drafts put into circulation; to the difficulty, the impossibility, of causing the bank to make specie payments; from their notes not being payable, but (probably) at a distant branch where issued, that thus the call for specie must be answered by the State banks, who could not refuse, and that under such system no State bank could exist but at the mere will and pleasure of this great moneyed institution.

Mr. CLAY said the proposition before the Senate to limit the charter of the bank to ten instead of fifteen years, was one which might have been discussed with regard to its reasonableness, and with reference to its expediency; but, instead of that, they had been drawn into the discussion of collateral matters, and arguments had been used, which it became the friends of the bank to take notice of. Who, he asked, has said that the bank will take part in political movements, unless the charter is so prolonged as to take away the temptation to do so? The gentleman from Pennsylvania [Mr. DALLAS] has said something which the gentleman from Virginia caught at with great avidity, from which, in his opinion, the deduction could not be made that the bank would, in any event, take part in political contentions. There was all the difference in the world between the practical effect of political movements, and such an organization of the bank as may create motives for them. So far from the bank's ever taking part in any political questions, he unhesitatingly said, in his place, there was not the slightest color for such a charge. It had been said that the agitation of the question of the renewal of the bank charter, at this time, was premature; but who, he asked, first provoked it? Did the bank? No, sir; you must look to the newspapers of the country; you must look to the demagogues of the country, for any premature excitement that has been created on this question. But to come back to the question before the Senate, the amendment limiting the charter to a period of ten years from its commencement, I say again, sir, that this is a question to be decided conformably to the fitness of things—by the lights of experience emanating from the general practice of the country. If you look to former banks chartered by the United States, you will find that twenty years is always considered a reasonable duration of their charter; and if you look to the numberless banks in the States, you will see that almost all of them have been chartered for that length of time. The operations of this bank will extend over a vast continent; and why not give a charter of twenty years to this as well as to banks whose business is confined to a single State? The gentleman from Virginia [Mr. TAZEWELL] spoke of the weakness of paper restrictions, and said that he had seen violations of the constitution again and again. Gentlemen ought not lightly to make such assertions. What are these violations of the constitution that the gentleman alludes to? There are a variety of opinions entertained with respect to a proper construction of the constitution. On the constitutionality of the tariff, a vast majority of the people of the United States entertain opinions opposite to those entertained by the gentleman and his friends; and has the gentleman a right to attribute to this majority opinions hostile to the constitution, any more than they have to charge him with a disposition to violate that instrument? Such assertions, calculated to weaken the confidence of the people in the Government, ought not to be made without being supported by some specific allegations, other than those differences of opinion which belonged to human nature, and were inseparable from our free institutions. Mr. C. here entered into an argument at length in support of the legality of

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the currency of the bank in the shape of orders, and concluded by contending that the striking out the provision limiting the issues of notes to the branches where payable was a necessary consequence of the vote of the Senate compelling the bank to receive in payment at all of the branches the notes of any of them.

Mr. TAZEWELL observed, that though the discussion on the amendment submitted by him had been protracted, he hoped the Senate would do him the justice to see that he was not the author of it. He had made a very simple proposition to limit the charter of the bank to ten years, instead of fifteen, and, in support of it, said that, inasmuch as it would be intangible by legislation during the period of its legal existence, and as they were about to strip themselves of all future power over one of the most important subjects of legislation, that regulating the currency of the country, and about also to strip the States of the power of taxation, it would be prudent to limit the existence of the institution to a shorter period than that named in the bill, inasmuch as they could not foresee all the results of their present legislation. He made a simple proposition to abbreviate the term of the existence of the bank, and assigned his simple reasons in support of it. And what was the answer? The gentleman from Pennsylvania agreed that the motion ought not to prevail, because, if it did, you would furnish motives for this bank to intermingle in the political concerns of the country.

Having to mention my original proposition thus answered, what did I say against the answer? That it had been affirmed, for the first time here, that this bank might intermingle in the political concerns of the country. Then came the answer of the Senator from Pennsylvania. He did not say that the bank would intermingle in the political concerns of the country, but he referred to the remarks of the gentleman from Pennsylvania, and did say, that, if this was the argument, let us make the charter indefinite; if excitement was an evil, the longer it was put off the better. What was next? The Senator from Pennsylvania had contended that the restrictions in the charter were abundant. To this, he answered, by asking the question, when did paper restrictions have any force? Even the constitution of the United States had been violated again and again. The honorable Senator from Kentucky [Mr. CLAY] then took him to task, and said that such assertions ought not to be made; that they weakened the confidence of the people in the Government; denied that the constitution had ever been violated, and spoke of the constitutional opinions on the tariff held by so large a majority of the people of the United States. Sir, if I could find the book, I would refer to the language once held by the Senator from Kentucky himself in relation to the constitutionality of this charter. I am sure that even now the honorable Senator will agree with me that the alien and sedition laws were violations of the constitution.

To refer to other gentlemen, show me, said Mr. T., the man who will not say that, in some instances, the constitution has been violated. Is it not the common topic every day? I need not go beyond this session, or acts of this administration, to find charges of violation of the constitution.

May I not say to every gentleman, you have said this, and you have said that, and in all I agree with you. Sir, I never heard any grave man say seriously that the constitution had been violated, that I did not perfectly agree with him. But with respect to his argument referred to. Remember he was speaking of the charter of the Bank of the United States; and his argument was an illustration merely. He said not one word about the tariff, or the opinions entertained as to its constitutionality. Perhaps he might properly have gone further, and referred to higher authority than even the constitution of the United States, and said that written instruments had, at all times, been perverted by the hand of power.

But he was to specify, and he did specify; he had said that, under the charter, as then amended, there would not be a specie-paying bank. He knew that gentlemen did not believe that such would be the effect of the amendments; but the gentleman from South Carolina had fully demonstrated it. After some further remarks in favor of limiting the charter, and in reply to Mr. CLAY, Mr. T. went on to say, in reference to the argument of Mr. DALLAN, and the various opinions entertained, that some gentlemen honestly, and perhaps wisely, were in favor of enlarging the powers of the Federal Government, and thought they were taking the wisest course to promote the general welfare, by legislating to that end; and one set of gentlemen dreaded popular excitement as the greatest of evils, while others thought that excitement was necessary, and entertained much greater apprehensions of the consequences of a state of apathy and indifference to public questions, on the part of the people. We are making the experiment, said Mr. T., of a republican Government, such as was never before made in the world. It may be an evil for the people to be excited; but it is a sure and inevitable destruction to our republican institutions, for them to sink into a state of apathy and indifference.

Mr. WEBSTER replied. He had supposed that the Government heretofore, in fixing the duration of the charter, had not done so without due consideration. He thought the mere matter of time of little consequence, provided the clause was properly guarded; and in the present charter there was every safety. The gentleman from Virginia [Mr. TAZEWELL] had expressed his pleasure in being afforded an opportunity to vote for a term of one year; but he [Mr. W.] had not a doubt but the honorable Senator would rather even limit it to one day. A fear had been expressed for the State banks; but the State banks, who must know their own interests best, had been the most numerous in giving their opinion in favor of re-chartering. Past experience had shown that the fears expressed were visionary; he denied the arguments made use of to prove that specie payments, on the part of the banks, would be prevented by the operation of the charter, and giving in to idle fears. He should vote against the amendment proposed.

Mr. SMITH and Mr. BENTON having also made some further remarks, the question was taken on Mr. TAZEWELL's amendment, when it was negatived, 27 to 20, by the following vote:

YEAS.—Messrs. Benton, Bibb, Brown, Dickerson, Dudley, Ellis, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Tazewell, Troup, Tyler, White.—20.

NAYS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silabee, Smith, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—27.

The bill was then reported to the Senate as amended.

MONDAY, JUNE 4.

BANK OF THE UNITED STATES.

The Senate proceeded to consider the bill to modify and continue the act to incorporate the subscribers to the Bank of the United States.

The question being to concur in the amendments made in Committee of the Whole; and the first amendment, striking out the third section of the bill, being under consideration,

Mr. HAYNE said that the special committee by whom the bill was introduced had thought it advisable to put a check on the practice which had grown up of circulating bank orders as currency; and also to restrict the issuing of notes not payable at the office where issued. The bill, as now reported, would not effect these objects. The third

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section, which it was proposed to strike out, enacted that it should not be lawful for the bank to issue or put into circulation notes of a less amount than \$50, which would not be payable at the office where issued, "except the same be done at the instance and request of the persons to, or for whom the notes shall be issued." He thought that this section was absolutely necessary, with the exception of the last clause, which had a nugatory effect. He would, therefore, move that the Senate only concur in striking out the last clause, retaining the first part of the section.

Mr. CLAYTON said that he was one of those who had voted for the proposition of the gentleman from Kentucky, [Mr. BISS,] to erase from the fourth section the words "from any other incorporated bank." The effect of which was to make the bills of the bank, although on their faces payable at one place only, receivable at the bank and all its branches, if tendered in liquidation of any balance due the bank, or any branch of it, whether that balance be due from any individual or any incorporated bank. He was willing now to substitute for this restriction on the bank, another, declaring it unlawful to issue any note of a less denomination than fifty dollars, which shall not on its face be payable at the bank or office of discount and deposit whence it shall be issued. He would therefore vote for the amendment of the gentleman from South Carolina, with an explicit understanding, however, at the time, that the fourth section should be restored, as it was reported by the committee.

His only object in supporting the amendment to the fourth section, in opposition to the general sentiment of those with whom he usually acted, had been to yield something to the views of those gentlemen who so strenuously had insisted that without additional restrictions the bank would cease to be a specie-paying institution; and, by doing so, to increase public confidence in the issues of the bank and its branches. He did not believe that the bank, without either the third or fourth sections, had been, was, or would be a bank refusing to pay specie. Neither of these provisions was to be found in the original charter, and yet the bank was, to all intents and purposes, a specie-paying bank. Without the fourth section, the bank had never refused, in any instance, to receive its notes, no matter where issued, in payment of its debts; and if any gentleman here would now stand up in his place and state an instance in which it had refused to do so, or show any reasonable ground to apprehend that it ever would refuse to do it, he should pause before he agreed to restrict the benefits of this section to incorporated banks. Believing that no such case ever had occurred or ever would occur, he cared not to retain the provision while the third section could be substituted for it, and while it was probable that its beneficial provisions might be perverted to answer the ends of the enemies of the institution, or the purposes of brokers, who might, in consequence of it, speculate more advantageously in the notes of the bank. He proceeded then to show how the fourth section, as amended in committee, might require the bank to keep a burdensome and very unnecessary quantity of specie in the vaults of the branches, without any benefit to the country, which was not equally well secured by the third section. His object was to secure as far as possible, by the most ample guarantee, a sound and uniform currency to the whole country, the want of which before the establishment of this institution had been most severely felt in all its parts, and in none more injuriously than in that section of it whose representative he was. But he would not knowingly step an inch beyond the true and legitimate objects of its creation, to burden or oppress an institution, from whose skilful management, and liberal accommodations, the public had derived so many blessings, as has been abundantly testified by the very numerous memorials from every portion of this widely extended republic, praying for a renewal of the charter.

He concluded by some remarks on the probable effects of the bill on the currency of the country as compared with those of the original charter.

After some discussion, in which Mr. EWING, Mr. SMITH, Mr. WEBSTER, Mr. JOHNSTON, and Mr. BUCKNER took part,

The motion of Mr. HAYNE was agreed to.

The amendment to the fourth section, striking out the words "from any other incorporated bank," at the end of the same, was agreed to, making the section to read, that notes or bills of the corporation, although on the face thereof made payable at one place only, shall be received by the bank in liquidation or payment of any balances due to the bank or its branches.

The amendment to the fifth section was also concurred in, striking out "two," and making "five" years the period limited for the bank to retain real estate after the date of acquiring the same, except by way of mortgage or judgment lien in security of debts.

The amendment to the sixth section was concurred in, striking out the clause which restricted the bank from establishing more than one branch in those States where none at present existed. The section now allows of two, and no more, in any State.

The amendment to the seventh section was then taken up for the concurrence of the Senate. It changes the bonus to be paid by the bank from three yearly instalments of \$500,000 each, to the payment of the yearly sum or annuity of \$150,000 in each and every year during the term of the charter.

Mr. BIBB rose to submit a motion. He proposed that the first part of the original section should stand, and to amend it by enacting that the bank, in lieu of a bonus, should, during the continuance of the charter, make loans and discounts at a rate of interest not exceeding five per cent. per annum. In advocating the policy of the measure, Mr. B. expressed himself against the payment of a bonus by the bank. He would dispense with it altogether, for two reasons. He was disposed against the United States selling out privileges: if the bank was necessary for the operations of Government—the creation of such an institution requisite—the United States should take no money from an agent thus indispensable. And again, he was adverse to putting more money into the treasury than exigencies called for; and he was sorry to say there was every fear of our revenue being too abundant.

But, inasmuch as benefits will arise to the institution thus created, from the exclusive privileges and franchise with which it will be invested, the benefits thus resulting will justify the corporation being called on to give corresponding benefits to the country; and in no way could the country at large be more benefited than in a reduction of the interest on money. It would facilitate trade, and improve and increase the productive labor throughout the Union. And, considering the high advantages which the stockholders gained from their property being thus invested, affording them profit and value without expense or trouble on their part, exceeding that of private individuals in any other business or trade, he thought that a reduction of one per cent. would be but a small equivalent.

Mr. EWING opposed the proposition of the gentleman from Kentucky, [Mr. BIBB.] It would not have the effect which was contemplated, of lowering the interest of money throughout the country. This must be left to its own operation; the value of money would rise or fall according to its productions; it must be left to find its own level. In the State of New York, the Bank of the United States was limited, as elsewhere, to six per cent. interest, and yet the State banks were charging seven per cent. It could not effect the benefit that was promised to the whole country, because, let the bank lower its interest to five per cent., its capital is not large for the whole circulation

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of the country. He would vote against the gentleman's proposition.

Mr. CLAY said that, if he thought this reduction of interest would have the effect of producing a general reduction of interest throughout the Union, he might perhaps be induced to vote for it; but still he should hesitate to reduce it so much as one per cent., a reduction which would greatly exceed the bonus required from the bank. A reduction from six per cent. to five per cent. on thirty-five millions of capital, would only be a reduction on about one-tenth of the whole banking capital of the country. It was a benefit which would only result to borrowers from the bank, and not to the people generally; and this constituted his greatest objection to the amendment of his colleague.

Mr. WHITE would give it his partial consent, as better than exacting a bonus, on the selling of privileges; and he thought that the bank would now have more emolument at five per cent. than under the last charter limiting them to six per cent., when all the expenses, risk, &c. of bringing the bank into operation had to be incurred.

Mr. MANGUM expressed his opinion that the bonus was too low; he thought \$300,000 a year would be little enough.

Mr. FRELINGHUYSEN said that, if the proposition contained in the amendment of the honorable Senator from Kentucky [Mr. BRAN] was the result of a general review of our fiscal and commercial condition and relations, and if the ascertained state of our money market called for or justified the proposed reduction of interest, the question would present itself under more favorable circumstances than we are now to consider it. For, sir, said Mr. F., in the place of its growing out of the actual state of business in the country, we are, in this collateral manner, and aside from most of those considerations that should prompt to a measure so important, called upon to interfere with a delicate question in economy, as a ready way of receiving a bonus from this bank for the extension of its privileges. Now it seems, in my judgment, to be objectionable, under any view of it. If it could accomplish a general reduction of the rate of interest in the States, as its sanguine friends promise for it, why, then, sir, I regard it as of very questionable expediency: for it will be indirectly, and, I fear, offensively, interfering with a point of State policy, and where the State Legislatures are much the best judges of the value of money amongst their citizens. Why should Congress, without any necessary or urgent inducement, move in this delicate matter, and probably lead to unhappy collisions in feeling, at least, between general and State jurisdiction?

But, in the next place, the proposed measure would fail to produce this predicted result. The capital of the Bank of the United States forms, to the whole banking capital employed in this country, a proportion of less than one-third. It stood, at the close of 1829, as \$35,000,000 to \$110,192,268; and when we take into the account the amount of capital loaned by individuals on landed and other securities, we must perceive that the power of regulating the value of money and rate of loans is attributed to this bank, under great misapprehensions of its ability. This amendment would only augment the privileges of the wealthy. The bank, compelled to discount at five per cent., would have the choice of paper. Those dealers of best standing and soundest capital, and who least needed the helping hand of the institution, would of course be preferred; and thus distinctions of an odious character would be cherished.

So that, under whatever aspect the amendment presents itself, it is liable to just exceptions. If it could produce a universal abatement of interest, we should not legislate for such an object, but leave it with the States: if it cannot achieve such a reduction, as I believe it cannot, why, then, it will shed its benefits only or chiefly upon those

who are in the least want of them; and I, therefore, hope that the amendment will not prevail.

Mr. BUCKNER also opposed the measure; and the question was not decided, when
The Senate adjourned.

TUESDAY, JUNE 5.

Mr. TAZEWELL said, after what occurred the other day, I think it my duty; Mr. President, to move that the Senate now proceed to the consideration of executive business.

The motion was decided in the negative—yeas 18, nays 20.

BANK OF THE UNITED STATES.

The Senate resumed the consideration of the bill to modify and continue the act to incorporate the subscribers to the Bank of the United States.

The question pending being on the motion to strike out the clause providing for the bonus, and to insert a provision that the interest on loans and discounts made by the bank should not exceed five per cent.,

Mr. CLAYTON gave the reasons which induced him to vote against the provision to amend. His own opinion was, that, if the amendment prevailed, it would prove injurious to the bank, to the State banks, and to the people of the country. Some gentlemen seemed to think that the reduction of the rate of interest would be highly beneficial to the bank, by increasing its profits. The bank had always had the ability to discount at five per cent.; and, always having the ability, if it was so advantageous, why had not the directors resorted to the practice of making loans and discounts at five per cent.? The astuteness of those who administered the affairs of the bank had never discovered what seemed to have been so suddenly found out here. He thought that those whose duty it was to protect the interests of the stockholders, had taken this subject into consideration before now, and had given to it a proper examination. He was not disposed to legislate on this bill, merely for the benefit of the bank, but he still thought that the institution was entitled to some consideration, because it was the instrument of the Government for great national objects, which would be defeated if its interests were entirely overlooked. If the Senate, however, looked to the interests of the bank alone, the present motion could not be sustained. It would go to change the whole system of the banking operations, and such change was not required by public opinion. In not one of all the numerous memorials which had been presented to the Senate, was there any request to reduce the rate of interest. Neither in any of the memorials from the State banks, nor in those from the people, had the subject been touched. There had not been a single indication of public opinion that such a change was desired; and no one but the mover of the proposition attached the slightest importance to the idea. Most of the State banks, and especially those which stood on the most solid bases, had presented themselves to the Senate in favor of the bank. Let this amendment prevail, and twenty days would not elapse before the same banks would send on memorials against the passage of the bill. The operation of the measure must, in some measure, be to reduce their profits, and compel them to curtail their business. The hostility of all these institutions would be enlisted against the bank, and that hostility would be felt on some future occasion. The banks would still continue to lend money at an interest of six per cent., and favorite borrowers would obtain loans at five per cent., and lend them out again at six or seven per cent. There could not be a worse proposition than to fix the interest at five per cent., since it would array all the State banks against the institution.

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In reference to the Government, what would be the effect? It would cripple the institution, and disable the agent of the Government from collecting the public revenue, and performing its other obligations to the people. Would this be wise? Would it be politic? The bank would thus be compelled either to create new notes, in order to sustain itself, and yield a proper dividend to the stockholders, or it must change the course of its business, and make profits in its exchange. One of the objects of the institution was to equalize the exchange, and there is now no perceptible burden on exchanges. There is no country where so many facilities are given to exchange; and all these facilities owe their existence to the bank. To sustain the stockholders, the bank would be compelled to go to the exchanges, and to burden them for the purpose of making its dividends. The effect of the amendment would be to destroy all the advantages which now result from the bank, and to make the institution less worthy of the public confidence. Much more advantage, however, had resulted from the bank than the mere facility of exchange; since, by means of this institution, there has been established a standard of value for money, the same at all places, and almost at all times. In this respect, the greatest advantages had resulted from the bank. What would be the effect of the proposition in regard to this? The bank would be constrained to increase its issues beyond what it had previously done, in order to make up the deficiency in its profits. The State banks would also be obliged to add to their issues; and thus an immense accumulation of paper would be thrown into circulation, and a depreciation in its value would necessarily follow.

Relying on the ability and patriotism of the administration of the bank, some might reply that they would not throw an excessive issue of paper into the market. It might be so. But how long would this reliance continue? A new president, new directors, would come in; and these, to gain the object of large dividends, would increase the issues. The standard of money, which is now nearly uniform, would then be no longer so, and all the advantages of a national bank would be lost.

On the people, the effect would be to establish an extensive system of brokerage. The people would only be able to borrow at six or seven per cent. The favorites would obtain loans at the national bank at the reduced rate of five per cent., and would immediately loan out the money at six or seven per cent. The advantages would thus be confined to a few, who would be able to obtain loans at the national bank, but could not be felt by individuals who, possessing less facility of raising money, would be obliged to resort to State banks, or to the brokers.

These are the considerations which had brought him to the conclusion that the amendment of the Senator from Kentucky would be productive of the most disastrous consequences to the bank itself, to the State banks, and to the country.

Mr. TYLER said the more he had reflected on the proposition now before the Senate, the more he had been impressed with its importance and magnitude. He would go so far as to say that, in his opinion, it was second to but one which had engaged the attention of Congress during the present session. He believed that while the adoption of the proposed amendment would inflict no injury upon the bank, it would confer the greatest benefit upon society. Would it impose an unjust limitation on the bank? If it would, he would abandon it altogether; for while he could not vote for rechartering the institution, he would not infuse a secret poison into its vitals, which would affect its capacity to do good. It asked a prolongation of its existence, and Congress should take care to engraft upon its charter such provisions as would benefit the community.

The first reflection which occurs, is, that the bank does

not loan money. It merely exchanges credit. It gives its notes of hand for the notes of hand of individuals, and, paying no premium in the form of interest itself, requires a premium of the individuals with whom it deals. Its credit is founded on the confidence of the public in its capacity, which confidence is the result of the governmental action in its creation. This remark applies to all incorporated banks; but another circumstance exists in regard to this bank, which extends its control throughout the mercantile world—the fact of its notes being made receivable every where in payment of the Government dues. However solvent an individual may be, his notes will not pass currently beyond a small neighborhood circle. He is, therefore, under frequent necessity of adopting the bank credit or notes for his own credit or notes, and of giving a premium in the form of interest, when, in fact, his solvency is as perfect, his responsibility is as entire, to the extent of his undertaking, as that of the bank, to the extent of its engagements. True, the bank is liable to be called upon to redeem its notes daily; but the fact that its issues exceed its capital twice or thrice, shows that that responsibility is remote and inconsiderable. Is then five per cent. enough to compensate the bank for this exchange of its credit for the credit of individuals? Can any one doubt it? Take a beggar in the streets, and let the Government announce its determination to receive his notes in the payment of its dues, amounting as they do to from 25 to \$30,000,000 annually, and who doubts but that the credit of the beggar would be sought after with avidity, and that he would speedily be enriched if he was permitted to receive a premium greatly below five per cent. Who can doubt but that five per cent. is an ample allowance? The stock is at this moment, when there hangs over the institution some doubt as to the continuance of its existence, twenty-five per cent. above par; and the very day after its new charter shall have passed, the calculation is that the stock will run to from \$150 to \$200 per share. What is more conclusive than this, to show the immensity of its profits? And this, too, although it has to sustain out of its profits countless numbers of officers and dependents. This regulation, then, cannot be considered unjust to the bank.

Its effects on the community would be decidedly beneficial, as I shall attempt presently to show, and would, therefore, tend greatly to increase the popularity of the institution; an effect of the highest importance to the institution. A suggestion has been made, that it would concentrate its loans in the hands of the few. All that I can say in reply is, that, if it did so, it would act injudiciously. In my opinion, it should diffuse its loans as much as possible, consistently with a just regard to its interests. Extravagant loans to a few would weaken it in the estimation of the public, and abridge its usefulness.

What would be the effect of this measure on the community? This is the important inquiry, since the institution should be created for the public interest, and not the good of a few, exclusively. The first effect would be to lead the State banks to adopt a similar regulation; in no other way could they move on harmoniously with this bank. The argument ventured in this debate, that this regulation would place this bank at the mercy of the State banks, is ideal. The State banks, on the contrary, hold their existence but at the pleasure of this; and who can doubt but that an arrangement would readily be forced upon those banks to receive, in the settlement of balances with this bank, the same interest which it would receive of them?

The next effect would be to induce the Legislatures of the different States to reduce the rate of legal interest to five per cent.; of this I have no doubt. I have not had time to trace out the causes of the change in the rate of interest which occurred in Virginia, but I incline to believe that it was consequent upon the chartering of the

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first United States' Bank. Before that, it was at five per cent., it was changed to six per cent., and the first bank was authorized to receive that amount; and now we come to the important influence which a reduction in the rate of interest would have upon the great interests of the community.

It is this view which imparts to this subject its greatest interest; and it rests upon plain principles of political economy. Where money converted into public stocks or individual loans yields a higher profit than the same money invested in lands, ships, or machinery, agriculture, commerce, and manufactures necessarily become neglected. If money put at usance breeds higher profits than the loom, the ship, or the land, then capital is withdrawn from these less profitable employments, and seeks investments in the public stocks or individual loans. This can admit of no doubt. In this, then, consists the true secret of giving activity to the industry of a community. If the profits from agriculture, commerce, and manufactures, be equal to the profits on loans, then do these employments invite the attention of mankind, and each in its turn puts forth all its energies. Commerce takes new wings, agriculture develops all her beneficent faculties, and the arts are made to flourish. Hence the vital importance of laws regulating the rate of interest; without them a nation soon becomes a nation of money lenders; and that which was designed as a mere medium through which agriculture, commerce, and manufactures should carry on their exchanges, is converted into the instrument of their greatest oppression.

The great lawgiver of the Jews understood this most perfectly. The Israelites had just entered upon the possession of the promised land. It was every way desirable that the land should be reclaimed, and its faculties developed, and hence the regulation that no Israelite should take usance of an Israelite. Capital could thereby be profitably invested, both in the culture of the earth and in commerce, and the land of Galilee repaid most abundantly the laborer. But when these influences had ceased to operate, and the tribes were scattered over the face of the earth, the Mosaic regulation which permitted usance to be taken of strangers, aided by the oppressions under which they labored, converted the Jews into a nation of money lenders. I mention not this to their discredit. They are like all the rest of the human family, no better and no worse—devoting themselves to the acquisition of money, and seeking for their money such investment as yields the greatest return. Into the same condition may the people of any country be changed. Only make the profits on loans high enough; if six per cent. would not do, take ten; and if ten will not do, take twenty; in other words, make it more profitable to the capitalists to loan out their money, than to invest it in lands, ships, or machinery, and the work is accomplished. Government will have converted the community into a nation of money lenders.

These considerations led him to oppose his vote to all moneyed corporations; but while he felt himself constrained to vote against the rechartering of this bank, if it is to pass, he wished to protect the other interests of the community against evil. The per centage proposed to be allowed is greater than that derived from agriculture, but the contemplated reduction will relieve it in some small degree of its burdens, and should therefore have his support; and its reasonableness is fully evidenced by the fact that the capitalists of other countries send their funds here to be invested in stocks yielding no greater interest than five per cent.

Mr. SPRAGUE said the object of the proposition was, he presumed, to make the reduction of interest throughout the country general, but he would ask if the price of the commodity did not depend upon the supply and the demand. Then, how could this object be attained by

restricting an individual corporation? You propose to make one body subject to this reduction, but you do not say all shall do so, because you cannot control the State banks, and they can charge according to their own regulations. Let the interest be lowered by this individual company, and it will not alter the price with others. A change can only be produced by a change in the supply; and will this restriction on the bank increase the money in the market? No; it must grow out of other causes. The gentleman from Virginia [Mr. TYLER] had alluded to the regulation of Moses regarding usury, and he had reproached the making of this a nation of usurers. But he [Mr. S.] thought there was a wrong application of the argument on the part of the gentleman. The Jews, under the restriction of Moses, had become usurers—here, in the absence of restriction, we are to become usurers.

[Mr. TYLER explained. The Jewish law said, "thou shalt not take usury of thy brother," but it did not restrict them from charging what they would of strangers; the intercourse with other nations was then but small, which probably was the cause of the inhibition not having extended to themselves.]

Mr. SPRAGUE still was of opinion that the application went against the gentleman's own argument. At all events he did not think the motion of the Senator from Kentucky would prove conclusive to the benefit of the country, and it was for the community we should legislate; the individual interests of the stockholders had no claim on us.

Mr. FORSYTH called for a division of the question, so as to take the question first on striking out. He wished to move an amendment, and he should therefore vote against striking out. He thought five per cent. would be an ample compensation to the bank, because it was equal to six per cent. in 1816, when the bank was rechartered; so that it would be giving as much. Another reason was, the bank stock is now at 120 to 130, so that it was enough above par to justify the reduction of interest. A proposition from Boston was before Congress, offering to give more favorable terms for a bank; they offer to reduce their interest to five per cent., and he saw no reason to allow the present institution six per cent.

The mind of Hamilton fluctuated between five and six per cent.; and he read extracts from his report, to show that the only fear of Hamilton was, that a limitation of the interest to five per cent. would prevent capitalists from embarking their capital in the bank. He had none of the fears which now affect Senators who oppose the reduction. It was apprehended that the change would be injurious to the State banks and the community. He referred to the history of the banks of Georgia, to show that this was not likely to be the result. The amount of the bank capital being so large, the effect of the reduction of interest on that capital would be felt throughout the country. He denied the applicability of the statement of the Senator from Delaware that the State banks would be compelled to increase the amount of their issues. He stated that the interest on loans by State banks was, in many cases, now higher than that on loans by the United States' Bank. The United States' Bank has now the power to reduce the interest to favor any particular institutions or individuals, and had reduced it in some instances. He would vote against the striking out, and would afterwards move to add a provision reducing the rate of interest to five per cent.

Mr. HOLMES stated that, if the object be a general reduction of the rate of the interest, the two questions which presented themselves were, "Will you, if you can?" and the second, "Can you, if you will?" He stated that in one State there was no legal regulation of interest. It was left to regulate itself. Money is a medium of exchange of capital, and paper a representation of money. He quoted from an ingenious author on the considerations which ought to enter into view when a reduction of inte-

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rest was proposed. When there are more borrowers than lenders, the rate of interest will be high; when lenders outnumber borrowers, it will be low. He referred to the history of other countries on the subject of the rates of interest, at different periods. In reference to the Jews, he stated that there were many of their practices which we should be reluctant to adopt as a rule of action. They would not eat the animals which died of themselves, but they might sell them to strangers: so they would not take usury of each other, but they would of strangers. It was their policy to take care of themselves. If such a bank as ours had been proposed to Moses, he would have put his veto on it, as unfit for the Jewish population. He wished to know if the gentleman from Virginia intended that we should follow out the Jewish feeling and policy. If the effect of a reduction of the rate of interest would be to reduce it every where, the banks which had memorialized Congress for the renewal of the charter of the United States' Bank have prayed for a diminution of their own profits. He stated that, by a regulation of loans of property under the ordinary rate, lenders would have so many borrowers, and there would be such an overtrading in consequence of the increase of money that evil effects might be expected.

But he denied that Congress could, if they would, by reducing the rate of interest on United States' Bank loans and discounts, compel the State banks to reduce their rate of interest. He reiterated the statement that the banks and other favorites of the United States' Bank could, in the event of the reduction of interest, reinvest it at six or seven per cent., and thus the bank might be made a political engine. He believed the proposition to be one of the worst features which could be introduced into the bill. As to the Boston offer, he considered it extravagant; and as the present bank had been tried for twenty years, and had always paid its bills, and fulfilled all the great objects of its constitution, he did not think it would be politic to compel it to give way to any substitute. He laid it down that while we had a bank which could issue and keep in circulation twice the amount of its gold and silver, of sound currency, we had all the benefits which could be desired.

Mr. DALLAS then stated that he had been much impressed by some views which had been thrown out by the Senator from North Carolina on a preceding day, but he had not been able to bring himself to the conclusion that the change now proposed would be beneficial. He replied to the various objections which had been taken to the present rate of interest, and deprecated any interference with the rate at which money might be loaned, the effect of which interference would be to produce overtrading, which would tend to public injury. The principle thus introduced would be one which ought to be discouraged. An injurious effect might also be produced on the State banks. If they would come down to five per cent. there would be an inducement to overtrade. The United States' Bank is not the only source from which borrowers obtain loans; it is surrounded by other institutions of a similar character, and the same consequences were to be expected in the latter as would exhibit themselves in the former. But suppose the United States' Bank would not overtrade to make up the difference between six and five per cent. interest, it would be compelled to resort to another mode of increasing its profits, and making up for the deficiency of interest, and that mode would be by operating on the exchange.

He did not believe that this reduction of interest would be beneficial to the community. Not one tenth, one hundredth part of the people would be benefited by the change in the rate of interest. He attached weight to the argument of the Senator from New Jersey, that, if this is to act on all the people of the United States, it ought not to be an act of Congress, but should be regu-

lated by the State Legislatures. He argued that this was an important question—so important that he could not venture to change what had been the experience of the country for the last forty years. Again, he insisted that after the bank, on its part, had fulfilled every purpose which it had contracted to fulfil, had regulated exchange, and purified the currency, collected and distributed the public revenue, it should then be coerced to lend its money at less than its real value. The bank, left to itself, would be carried on upon its own responsibility. If conducted skilfully, it would come out well; if unskilfully, it would come out ill. The reduction of the interest does not enable a borrower more easily to obtain his loan. If he cannot get his loan of the United States' Bank at five per cent., he is obliged to cross to the opposite bank, and borrow at six per cent.; and as he is lender as well as borrower, he makes the borrower of him pay the additional interest which he has himself paid. He stated that he did with reluctance oppose the motion.

Mr. MANGUM stated that he had probably overrated the beneficial consequences which he expected to result from the adoption of the amendment. But he could not but express his gratification that the sentiments of Mr. Hamilton had received such respect from the Senate. He stated that every State in the Union, except Mississippi, had regulated the rate of interest, and therefore all which had been said on the inexpediency of any interference with the subject was inapplicable. His reflections, he said, had led him to the conviction that every bank would be coerced, by the example of the United States' Bank, to a reduction of interest, or they would lose the confidence of the people. He had no apprehension that the State banks could keep up this discrimination in the rate of interest. If they did so, all the best business would go into the United States' Bank. He was not alarmed by the fear of any over-issues of the United States' Bank. Any excess of circulation would merely fill up the deficiencies in the State currency. While he expressed his determination to go as far as any in checking any excesses of feeling in reference to the dissolution of the Union, he still thought that something ought to be done to soothe dissatisfaction and discontent where they were found to exist. And he argued that the reduction of the rate of interest would have a beneficial effect. If it should fail to produce the benefits which he expected, it would be easy to apply a corrective. Public opinion would apply such a corrective. He invited a review of the subject, and suggested that a provision should be inserted, retaining the power to restore the present rate of interest whenever the reduced rate should be found to fail in producing any benefit. He would view the adoption of the amendment as a concession to allay public excitement in the South, of more power than any which had been exhibited during twenty years.

Mr. TAZEVELL made some observations in favor of the reduction of interest, and in reply to the Senator from Pennsylvania. That Senator had asked why the Government should compel the bank to lend money for less than its value. If the chartering of the bank was advantageous to the Government, it was advantageous to the stockholders. Like the Senator from Maine, he knew of no obligation which the Government owed to the stockholders. At the same time, however, that he did not desire to let them have this charter at any thing less than it was worth, he had no disposition to extort one cent more. The legal rate of interest would always be more than the actual value of money. It had been fixed at six per cent. by the law of 1791, because such was the average rate of interest in most of the States of the Union. It varied from seven to five, and six per cent. was taken as the mean rate of interest. Since 1791, there has been some change in the value of money. If money was worth six per cent. then, it must be worth more or less now. He contended that it would not require an argument to prove that the value

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of money is much less now than it was in 1791. He instanced the terms on which the United States' Bank took the loans of the United States at an interest below six per cent., and even paid a premium to obtain them. The four and a half per cent. stock at this moment, when about to expire, is selling at more than par. The bank took the loans on these terms, and then carried them into the market, and made a profit upon them. The bank had divided about seven per cent. after appropriating a considerable sum as a surplus fund to cover the effects of former mismanagement, and paying all its expenses. Consequently, the stockholders were doing a profitable business at the present rate of interest. The practice of paying interest at the moment of making the loan, brought it to the character of discount, and not interest, interest being demandable at the end of the term of the loan, instead of at the commencement, and here the bank enjoyed an advantage. There was also an advantage arising from the practice of counting both the day on which a note was dated, and the day on which it was due. Suppose the interest was reduced to five per cent. with all the advantages of the previous payment of the interest, and the practice of counting sixty-four days for sixty-three, the interest would be brought up nearly to six per cent., as it now is to seven per cent. He put the question how it has happened that the four and a half per cent. stock was above par, and the stock of the bank so greatly above par. The stock of the bank was high, on account of the amount of profitable discounts made by the bank on its own notes. He was against allowing the bank to take more than an individual was permitted to take. But it was said that, if the interest were reduced, the bank would over-issue. The bank may now do so; but the bank will not extend its issues beyond the line of security, and as far as that, for the sake of the profits, it doubtless extends them now. It is said the States will make over-issues. The same argument applies. There is no danger while one institution is watching another as jealously as they do now. Every bank will go as far as they safely can, at whatever rate the interest may be fixed.

He did not exactly understand the distinction between ordinary discounts and the buying of domestic bills of exchange. When gentlemen said that the bank would be obliged to enlarge their profits on exchange, he did not exactly understand their meaning; and as to foreign bills of exchange, he had no fear that the bank would ever deal in these for the sake of profit, or from any cause but necessity, or for the accommodation of the Government. He considered that the bank ought not to be placed in a better situation than an individual.

Mr. WEBSTER said he differed entirely from the Senator from Virginia as to that which forms the basis of his argument. This is still matter of opinion. The basis was, that, as six per cent. was the rate of interest paid in 1791, it ought to be less now, because the value of money was less now than in 1791. He denied that the value of money was less now than in 1791. The money of the country had not outstripped the enterprise of the country. He would compare the value of the money with what was proposed. He knew no place where the value of commercial notes was not six per cent. He believed the rate of interest had been raised in Virginia since 1791; and throughout the United States there was no State where the interest was less than six per cent.; consequently, if the lowest rate be six per cent., six per cent. cannot be taken as the average. It was also argued that the Government stock was above par. He asked the Senator if Government bonds, and bonds and mortgage on good estate, did not always bring a lower interest than any commercial responsibility. This is because of the uncertainty of all commercial security. The Senator, if executor of an estate, would not invest money in commercial security, on account of its uncertainty. As to the exacting of the

discount of a note beforehand, and the charge of interest for sixty-four days instead of sixty-three, he also differed. Any individual could discount on the same terms; the privilege was not exclusive to a bank. Every bank stands on the footing of a public banker, or of an individual who discounts a note. They stand on the same footing. The gentleman asked why stocks about to expire commanded a price above par. It was because of the superior credit and security of the Government. As to the matter of the four days, he did not know that banks are entitled to charge interest for the fourth day. If they violated the law, they were liable to the penalties of usury. If they were loans at four or five per cent., there were often loans at nine, ten, and up to twenty per cent. He stated that the bank had never made any large dividend, nor could it, unless it was more fortunate than it had been. The old bank had never paid more than one hundred per cent.

The Senator from Virginia had said that where State banks had discounted at different rates of interest, no bad had occurred. He did not know of any case where these banks had come into collision. Money was always cheaper in cities than any where else; and there was force in the observation of the Senator from Delaware, that commercial men will have the benefits of the reduced interest, and no others. He could not agree that the value of money was less now than in 1791.

Mr. SMITH said the Government could not, in 1791, borrow money for less than six per cent. Now, Government could borrow at four and a half per cent. On bank stock now, money could be borrowed at five per cent., while on other security it could not be got for less than six per cent.

Mr. BIBB made some observations to sustain his proposition to amend, and in reply to the objections which had been urged against it. He contended that Congress was necessarily called on now to regulate the rate of interest. He viewed the question in two lights, as to the effect of the reduction on the community, and whether it would so cripple the bank itself, as to prevent an acceptance of the charter. He cited Adam Smith and Alexander Hamilton, and all the intermediate writers, to support his position, that the community would be benefited by the reduction of the rate of interest. The benefit would be felt first by the borrowers, and thence would extend itself to all classes of the people. He ascribed the alleged profits of the bank to a variety of causes, among which was the undrawn deposit which the Government always had in the bank, varying from one million to three millions. He insisted that the bank would be willing to take the charter with the reduced interest.

On the call of Mr. BIBB, the yeas and nays were ordered.

The question was then taken on the motion to strike out, and decided as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Dudley, Ellis, Grundy, Hayne, Hill, King, Mangum, Marcy, Miller, Robinson, Smith, Tazewell, Troup, Tyler, White.—18.

NAYS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Ewing, Foot, Forsyth, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Moore, Nasdin, Pender, Prentiss, Robbins, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Webster, Wilkins.—26.

So the motion to strike out was negatived.

The question then being on concurrence with the amendment of the Committee of the Whole, providing for a bonus of 150,000 dollars per annum during the fifteen years for which the charter is continued by the bill,

Mr. SPRAGUE rose to move the substitution of a larger sum for the bonus. He was of the opinion that, if any bonus at all was to be given, it ought to be adequate to the benefit received by the bank, in proportion to the profits of the stockholders. If the stock was to receive a

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great addition to its value by the continuance of the charter, the question was—What could the stockholders afford to pay for this continuance? It was at the option of Congress either to continue this bank, or to establish a new one. If they should be of the opinion that a new one would be more beneficial to the public than the present bank, and if they determined to establish a new bank, it could not be regarded as an act of injustice to the stockholders in the present institution, as the Government would have fulfilled all their contract with this bank. It had been stated that the bank could divide among the stockholders seven per cent.; and, as an offer had been made by a company, at the head of which was Mr. Thorndike, of Boston, whose pecuniary ability was well known, as well as other gentlemen of known respectability, and they had offered two per cent. for the privilege, he thought that it would not be unreasonable to make this bonus one and a half. He then moved to strike out “150,000,” and to insert “\$25,000.”

Mr. HAYNE wishing for some time to think of the proposition, and Mr. WEBSTER having the same disposition, The Senate adjourned.

WEDNESDAY, JUNE 6.

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The Senate resumed the consideration of the bill to modify and continue the act to incorporate the subscribers to the Bank of the United States.

The question pending being the motion of Mr. SPRAGUE to strike out the sum of “150,000” as the annual amount of the bonus required of the bank,

Mr. HAYNE said he should act on the presumption that the ninth section was to be stricken out, and that the amount of the bonus was to go into the public treasury. He was not disposed to tax the bank unreasonably. He agreed that the Government owed no obligation to the bank. He was also against imposing too heavy a burden on the bank, as he wished to leave room for the States to impose a tax on the bank. He was willing to vote for 200,000 dollars, but nothing beyond that.

Mr. GRUNDY said he was not disposed to ask more than the bank could reasonably pay. He would have proposed a reduction of interest. He asked a division of the question.

Mr. MARCY said he regretted to hear honorable Senators speak of so small a sum for a bonus as one hundred and fifty or two hundred thousand dollars. He was fully persuaded that the stockholders of the present bank could afford to give a much larger sum. It seemed to be agreed on all sides that these stockholders are not entitled to any preference. They have no right to ask any favor, and we are under no obligation to grant any. He was not disposed to drive a bad bargain with them, nor would he consent that they should make an unconscionable one with the Government. The question then presents itself, what is a renewal of the charter worth to the applicants? He would not repeat what was said on this subject yesterday; but the Senate will recollect that they had a proposition before them from the citizens of Massachusetts, which will yield a much larger sum than that now generally spoken of. The respectability of those from whom the proposition came, had not been, and cannot be, questioned. Those memorialists are, beyond all doubt, of sufficient ability to set in operation, by the time the present charter will have expired, an institution that will answer all the useful purposes of the one now in existence. They offer to pay to the Government one per cent. on the capital, and to become subject to taxation by the States to any sum not exceeding one per cent. It is not to be doubted that the States would tax nearly up to the limit. The offer from the citizens of Massachusetts would therefore amount, on the capital mentioned in the bill, to seven hundred thousand dollars. Though this offer may not be con-

clusive evidence of the precise sum which ought to be paid for the extension of the charter, it is entitled to much consideration in fixing that sum.

The present price of the stocks is also an evidence of the worth of the privilege about to be granted. If it were certain that no extension of the charter would be granted, the price of the stock would soon decline; and, on the other hand, if a charter were actually secured to the company, it is an opinion which no one controverts, that there would be a sudden rise in the stocks. This event would probably bring it to fifty per cent. premium.

Such is the estimate of the most enlightened friends of the present bank—of those who best know the situation of its affairs, and are therefore best qualified to form an accurate judgment on the subject.

To show that there is no error on this subject, he [Mr. M.] said he would take the liberty to refer to the opinion of an honorable Senator from Kentucky, [Mr. CLAY,] as expressed in a speech delivered some time since, in this body, on the subject of the tariff. In animadverting on that part of the report of the Secretary of the Treasury wherein the Secretary proposed to sell the seven millions of stock now owned by the United States for eight millions, it will be recollected that the honorable Senator from Kentucky observed that it would be unfair to make a sale at that advance, if the bank was not to be rechartered; for, said he, the stock would not be worth but about par without a renewal of the bank; but he contended that, if the bank was to be rechartered, the sale of the seven millions of stock owned by the United States for eight millions would be a most improvident contract on the part of the Government; for, in case the bank should be rechartered, the price of stock, he observed, would advance to fifty per cent. above its par value. Here we have, said Mr. M., an opinion of a friend of the bank, well acquainted with its affairs, and every way competent to form an accurate opinion of the effect to be produced by the measure now under consideration, that, without a renewal of the charter, the stock of the bank will settle down to par; with a renewal, it will command a premium of fifty per cent. By this act, then, said Mr. M., we are about to enrich the present stockholders, according to this opinion, seventeen million dollars. What is it proposed we shall ask for this favor? Only one hundred and seventy-five or two hundred thousand dollars per annum. This is a remuneration wholly inadequate to the advantage we are about to bestow. The smallest sum we ought to think of inserting in the section, should be that named yesterday by the Senator from Maine, (\$525,000.) Mr. M. said he did not go for so large a sum as that offered by the memorialists from Massachusetts, because a part of that sum was to be levied by the States as taxes; and he would not give any vote from which it might be inferred that the right of the State to tax the bank and its branches was intended to be surrendered or compromised; for in his opinion the States have that right, and Congress should not if they could, and probably could not if they would, take it away.

Mr. BENTON referred to the documents on the table, to prove that the profits of the bank were so large as to admit of the payment of a large bonus. The nett profits, he contended, were more than nine per cent. at this time. The bank had now debts to double the amount of its capital, independently of its real estate. There was a company which offered 700,000 dollars per annum for a bank; and it was remarkable that this was a fraction under the undivided surplus of the present bank, after paying seven per cent. dividend. Gentlemen, therefore, should not be alarmed at the idea that they were making a hard bargain for the bank. He maintained that, if there were in some States resident stockholders, who might be compelled to contribute to the Government, there were in some States no stockholders. He said he should move to fill the blank with 700,000 dollars.

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Mr. CLAYTON referred to what had been said as to the offer of Mr. Thorndike and others, and the amount of the bonus they had named. They desired a charter for twenty years. The term proposed for the present bank is fifteen years. He then referred to the difference in the capitals. The Boston proposition was for a bank with fifty millions, while the capital of the existing bank was but thirty-five millions. The sum of two hundred thousand dollars now proposed, he considered as about equal, considering the difference in the offers with the Boston offer of three hundred and fifty thousand dollars. But he was not disposed to give his vote in favor of any bill containing the principles suggested in the Boston proposal. He referred to a statement of the chairman of the committee, that if the bank were now to divide nine per cent. to the end of its charter, it would not have divided an average of six per cent. among the stockholders. He could not, therefore, vote for the proposition of the Senator from Missouri, as he thought two hundred thousand dollars a sufficient bonus. He admitted the right of the States to tax their own banks, but not to tax the United States' Bank or its branches.

Mr. FOOT said it did not appear from the original charter that the bank was established on the application of any company, but that it was a suggestion of the Government to establish such a bank for the purposes of the public, and now that it was proposed to renew it, it was not for the benefit of the individual stockholders, but of the Government. He would not look to the stockholders, but to the necessity of a bank at all, and then to the propriety of taxing this bank. If the bonus be made too large, so as to trammel the bank, the stockholders will be driven to regard their own interest in preference to that of the Government. He insisted that a bank in Boston or in New York could afford to pay a larger bonus than the present bank, but denied that the average price of bank stock throughout the country was not above par.

Mr. CLAY said the question of the amount of bonus would not admit of any precise ascertainment. It must rest on opinion. But it was to be recollected that the bonus was not the only benefit which the Government would derive from the bank. And as to the advantages which the bank would receive from the Government, so far as regards the public deposits, they will diminish with the diminution of the revenue. The bonus ought to be determined with a view to the average dividends from the commencement of the institution, and these would be found not to exceed five per cent. Another rule might be found by referring to the tax imposed by the States on their banks, which was not more than a half per cent., and no bonus was exacted. He had no objection to go up to 200,000 dollars. He was glad to find that his former opinions had been quoted with approbation by an honorable Senator, and he hoped that when another question should come before the Senate, that his opinions on that subject might be referred to with equal approbation. In addition to the considerations he had named, the value of money ought to be regarded; and he differed from the view of the honorable Senator from Virginia as to the relative value of money. He adverted to the rates at which money was loaned on discount at New Orleans, which were ten per cent.; and through the United States, he supposed, the rate of interest varied from eight to ten per cent. Taking the rate of interest, the tax on State banks, and the bonus given by the old bank, he thought that the bonus now should not exceed a half per cent. He would not take his data from Wall street, but would regard the bank as an old and faithful agent; and while he would not make a bargain disadvantageous to the Government, he would not make one hard upon the institution.

Mr. SPRAGUE said he had listened for some refutation of the arguments by which he had sustained his proposition; but had listened in vain. He was of the opinion,

with the Senator from Kentucky, that it would be wise to continue an old and faithful servant, than to wind up the concerns of the present bank, and commence a new one. But he contended that no one had shown that the bank would not divide seven per cent. hereafter; and if that was admitted, why should not one and a half per cent. be deducted as a bonus? Was it to be believed that the loss during the next fifteen years will be equal to those in the former history of the bank? No one denied that the stock would be greatly enhanced in value by the continuance of the charter. He stated the tax on the banks of Massachusetts and Maine was one per cent., and no bank was better conducted than the bank of Massachusetts. Exclusive of this tax, the stockholders are subjected to a tax on the stock. The stock of the United States' Bank, being marketable over the world, was, at five per cent., equal to that of the State banks at six per cent. He predicted that the charter be extended, even at the bonus he proposed, the bank would receive a benefit of millions. He wished that gentlemen who proposed 200,000 dollars would state the reasons on which that motion was founded.

The motion to strike out was then taken by yeas and nays, and decided as follows:

YEAS.—Messrs. Bell, Benton, Brown, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hayne, Hendricks, Holmes, Johnston, Kane, King, Knight, Mangum, Marcy, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Robinson, Seymour, Silsbee, Smith, Sprague, Tazewell, Tipton, Tomlinson, Troup, Tyler, Wagoner, Webster, Wilkins, White.—45.

NAYS—none.

Mr. FOOT then moved to insert "200,000" dollars. Mr. F. said it appeared to him that this subject had been discussed upon grounds not very liberal. Instead of exposing the stockholders, we should look to the interests which the country has in the institution: he thought the proper questions for discussion were—does the interest of the country require the rechartering of this, or the creation of some other bank? This seems to be admitted on all sides of the House. What further checks are necessary to secure the great objects for which the public interest requires a bank? No Senator has proposed any further checks than have been already adopted in the bill from this it is fair to infer that even those opposed to the bank do not ask any further security for the faithful administration of its affairs: nothing, then, remains but to fix the amount of tax which this institution ought to pay for its privileges. On this subject there is a great diversity of opinion, and it cannot be ascertained with any precision what the exact amount should be. Mr. F. said, from his own experience on this subject, during the period in which he had been engaged in commercial pursuits, and familiar with banking operations, he had fixed, in his own mind, the amount at two hundred thousand dollars per annum.

It ought to be recollected that the bank was originally chartered by the Government, without any application from the stockholders, or others; that a bonus of one million five hundred thousand dollars was required, and that it was difficult to procure the necessary subscription for its stock; that several millions were subscribed on speculation; that the price of the stock was soon raised to one hundred and sixty-six; that, in putting the bank in operation, great expenses were incurred, great hazards encountered, and great losses were sustained, from some cause; whether from ignorance of the managers, or other causes, was of little importance now to inquire: but the fact was notorious, that the stock fell in consequence considerably below par. The Senator from Pennsylvania [Mr. DALLAS] had stated, and he [Mr. F.] believed correctly, that, without a profit of nine per cent. for the fifteen years' proposed extension of the charter, the stock-

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holders would not receive six per cent. for their investments! They have incurred all the risks, and suffered losses; aided the Government in the collection and disbursement of the revenue, without compensation; and the Government was annually receiving (as Mr. F. believed) a benefit from the bank of at least three hundred thousand dollars, to which he would add an annual tax of one hundred thousand dollars; which would be equal to an annual tax of half a million of dollars: this he believed to be as much as the bank could well bear, for the privilege and the use of Government deposits. He had no doubt they would accept the charter, even if a heavier tax should be imposed; but, if the bank was unreasonably renewed, an inducement was held out to them to consult its own interest, rather than the interests of the country. All experience proves that, unless men are compensated for public services, they will compensate themselves! If the Government deals liberally and honorably with its agents, it furnishes the best security for fair and honorable dealing on their part: if the bank places confidence in the Government, they may reasonably expect reciprocal confidence and good faith in the officers of the bank. Mr. F. believed the average value of bank stock had been estimated too high. With respect to a tax of one per cent. on the stock, as paid by the Boston banks, certainly must be admitted that, in large commercial cities, banks can bear a heavier tax than in the interior; but if the United States' Bank could limit its branches to the six large Atlantic cities, it could better bear a tax of four hundred thousand dollars, than with its branches in the interior States, for the accommodation of purchasers of the public lands, and the facilities and unity of the revenue of the Government, they can afford to pay the proposed tax of two hundred thousand dollars, for it should be recollected, all their losses were incurred in the Western States. The bank is now in successful operation; the Government receives the full benefits expected by its most sanguine friends. The president and directors have discharged their duties faithfully, and acquired useful knowledge by long experience. The public confidence in the bank, with the restrictions proposed by this bill, will secure a sound and equal currency through the whole country. The amount of tax is but a small part of the interest which the country derives from this institution, or in the benefits which will result from its faithful administration. He believed that a tax of three millions of dollars, to be paid in annual payments of two hundred thousand dollars, for fifteen years, was as much as the bank could well pay, and with which the Government ought to be satisfied.

Mr. JOHNSTON said that one of the grounds on which the present motion was made, was the amount which the bank taxed their banks. He suggested that if the example of South Carolina in taxing the bank shares was followed, and he saw no objection to it, the State tax, added to the bonus, would bring up the amount to one per cent. The fluctuations in the price of stock he regarded as mere matters between the buyers and sellers, according to the speculative spirit which prevailed. He reminded the Senate that these were times of extraordinary prosperity, that we have had an unusual importation, and that capital was hunting about for a market. It would not be fair to take these times as a criterion for the future; and he did not believe that, taking the course of the charter throughout, the rate of dividend would exceed five per cent. The gradual disappearance of all other public stocks, of a safe character, would leave the bank as the only secure depository. Yet, a great portion of the stock was the property of females; and no proportion was the stock of great capitalists. He reminded the fact that the discounts of the bank at six per cent., amounting to sixty millions, was to be received in evidence that there was still a great demand for money.

The value of money, he stated, changes every day, and in the same place, as it is controlled by circumstances. One per cent. he looked upon as being as much as the institution could bear; and two hundred thousand dollars would leave room for the States to tax, so far as to make the amount of the contribution of the bank equal to that.

The whole amount of public deposits in the bank had never exceeded two million six hundred thousand dollars; and it was not likely that in future these deposits would much exceed the sum due to the institution for its agency in the public business.

Mr. SMITH said, the Senators who are desirous to exact an unreasonable bonus from the bank, have frequently quoted the offer made by certain speculators. [Here Mr. SILSBEE rose, and repelled the epithet "speculators," and said the Boston petitioners were highly respectable gentlemen.] I mean not, said Mr. S., to arraign their respectability; they are known to be very respectable; but if we call a rose by another name, it still retains its odor. The Senator from Massachusetts [Mr. SILSBEE] will permit me to say that the proposition was a grand speculation—insidious, and well calculated to deceive those who are not practically acquainted with banking operations. What is the proposition? That the petitioners agree to pay one per cent. on the capital annually, as a bonus to the Government, and submit to the taxation of the States at a rate not exceeding the amount of that imposed on their own State banks, respectively, for which they ask a charter for twenty years, and a capital of fifty millions of dollars at par. I consider it highly honorable to the Senate that there could not be found one member of the whole body, who would lend himself to a proposition to sell a charter to men who, having bought, would claim the right to sell; over whom there would have been little control; and who would have used the power under their charter for their own emolument, without any regard to the interest or accommodation of the Government—men who might have used their power for party purposes, and who would soon have sold out the stock to an immense profit, and cared little for the trifling bonus they had offered, or the illusory submission to the taxation of the States. What would have been the profits of these memorialists, had their application to Congress been successful? Suppose they had sold the stock of fifty millions at what it is presumed to have cost the stockholders of the present bank, on the average, say twenty-five per cent., a sale, at this rate, would result in a nett profit of twelve million five hundred thousand dollars, for which they, (in their great liberality) offered a bonus of one per cent. annually on the capital. It may be asked, do we not, by a renewal of the charter, give a like profit to the present stockholders? I answer, no. Few of the original subscribers now hold the stock; and even to those few the stock cost them at least \$115 for every share of their stock. They gave from ten to twenty per cent. for the specie paid in, and lost the difference between the value of their stock, which they had paid in, and the value at which it was subscribed. Thirteen millions of three per cent. were paid in (which the holders had refused to part with to the Government) at sixty-five per cent., now worth ninety-eight per cent., which was a clear gain to the Government, on that stock alone, of \$4,290,000, and an equal loss to the payers to that amount. Many of the present stockholders paid for their stock one hundred and forty per cent. and some as high as one hundred and fifty per cent.; but let us suppose the average of all the stock to have cost one hundred and twenty-five per cent., can the stockholders, in a common sense view of the subject, be compared with the petitioners for a new bank? They have already paid for their stock at one hundred and twenty-five per cent., and the proposers ask the charter at par. The comparison is idle, and not worth a moment's consideration.

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But we are told, said Mr. S., that we are about to grant to certain individuals the renewal of a charter, that will be immensely advantageous, and make their fortunes; that the stock will rise to one hundred and forty, or even one hundred and fifty per cent. I grant that the stock may be so advanced, and I have no doubt that brokers will run it up for speculation, and consequently there will be a momentary rise in the price of the stock; but it will, like all other stocks, fall to its proper level, that is, to a rate which will give to the holders five per cent. annual interest. The rise of the stock will not increase the dividends, and the value of the bank shares must be regulated by the dividends. Few of the present holders of the stock wish to sell. If they get only five per cent. it is better to them than six per cent. in any other way, because the dividends are certain and semi-annual. They are certain of their receipts, and shape their expenses accordingly. And what is this immense interest which Senators say that the present stockholders will receive, if a renewal of the charter shall take place? Not more than \$5 60 per cent. per annum. The bank dividend, for the last two years, has been seven per cent. on the par value, but the holder will get only seven dollars per annum on what cost him \$125, in fact, only \$5 60 per cent. for the use of his money, when, on mortgages, he could realize six per cent.; and this is the immense gain which will be secured to the holders by the renewal of the charter. The non-renewal of the charter will deprive them of one-fifth of their capital, to the great injury of the widow, the orphan, the mechanic, the professional man, the farmer, and the merchant, retired from trade. But the foreign stockholder is to obtain an immense advantage. What, in sober truth, will this advantage be? His agent in this country will receive \$5 60 on the cost of each share to him; from which deduct ten per cent. loss of exchange in remitting to the foreign stockholder in England, and his nett interest, or advantage, will be \$5 04 per cent., and the agent's commission will reduce it to less than five per cent. Will any one say that this interest is too much? Foreigners will gain but little by the rise of the value of the stock in the market. They want a certain income, a safe investment of their capital, and they will prefer holding their stock to selling it, should speculators even force it up to one hundred and fifty per cent.; for, at that price, it would give them a better interest than they could get at home.

It has been said, Mr. President, that the nett profit of the bank has been nine per cent. for the year 1831. I have not examined; I hope it may be so. It will afford some compensation to the stockholders for their not having divided more than five per cent. on the par value of their stock for the fourteen preceding years. One swallow does not make a summer; nor ought one good year for the bank to be considered as a criterion to judge by, or on which to estimate for the future. The year 1831 was a year of great pressure on the money market. The State banks were compelled, by the demand for specie, to lessen their discounts, which was dangerously felt by the merchants whose bonds at the custom-house were becoming due. The bank (to its credit) lent its great aid in the hour of difficulty, by extending its discounts beyond its usual practice, not for gain, but to prevent the impending ruin to commercial men, and thus its profit may have been increased.

I have given this view, said Mr. S., to correct false impressions. My object is, as it ought to be with every Senator, the interest of the nation, and not that of the stockholders, whom I consider as mere agents, to carry into operation the great objects for which this bank was originally instituted. But for this consideration, the bank would, in my opinion, be unconstitutional, and would receive my negative. The Government cannot, in my opinion, carry on its fiscal operations in safety, without such

an institution. This has been shown by several reports from the Committee on Finance, which have not yet been controverted, and to which I ask leave to refer for a detail of facts and statements. They will show the facilities and advantages which the Government derive from this institution. Other advantages might be shown, such as the surrender of United States' stock in Jan. 1817, to the amount of thirteen millions, the interest on which ceased on the 30th June, and which the treasury did not pay the bank until the 8th of July. Thirteen millions were repaid, and the remaining balance on the 6th of August, and then without interest; and on the 1st of January, 1818, the bank advanced \$1,172,000 to enable the treasury to pay the stocks then redeemed. The President, in his messages, bears testimony to the friendly and accommodating temper of the bank toward the Government, on all occasions. I beg to be permitted to refer to one of the reports of the Committee on Finance, to show the difference between the old and present bank and the Bank of England. The charter of the old Bank of the United States was predicated on the model of the Bank of England. Not so with the present Bank of the United States. It differs in many essential particulars, and may afford a lesson for the politicians of England when the question of renewal of the Bank of England is agitated in Parliament. The Bank of England has ever been, and ever was, a great political engine; and the old Bank of the United States intermeddled with the political affairs of our country, by which conduct it lost its character, or, what amounts to the same result, a renewal of its charter was refused by Congress. I voted against the renewal, on the ground of its interference in the elections, and because it would not consent to an increase of its capital, so that the democracy of the country might not participate in the direction of its affairs, and thereby check interference in the political matters of the day; and can be proved that the present bank has, at any time, made use of its power to influence elections, I will vote against the renewal of its charter. The old bank was bound to give any aid to the Government by its charter, nor does the Bank of England afford any aid to the British Government. I proceed to examine more particularly into the charters of the old Bank of the United States, and its prototype, the Bank of England, and to contrast them, in some respects, with the bank now before the Senate.

Much has been said about the exclusive privilege granted by the charter, as if no equivalent had been imposed on the bank. In the report of the Committee on Finance in 1828, now before me, it is asked, What facilities does the bank give to the treasury for the exclusive privilege? Answer. It collects all the custom-house bonds; it receives, and keeps safe, the receipts for public lands wherever it has a branch, and makes itself responsible for the same. The old bank was under no such obligations to the Government, nor is the Bank of England obliged to render such service to the British Government. The present Bank of the United States transfers the money of the nation from any one part of the Union to any other part where it may be required. It makes these transfers without any charge whatever, not even for the difference of exchange, which charge would constitute an inconsiderable amount if charged upon the treasury. Does the Bank of England perform this important service? Certainly not. Did the old Bank of the United States perform this service? No. It absolutely refused to do so, and the Government were compelled to obtain the aid of the State banks to perform this service. The present Bank of the United States pays the public debt, by which it is subjected to large drains of specie, which are highly injurious to its other operations, inasmuch as it compels the bank to lessen its discounts. Foreigners own about one-third of the stocks of the United States, which

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when paid to their agents in this country, causes a rise in the rate of exchange above the real par value, and induces an export of specie. Did the old Bank of the United States pay the public debt? No. Commissioners did this service, and received nearly \$20,000 per annum from the treasury. Does the Bank of England pay the debt of the nation? It is under no obligation to do so, and therefore is not paid and paid for the management of the debt. For objects, the sum of £263,736 sterling, or \$1,170,987 annually, for such service. The present Bank of the United States pays all the pensioners, where it has a branch. The old bank paid none. The commissioners received two per cent. for paying them. If the bank charter should not be renewed, a commissioner must be appointed in each State of the Union, say twenty-four commissioners, who will be paid two per cent. on the amount disbursed by them. My friend from Connecticut [Mr. Foot] will agree that the amount payable annually to the pensioners cannot be less than one million and a half per annum, the commission on which will be an annual charge of \$30,000 on the treasury, which payments are now made by the Bank of the United States, free of charge to the Government. In addition to the loss which may arise from bad agents, the bank, with its eagle eye, lost \$20,000 by an agent to whom that amount had been sent to pay the pensioners in one State. In addition to all the aids and advantages which I have enumerated, the bank is a safe deposite for the public money. Losses to an amount of more than a million of dollars had taken place in consequence of the failure of State banks in which the public funds had been deposited. If the present Bank of the United States be not rechartered, then there must be a State bank in each State in the Union to receive the public funds, over which the Government can have no control, and with all which the Treasury Department will be obliged to keep accounts and open a correspondence. The public will be exposed to great risk, and no little inconvenience, by such an arrangement, and the Secretary of the Treasury will be exposed to censure when any loss shall arise; and that losses will happen under this system of deposite, appears to me very certain.

I have proved, Mr. President, to my own satisfaction, that the bank has fully compensated for the exclusive privilege, and will now proceed to consider the bonus.

The bonus proposed by the friends of the bank is by them considered an equivalent for the advantage derived from the public depositories. They offer \$200,000 per annum, being \$25,000 more than one-half per cent. on the capital stock, amounting to three millions for the fifteen years; being exactly double that which was originally given for twenty years. The bank, being now in full operation, can better afford to give that sum, than it could afford to give a million and a half on its being first incorporated. Indeed, Mr. President, it was doubted at the time whether the amount of the whole stock could be taken up; in fact, it was not taken up. The subscriptions amounted to only twenty-eight or thirty millions; the balance was taken by speculators, and from thence arose all the misfortunes of the bank. The public depositories of the United States amounted, on the average of the preceding years, prior to the year 1829, to the sum of \$2,633,584. At a more recent date, the public depositories have amounted to eight millions and a half; but, as the duties must be reduced ten millions, we ought not to estimate the deposite at more than four millions of dollars in future. On that amount I will endeavor to show the result. It has been proposed to tax the bank with an interest of three per cent. for the depositories; and this would be just, if no bonus were payable. The bonus is proposed to be \$200,000 per annum. An interest of three per cent. on \$4,000,000 would amount only to \$120,000, the bonus actually given for the use of the depositories of

\$4,000,000—five per cent. per annum being nearly as much as the stockholders will receive for the use of their money. Surely this ought to be considered as amply sufficient; a larger bonus would be unjust and unreasonable.

Mr. President, I entreat Senators to pause and reflect; to avoid any trammels on the bank, that may, in the slightest degree, tend to endanger its safety or security. It is a national institution, of great public utility; on its punctuality and integrity depend the general credit and confidence in the circulating medium of the country. If its credit or solidity be doubted, confidence will be withdrawn. We should be careful to impose on the institution no obligation that, in its consequences, may tend to the remotest danger. I think that the fourth section is of that character; it may endanger some of the weaker and distant branches. Should any of them be overloaded with the notes of other and distant branches, it may disable such branch from paying specie on demand. If so, the alarm may cause ruin all around, and be fatal to the general credit and confidence now entertained by all in the safety of the United States' Bank notes. Confidence once lost in any bank is not easily regained.

Mr. KNIGHT thought it would be difficult to ascertain what should be the precise amount of bonus. The Senator from Maine was too high, and the Senator from Connecticut too low. He thought the rule should be to take one-seventh, and make the bonus 350,000 dollars.

He moved to fill the blank with 350,000 dollars.

Mr. SPRAGUE said he was much obliged to the venerable Senator from Maryland for the light he had shed on the subject. He had said that it would be an immense speculation to take this stock at par. If, then, the Government is not bound by any obligation to the stockholders, why should they be expected to give at par a stock worth 150 dollars? He maintained that a permanent stock at $4\frac{1}{2}$ per cent. was worth par. He was willing that the question should be first taken on the motion of the Senator from Connecticut before he made his motion.

Mr. KNIGHT then withdrew his proposition, to allow the vote to be taken on 200,000.

The yeas and nays were then ordered.

Mr. TAZEWELL expressed a hope that the Senator from Maine would move his amendment now.

Mr. MARCY moved to fill the blank with 525,000.

Mr. KNIGHT then renewed his motion for 350,000.

Mr. BROWN said he should vote against the largest sum, because he did not see any advantage which would result from it to the country. In proportion as the bank was burdened, would the bank burden the people by excessive issues. He would not incorporate such a principle in the charter.

Mr. MOORE said he should vote against the largest sum. He should do this, because he believed the States had the right to impose a tax, and would exercise it, as soon as the branches were established. He would therefore vote for the smallest sum.

The question was then taken on the largest sum, and decided in the negative, as follows:

YEAS.—Messrs. Benton, Ellis, Forsyth, Hill, King, Marcy, Sprague, Tazewell, Tyler, White.—10.

NAYS.—Messrs. Bell, Brown, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Grundy, Hayne, Hendricks, Holmes, Johnston, Kane, Knight, Mangum, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Tipton, Tomlinson, Troup, Waggaman, Webster.—36.

The question was then taken on the motion of Mr. KNIGHT to fill the blank with 350,000, and also decided in the negative, as follows:

YEAS.—Messrs. Bell, Benton, Dickerson, Ellis, Forsyth, Grundy, Hill, Kane, King, Knight, Mangum, Marcy,

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Prentiss, Robinson, Seymour, Sprague, Tazewell, Tomlinson, Tyler, White.—20.

NAYS.—Messrs. Brown, Buckner, Chambers, Clay, Clayton, Dallas, Dudley, Ewing, Foot, Frelinghuysen, Hayne, Hendricks, Holmes, Johnston, Miller, Moore, Naudain, Poindexter, Robbins, Ruggles, Silsbee, Smith, Tipton, Troup, Waggaman, Webster, Wilkins.—27.

Mr. SEYMOUR moved 300,000; and the yeas and nays being ordered, the question was decided as follows:

YEAS.—Messrs. Bell, Benton, Dickerson, Ellis, Forsyth, Grundy, Hill, Kane, King, Knight, Mangum, Marcy, Prentiss, Robinson, Seymour, Sprague, Tazewell, Tomlinson, Tyler, White.—20.

NAYS.—Messrs. Brown, Buckner, Chambers, Clay, Clayton, Dallas, Dudley, Ewing, Foot, Frelinghuysen, Hayne, Hendricks, Holmes, Johnston, Miller, Moore, Naudain, Poindexter, Robbins, Ruggles, Silsbee, Smith, Tipton, Troup, Waggaman, Webster, Wilkins.—27.

Mr. DICKERSON then moved to fill the blank with 250,000; and the question being taken thereon, was decided as follows:

YEAS.—Messrs. Bell, Benton, Dickerson, Ellis, Forsyth, Grundy, Hill, Kane, King, Knight, Mangum, Marcy, Prentiss, Robinson, Seymour, Sprague, Tazewell, Tomlinson, Tyler, White.—20.

NAYS.—Messrs. Brown, Buckner, Chambers, Clay, Clayton, Dallas, Dudley, Ewing, Foot, Frelinghuysen, Hayne, Hendricks, Holmes, Johnston, Miller, Moore, Naudain, Poindexter, Robbins, Ruggles, Silsbee, Smith, Tipton, Troup, Waggaman, Webster, Wilkins.—27.

The question was then taken on the motion of Mr. FOOT to fill the blank with 200,000, and was decided in the affirmative, as follows:

YEAS.—Messrs. Bell, Benton, Brown, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Ellis, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hayne, Hendricks, Hill, Holmes, Johnston, Kane, King, Mangum, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tazewell, Tipton, Tomlinson, Tyler, Waggaman, Webster, White, Wilkins.—43.

NAYS.—Messrs. Dudley, Knight, Marcy, Troup.—4.

Mr. MARCY moved to amend the bill by introducing a proviso that nothing herein contained should be construed to take away the right of any State to impose any tax on the branches, &c.

The question being put thereon, it was decided as follows:

YEAS.—Messrs. Benton, Brown, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Robinson, Tazewell, Tipton, Troup, Tyler, White.—22.

NAYS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Smith, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—25.

The amendment of the Committee of the Whole, as amended, was then concurred in.

The next amendment of the Committee of the Whole, restricting the bank from issuing notes below the value of twenty dollars, was then taken up.

Mr. KING moved so to amend the amendment as to make the minimum ten dollar notes.

The motion was negatived.

Mr. TAZEVELL moved to amend by striking out "or drafts," so as to confine the restriction to notes or bills.

The amendment was then concurred in.

The next amendment was the ninth section, inserted in Committee of the Whole, providing for the distribution of the bonus among the States.

Mr. WEBSTER hoped the Senate would disagree to this amendment. He had voted against it in committee.

He thought it desirable to avoid any constitutional allusion; and this section opens a field for constitutional controversy. He thought also that there was some parallel between this section and the section which Mr. Madison objected to. They were not exactly alike. The former bill provided for the disbursement of the bonus for internal improvement. He wished, if this principle was to be introduced, it would be done in a separate bill.

Mr. DALLAS said that he had made calculations which showed that the inequality would be monstrous if this division was to take place.

Mr. SPRAGUE said he should not move a separate bill, because he was opposed to a division of the surplus revenue. He had no solicitude as to the fate of the amendment. He thought the inequality of benefit to be derived from this money in the treasury would be about the same as the inequality of the distribution. He had no wish to embarrass the bill by his amendment.

Mr. BUCKNER said he hoped the amendment would be stricken out. He would oppose the proposition either now or in a separate bill. If he ever voted for such a proposition, it would be on the principle of an equal distribution, and not on the ground of federal numbers. An equal distribution would benefit the States which had most need of the aid. This mode of distribution would be destructive to the new States. The West was so satisfied of the injustice done to that part of the country by this mode of distribution, that they could not, would not, dared not, vote for it. He wished the questions of the bank and the tariff to be kept disentangled from any questions which could bring the West into opposition to them: and that must be the case if injustice were to be shown towards them in the arrangement.

Mr. FORSYTH moved to amend the section by striking out the words "according to the federal numbers," and inserting "to the amount of capital annually employed by the said bank in said State."

Mr. MILLER said, in a constitutional point of view the amendment was liable to all the objections of the original amendment.

Mr. HAYNE said he should vote against the amendment, as he was opposed to the introduction of the principle of raising revenue for the purpose of distribution.

Mr. HENDRICKS said the establishment of a branch bank in a State was regarded as an advantage, and this proposition seemed to go on the ground that these States should have the additional benefit of this division.

Mr. FORSYTH disclaimed any desire to have a division of the bonus among the States. But as the Supreme Court had adjudged that the States had not the power to tax, he wished to give the States an equivalent for what they had lost by that erroneous decision. He was opposed to raising revenue for the purpose of distributing among the States. He would not sanction any such principle. He could not vote for the section as it is.

Mr. BUCKNER again spoke against the amendment. The motion to amend was then negatived.

The question was then taken on concurring with the Committee of the Whole in their amendment, and decided as follows—yeas 16, nays 31.

So the amendment was disagreed to.

Mr. WEBSTER moved an amendment to the second section, by adding a provision preventing the bank from issuing orders as currency.

Mr. CLAY asked if it were intended to prevent the bank from giving a check payable to the order of an individual, and endorsed by him, to another.

Mr. WEBSTER said no such operation was intended. The words "put into circulation" seem to be plain. The transfer of a draft or endorsed note could not be considered as putting in circulation. A bill of exchange is not put in circulation, it is not currency.

Some difficulty occurred in settling the phraseology of

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the amendment to meet the views of the Senate, in reference to the prohibition of the circulation of branch orders. The amendment of Mr. WEBSTER was withdrawn, to make room for one, to attain the same object, moved by Mr. TAZEWELL.

The amendment was agreed to.

Mr. FORSYTH moved to amend the bill by adding a section, providing that the bank shall not take more than five per cent. on its loans or discounts.

Mr. CHAMBERS made a few remarks in opposition to the motion, and read the opinions of some experienced cashiers against the reduction of interest.

The question was then taken, and the motion negatived as follows:

YEAS.—Messrs. Benton, Brown, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Moore, Robinson, Tazewell, Tipton, Troup, Tyler, White.—21.

NAYS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Miller, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Smith, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—26.

Mr. TAZEWELL moved an amendment providing that the president and directors shall, on or before the first day of the next session of Congress, signify their acceptance of the terms and conditions of this act.

Mr. FORSYTH said this proposition would tie up the hands of the next Congress, and prevent them from amending the bill. He called for the yeas and nays; which were ordered.

The question being taken, the amendment was agreed to, as follows.

YEAS.—Messrs. Bell, Benton, Brown, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ellis, Ewing, Foot, Frelinghuysen, Grundy, Hayne, Hendricks, Holmes, Johnston, Knight, Mangum, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tazewell, Tipton, Tomlinson, Tyler, Troup, Waggaman, Webster, Wilkins.—41.

NAYS.—Messrs. Forsyth, Hill, Kane, King, Marcy, White.—6.

Mr. WHITE moved to amend the bill by providing that whenever the average amount of the public deposits shall exceed a million of dollars, an interest of three per cent. shall be allowed.

This motion was negatived, as follows:

YEAS.—Messrs. Benton, Brown, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Moore, Seymour, Sprague, Tazewell, Tipton, Tyler, Troup, Waggaman, White.—23.

NAYS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Miller, Naudain, Prentiss, Poindexter, Robbins, Robinson, Ruggles, Silsbee, Smith, Tomlinson, Webster, Wilkins.—24.

Mr. BENTON said the time had now arrived for making a motion which he had previously announced, namely, the reference of this bill to the head of the Treasury Department, for his consideration and report. The bill had now received all the amendments which its friends would admit; it was perfect, according to their conception; it was, therefore, in a proper state to undergo the revision of the officer with whose department it was so intimately connected. He said that this was a motion of legislative propriety, of official courtesy, and public advantage; a motion which could not be refused without a seeming disrespect to the officer at the head of the treasury—an apparent disregard to the Executive administration—and a possible detriment to the public service. Every bank charter ever yet granted, or proposed to be granted, had its origin in the Treasury Department. Every bank

bill had been drawn or revised there; and that upon the plainest principle of propriety, that the bank being intended to aid the treasury, it was for the Secretary of the Treasury to give his opinion upon the fitness and sufficiency of the aid to be given him. How, then, can the present Secretary be overlooked? How can he be passed by? Why should he receive a slight which has been put upon none of his predecessors? His individual sentiments are known to be favorable to a national bank; his public station gives him a right to be heard on the provisions of this one; the public service, we have a right to presume, would be promoted by the communication of his opinions. Who can assume to say that he can impart no useful information? Even if gentlemen thought so, it would be a breach of decorum to express, or imply, the sentiment. Yet a refusal to make this reference must imply it.

The circumstances of the country are wholly changed from what they were sixteen years ago. It does not follow that the same bank would be approved now, which was approved then. The public debt, then great, is now nothing; the annual revenue, then immense, must now be reduced more than one-half. The necessity and the uses for the bank are greatly diminished, if not entirely removed. Even upon the admission that the Secretary was in favor of a bank, and of this bank, it does not follow that he would be in favor of all its present features. He might not say that the necessities of the treasury required the present capital, and the present organization. He might think that the altered circumstances of the country required an alteration in the constitution of the bank. Whether he would so think, or not, he [Mr. B.] would neither say nor insinuate; but he would say that no one had a right to say or insinuate the contrary; that the Secretary had a right to speak for himself; and that it would be a violation of all precedent—a departure from all that was due to that gentleman, as the head of the treasury, and from all that was due to the country, whose officer he was—to push this bill through without a reference to him. The course of the two Houses and of their committees is uniform; all bills of a public nature are communicated to the heads of departments whose administration they concern. The benefit of their opinions, and the information to be derived from their counsel and experience, is always sought for. At this very session, the identical Secretary in question, the self-same Mr. McLane, who has not been called upon for a single opinion about the bank—a subject which belongs to his department—has been called upon for an entire bill and full report upon the tariff—a subject not belonging to his department; and now, if this reference is refused, how can such discrepancy of action be accounted for? The tariff was a delicate subject; and, frame his bill as he might, the Secretary might see a storm excited against him, and, through him, against the President: the bank charter has some odious features in it, and the Secretary might gain applause by recommending the abscission of these features, or recommending a postponement of the whole subject until the people were fully represented under the new census. If he is thus to be made responsible for a tariff bill, why not for the bank bill? If we needed his advice in one case, why not call for it in the other?

If there is any one measure, in the whole circle of legislation, which, above all others, deserves to be referred to an administration, it is the measure of creating, or continuing, a national bank. The whole argument for such an institution—its entire constitutional vindication—rests upon the assumption that it is necessary to the financial operations of the Government. Now, of this necessity, the persons chosen by the people to administer the Government must be admitted to be, in some degree, judges. Some may deem it unnecessary, as did Mr. Jefferson all his life, and as did Mr. Madison before the capital was burnt. Some may think one kind of bank necessary, and some another. Then why not consult the persons to whom

this institution is assumed to be necessary? Why not consult the present Government? The people have put them in power; they are responsible to the people for the operations of the Government; then why not allow them a voice in the selection of their means? Instead of that, we have seen this measure taken up by the adversaries of the administration, conducted along without any reference to the administration, and now proposed to be put upon its third reading without even their knowledge! It is easy to conceive that the bank may be an impediment to some administrations; it may join their adversaries, lend them the benefit of its vast moneyed power, and exert its machinery in all the States in promoting the election of opposition candidates. This very bank may be an enemy to the present administration, and, uniting with all the elements of opposition in Congress, may now be exerting its tremendous influence to keep up a system of double taxation and enormous expenditure, to supply itself with immense deposits of public money. It may be the most formidable enemy to the present administration, and, instead of aiding, may be paralyzing all their measures, even the payment of the public debt, in order to keep the public money for its own use. It may be in favor of a new administration which would keep up taxes, multiply expenditures, and gorge it with public money. These things may, or may not, be so; but why not let the administration speak for itself? Why force this aid upon them? Why compel them to receive help of the bank? Certainly it is a long time that the world has been admonished to beware of favors offered by the enemy! This bank is the only favor offered to this administration by its opponents; and this favor they require it to take without examination, and without inspection. They avow their determination to pull down this administration; and they propose to give them this bank as a friendly present! Since the days of the wooden horse, has any present ever come forward in a more questionable shape? And this kind aid comes on the eve of a life and death contest between the giver and receiver! Some have said this push for a new charter is not a party measure, but thus far it has been characterized by every circumstance that defines a party measure; and this determination to carry it through, without a reference to the administration, seems to complete the evidence of that character.

Mr. SMITH said, in high party times, when a motion was made to refer from Congress to the Secretaries, the democratic party resisted it, and he had never heard of a similar motion since.

The question was then taken on Mr. B.'s motion, and decided as follows:

YEAS.—Messrs. Benton, Brown, Dudley, Ellis, Forsyth, Grundy, Hill, Kane, Troup, White.—10.

NAYS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Ewing, Foot, Frelinghuysen, Hayne, Hendricks, Holmes, Johnston, King, Knight, Mangum, Marcy, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tazewell, Tipton, Tomlinson, Tyler, Waggaman, Webster, Wilkins.—37.

The question then being on the engrossment of the bill for a third reading,

Mr. WHITE rose to give his views in opposition to the bill; when

Mr. GRUNDY moved that the Senate now adjourn; and it being understood that no further amendments were to be offered,

The Senate, at 20 minutes before 6 o'clock,
Adjourned.

THURSDAY, JUNE 7. COLONIAL TRADE.

Mr. FORSYTH inquired of Mr. SPRAGUE if he proposed to call up the resolutions he had offered on the subject of the colonial trade.

Mr. SPRAGUE, in reply, referred to the answer he had given a few days since to Mr. SMITH, that he had himself occupied as much time on the subject as he had a right to ask, but that, if any other gentleman desired to address the Senate, he was very willing to give him the opportunity, and would call up his resolutions.

Mr. FORSYTH stated that he had not been in the Senate when that conversation took place. He expressed his satisfaction with the reply.

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The Senate then resumed the bill to modify and continue the act to incorporate the subscribers to the Bank of the United States.

Mr. WHITE, of Tennessee, rose, and addressed the Senate at great length. He expressed himself as much pleased with the manner in which this important topic had been discussed throughout the period it had been before the Senate—in a manner that showed that no party had struggled for victory, but each and all for the public good. It was his object to speak his sentiments on the subject; the trust he filled required it at his hands. He would lay before the Senate what his opinions were, and, in doing so, he hoped he would not interrupt the feeling which had so far prevailed. His opinion was adverse to the bill on the table. In the view that he had taken of the subject, he thought that, of all people who could be presumed capable of carrying on banking business, and would advance their claims for the franchise, the present corporation ought to be among the last whose claims would be received. He held that Government, nevertheless, were strictly bound to fulfil every engagement with them to the letter, according to the original charter; but, doing this, they would owe the bank no obligation whatever, no gratitude or debt. When the original proposition was made by Government to create a bank, they had no individual interests to look to: it was open to all the country who chose to subscribe; and such portion of the public as failed to do so, the fault rested with themselves; they had no cause so far for complaint; they could not charge any violation of their rights. But let us suppose we are now about to create a substitute for the bank of 1816. Do we give the public the same right, or are we not excluding them by the present measure? If we were called on to designate what portion of the public should not be authorized to subscribe, if any were to be excluded, it should be those individuals alone that should be excepted, who, for twenty years, had the monopoly from which the rest of the public were shut out. Such should be the case as regarded even those who are our own citizens; how much more strongly, then, should it apply to foreigners, who held no less than eight millions of that stock? And it was the opinion of many that more than this was held by them, probably in others' names. He would not say that, if we were to organize a new bank, they should be excluded; but he could not see why foreigners now concerned in the bank should have the preference over our own citizens. Would it be asserted that those foreign capitalists invested their money for the benefit of the country? No such thing. They had done so because they knew it was a safe investment, and it served their own interests. Let us then, sir, discharge faithfully all the rights belonging to them, but get rid of them, and give the preference to our own citizens. Perhaps it would be said that we could not find a sufficient number of capitalists within ourselves. Surely, surely, said Mr. W., it would be found we had enough, and to spare, to come forward and take the stock. It was his opinion we had numbers of citizens having capital they knew not how to invest; and it would be recollected the different channels in which our capital was employed; from the commencement of the last war—then, in various commerce, till the restoration of peace, and the period which succeeded. After the peace it could not all

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be employed; it was necessary to seek another channel, in which it might prove equally productive. It was invested in manufacturing establishments, and, in his opinion, out of this had grown up the tariff. With capitalists who had thus invested their money, the cry, consequently, was, "our capital is invested in manufactures; if you do not give us protection, we lose our all, we are ruined, the nation will be ruined." And the same process of investment was daily going on; and does this show any want of capital? He was confident there was abundance of capital, which would be invested in banking business if the opportunity offered, and if it could be so done at six or seven per cent.

Mr. W. expressed himself as radically opposed to the United States holding any stock as stockholders in the bank. He would prefer that Government should not possess a single dollar in it; that it should be left to the operation of private individuals alone. The United States held but a small portion of the capital—but seven millions out of the thirty-five; and for the Government to be in partnership with its own citizens, he considered to be a violation of the fundamental principles of the constitution; for thus Government was giving its aid, through its partnership, to the private individuals thus associated with them—operating as a monopoly in favor of one part of its citizens against another. In this respect, he held that the old charter was radically wrong.

What was the reason given by the friends of the measure for the recharter? That the bank had extensive business in operation; that many years would be required to wind it up; and that it was necessary, for the public interest, to recharter the same corporation. Now, he held that, if the present charter were allowed to expire, the affairs of the country would suffer nothing, but go on as well at the moment of its expiration. Again: that, being so long in operation, having brought its dealings to a regular system, it would be unfair now to do away with it. But if this argument be good for any thing, at the end of fifteen years it will be so much stronger; it will then have a thirty-five years' claim; now it has but twenty. The argument, with him, [Mr. W.] had no weight. It only showed they had acted wrong at the beginning, in granting so long a charter.

It was contended that they had claims for the benefits they conferred on the Government and the country by their agency. But the very name of having the Government as partners was more than tantamount to all the acts they conferred. From this, alone, they had the best of the bargain; and they only did what any other banking establishment would be glad to be allowed to do. They had the use of the Government money, deposited with them as it was collected, till again called on to pay it out. They were able to calculate the average of their deposits monthly; thence to make use of it, as so much of their own capital, as the medium of exchanges—to draw and redraw on this amount. Their paying all the pensions was mentioned as an important service by the Senator from Maryland, [Mr. SMITH.] But they only paid out the money deposited with them; and any other bank would do the same thing on the same terms. They had now, since 1816, the use of all these current deposits. It could not well be calculated their average amount; but, for a few years, they might be assumed as equal to eight millions yearly. On this, knowing how much they could rely on as generally in their possession, they were able to issue notes far beyond their capital. They were able to calculate on it, with certainty, as equal to their own stock, and to do business to double their capital; for, if even they exceeded their limits, they knew that so many notes would not return on them at the same time as to inconvenience them. And for this were their services to the Government an equivalent? If they were to make a return to the United States of one-half of the interest thus made on its own money, it would be but a moderate compensation.

That such an enactment was not in the original charter, he thought, was a fault. It was also a fault in the present one; for it was his opinion, when the sum in their hands equalled a million, the United States were entitled to an equivalent; and this deficiency in the bill under consideration was with him a solid objection to it.

This company had now been doing business for sixteen years. It extended over the Union. Its ramifications were every where spread; and it was now necessary to take some steps to ascertain whether that business was or was not safe. All the world knew what the difference was between giving out and receiving back. Who could tell what the operations of the bank were—its discounts, or its debts? It was necessary, for itself, that a final day of settlement should come: till then, it could not be ascertained whether its debts were bad or good. The bank ought to desire it, in order to know the state of their affairs. He would appeal to the man of business, if he, at certain periods, did not find it necessary to bring his books to a close, to know the true state of his affairs. Many prudent men thought it wise to even change the name of their firms—to open new accounts, (dealing honorably with the old,) in order to reject, in the new firm, what they knew, by past experience, were unsafe. If it were necessary for private individuals thus to act, how much more was it incumbent on those who transacted business with the whole country. No one, no matter how honest soever the managers or those concerned in the bank might be, could tell, till its affairs were finally wound up, how safe the United States were in entrusting it with their business.

The bank had, say, several millions in specie in its vaults; the engagements of other banks, and the paper on discount of individuals, enough probably, as honest men, to pay all their own engagements: but could the Government, as stockholders, say how much of this paper was good, till finally paid? This, with him, [Mr. W.] would be a strong reason against renewing the charter at the present time. Even if Congress were disposed to act afterwards in its favor, they should allow its operations to be suspended for a time. But to renew it at the present period, when it had four years to run, and it might be said two years more to wind up its affairs, was particularly objectionable. Was it desirable to do so now? Who could tell what the state of its affairs would be at the expiration of three years, or the course of dealing between it and the United States? In this period much additional light might be acquired; and were we to deprive ourselves of this by rechartering so long in anticipation? If the bank were not thus assured of a new charter, the winding up of their affairs would commence, and the public would see their way.

He had always understood that the purpose of the bank was to do real business, on *bona fide* paper, and not on paper of mere accommodation. The only reason given, as far as he had heard, for this early decision on a recharter, was that of the Senator from Pennsylvania, [Mr. DALLAS,] that it was necessary to have so long to wind up the affairs of the bank. But if the engagements due to the bank were real business transactions, every man who had a bill coming due, knew the precise time when it would occur, and would be prepared to pay it on the day. If such were the business transactions of the bank, he saw not why they should feel difficulty in winding up their accounts at any time, nor why they should ask for years to do so. Mr. W. proceeded to argue that, if the bank were doing accommodation business, it was only an injury to the nation, and we would be better without it. Accommodation, inducing a man to engage in business beyond his means, in the end, was always a real loss, both to himself and to the public. It would be seen, at the expiration of the charter, if not thus prevented by the renewal, whether the bank was doing a real business or not; and

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this, with him, was also a great objection to the present renewal. Their difficulty in winding up, it was to be feared, was owing to the extent of their accommodation paper; notes were not paid when due, and were lifted and continued by substituting other paper.

We had some specifications of the bank transactions in the reports of the other House. They might be called common business transactions. He would not say there was any breach of moral rule; yet, to him it appears extraordinary, their lending money to be paid in instalments; some of those instalments not falling due for six months after the expiration of their charter; in one instance, to the amount of twenty-five thousand dollars to one individual. It could not be known how many of such transactions they were engaged in; every day would give more time to throw more light on it.

Domestic bills of exchange were another subject of importance. It would appear, from their own statements, that their transactions in this species of business were extensive. In April, 1831, they were upwards of fourteen million seven hundred thousand dollars; in April, 1832, more than fourteen million eight hundred thousand dollars. It was strange to him if all this could be real business paper. Much of it, it was to be found, was accommodation paper, of little value, under the form of bills of exchange. If so, in the end it would prove ruinous to the people, and to the bank itself. How stood the case in respect to accommodation? He knew its operation in his own State; probably similar elsewhere. A man has no capital; he does not choose to apply himself to industrious habits—to work; he can get accommodation at the bank to enter into business, provided he can obtain endorsers. He gets endorsers; and to them, for thus guarantying him, he gives two per cent.; he pays the bank for its discount six per cent. At the end of six months he has to do the same. He still wants money to pay off this; he must have recourse to the medium of some respectable house in New Orleans to accept his drafts; this commission house must be paid; so must the endorsers; so must the bank. He again goes through the same process. The commission house is to be taken care of—he wishes to keep his credit—goes into the country to purchase produce for the New Orleans market—it is shipped—he draws on New Orleans. These are drafts in return; and as the bank will not act for nothing, it charges six per cent. exchange both ways. With these and other charges heaped upon it, it would be a miracle if the produce thus exported left any thing for the dealer. In the end, he is unable to go on longer. He brings ruin on himself, and injures those with whom he has originally traded. Much of this exchange business, to which he had alluded, he [Mr. W.] feared, was of this stamp. The same applied to those engaged in agricultural pursuits. If the farmer made use of the facilities thus held out to him, in anticipation of the sale of his crop, his crop probably, as was frequently the case, turned out a failure—he was thus involved in debt. He had, to be sure, the honor of dealing with the bank, and, in the end, to seek for himself a new shelter and another home. Of all modes to render men useless to their country, who might otherwise remain solvent and valuable citizens, this of putting the debtor to new sacrifices, which followed accommodations as a matter of course, was the readiest of all.

It was a delicate affair, Mr. W. admitted, to interfere with the charter when granted; but who on that floor, he asked, if disclosures in the interim should be made, that would not regret his vote for a recharter thus in advance? If disclosures should hereafter be made of its injurious tendency, where was the remedy? Or, would any one say, in such a case, that it was not repealable like any other act of Congress? While he agreed to the principle of the Senator from Pennsylvania, [Mr. DALLAS,] that the maladministration of individuals in any office was

not the fault of the office or institution itself, he denied the analogy; for, where there was maladministration, it was a duty, at least, to remove the persons who abused the trust, to substitute another body in their place. Was it wise or just to give up all control over this corporation so long in advance? If we now renew the charter, we put them beyond our power for nineteen years. Was not this too long? It was a settled principle, sacred in all our institutions, the judiciary, from its particular nature, alone excepted, to have frequent recurrence to the will of the people, to deliver up to them the trusts delegated; here we give assurance to the bank that it shall be exempt; and, than this abandonment of principle in its favor, what can be worse? The conduct of this corporation had been spoken of, he thought, too highly; gentlemen were too liberal in their praises, if its former transactions were to be referred to. Than of this corporation, the affairs of none other had been so badly conducted at its commencement. Nothing could be worse until Congress was forced to institute an inquiry, to change and better their mode of proceeding. Their chairmen, committees, directors, and all, had been bankrupt, and were only thus saved, as well by the after management of Mr. Claes, whose ability, high and honorable character, and direction saved the credit of the country, and prevented the bank from utter destruction. He might grant that for the last fifteen years it had been well conducted; but what security had we that it should continue so? For the direction might be changed at any time; though the present managers might be discreet and honest, their successors might not; it was always safest to leave nothing to contingencies, and it behooved us, in doing justice to the corporation, to take care also that the community should not be sufferers.

Mr. W. then alluded to the system of branch drafts which had got into practice. In chartering the bank, the object of the Government was to preserve a certain standard and uniformity in the currency. By means of branch drafts, this object was defeated, the charter evaded, and notes put into circulation without the signature of the president. Before this bank was incorporated, two difficulties were of frequent occurrence; the public could never be certain what notes of that day were genuine, or what were spurious. To remedy this, local issues without the president's signature, under a certain amount, were prohibited; but, in lieu of notes under fifty dollars, they had put into circulation those branch orders of small amount. It was contended that this practice was rendered necessary by the multiplication of branches, in order to meet the demand; but when called on for any sum under fifty dollars, they had it in their power, had it been their object, to give the person applying specie; and specie less than fifty dollars would have been no great incumbrance to any one, it was to be supposed. The fact of their having been refused this privilege, when they had, on two occasions, applied for leave to have special officers appointed with liberty to sign such notes, and the advice of counsel against its legality, left them no room to doubt on the subject; and, with such knowledge before them, their following it up was decidedly an evasion of their charter. Therefore, he contended, those who had thus evaded its enactments, should not be trusted with its renewal. After some further remarks on the effects of these branch orders in drawing the money from the Western States, and transferring it to the Eastern, and its operation in exhausting the specie, and, in lieu, creating a paper currency in the West, Mr. W., having spoken two hours, gave way, without having concluded, to a motion by Mr. GRUNDY to adjourn.

The Senate then adjourned.

FRIDAY, JUNE 8.

ALEXANDRIA AQUEDUCT.

Mr. CHAMBERS presented a memorial from the citi-

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zens of Georgetown against the bill pending to aid the Alexandria Canal Company.

A motion was made to print the memorial, which was opposed by Mr. CHAMBERS, as having no other object but to delay the action of the Senate on the bill.

Mr. WEBSTER stated that this was an ungracious attempt to defeat a measure for the interests of Alexandria, which had been the most abstemious of all the cities in the District in her demands on the General Government.

Mr. FRELINGHUYSEN, although entertaining similar views as to the ill-timed character of this application, thought the printing an act of courtesy not to be denied.

Mr. FOOT expressed regret that whenever applications were made from any part of this District for aid from the Government, there was always some opposing interest interposing itself to embarrass the legislation of Congress.

The printing of the memorial was advocated by Mr. MARCY and Mr. FORSYTH.

Mr. TAZEWELL stated that the project of a free bridge on the pillars of the aqueduct, proposed by the memorial, originated with Alexandria; and that Alexandria, at one time, proposed a co-operation with Georgetown to accomplish it, which was refused by Georgetown.

Mr. CLAY defended Georgetown against the imputation thrown out in the argument of the gentleman from Virginia. He was in favor of the aqueduct, of the free bridge also, and of the printing of the memorial. He thought the bill for the aqueduct might be taken up and passed to-morrow.

Mr. CHAMBERS then withdrew his opposition to the printing.

Mr. MANGUM wished the two subjects to be disconnected, and to be taken up in separate bills.

Mr. CLAYTON expressed a hope that the bill for the benefit of Alexandria would be taken up and passed; and that the memorial from Georgetown should also receive its proper attention. But if the bill were now postponed, he apprehended that it would be impossible to pass it this session. He gave the reasons which would influence him as a member of the District Committee to give every attention to the wishes of Georgetown, but without prejudice to the interests of Alexandria.

The memorial was then ordered to be laid on the table and printed.

PRESIDENT'S FAC SIMILE.

On motion of Mr. KING, the Senate then proceeded to consider the bill for the appointment of a Recorder of the Land Office, and prescribing the manner in which patents shall be issued.

The question pending being on the motion of Mr. FORSYTH to strike out the whole bill after the enacting words, and to insert an authority to use a fac simile of the President's signature, and the employment of a private secretary of the President, to be employed in its use,

Mr. POINDEXTER moved to amend the amendment, by introducing the words "for the time being" after the words "President of the United States;" and by adding a provision that each President, at the end of his term of service, shall cause the fac simile to be destroyed.

Mr. FORSYTH accepted the amendment.

The change of system was advocated by Mr. CLAY, who said that by the present mode an unreasonable amount of mechanical labor was imposed on the Chief Magistrate, interfering with duties of an intellectual character. He wished the friends of the administration to settle the mode among themselves, and pledged himself on this question to support the administration with all possible zeal.

Mr. POINDEXTER opposed the principle of substituting any other signature to transfers of the public domain, than that of the President himself. He preferred the adoption of a fac simile.

It was stated by Mr. KING and Mr. FORSYTH that there were near ten thousand land patents lying before the President, waiting for his signature, and forty thousand others were prepared.

Mr. EWING preferred the fac simile mode to the other.

The amendment was opposed by Mr. BIBB, who stated that he never would authorize a Chief Magistrate, on the pretence that he had not time to sign his name, to have a fac simile made of his own name.

The amendment of Mr. FORSYTH was then agreed to—yeas 21, nays 20.

The bill was then laid on the table.

BANK OF THE UNITED STATES.

The Senate then resumed the bill to modify and continue the act to incorporate the subscribers to the Bank of the United States.

Mr. WHITE resumed the observations in opposition to the bill which he commenced yesterday. He contended that the charter gave to the bank almost unlimited powers in the establishment of branches in any of the States or Territories of the Union. He looked at the amount of profits which the bank would make by a branch in Tennessee, where there were very few stockholders; and consequently there would be a drain of the specie from that agricultural section, for the benefit of distant, and, in a great proportion, foreign stockholders. Such a drain he considered as injurious, not to say ruinous. They who furnish these profits are to have as a consideration nothing more than a slender chance of borrowing sometimes a little capital, on accommodation. In the end, this accommodation is mischievous; and farmers who resort to it soon borrow themselves out of house and out of home. On this ground, therefore, he objected to the bank as impoverishing the country.

He preferred State banks, in which the holders of stock were citizens, to any of these branches.

A stronger objection was, that, in consequence of its large capital, and its great money influence, it would have the power of drawing to itself all the active capital which ought to be distributed among local institutions. The effect would be to put down those institutions, as every man of capital will desire to connect himself with this bank. Not only without the consent, but contrary to the consent of the States, the principal directors have the power to establish branches where they please. Who elects the officers? The principal bank puts in and changes the officers, at its pleasure. He objected to placing too much confidence in the bank, and looked at the possibility of the influence of this institution being directed to the election of such Senators and Representatives, State and federal, as may be favorable to its purposes. When the board of principal stockholders have determined on a particular object, they have only to communicate their views to the branch directors. In this way, they could always operate to secure a renewal, or a modification of their charter. The branches, acquainted with the object of the parent bank, would induce their customers, by the promise of greater accommodation in the event of some modifications being obtained, and a withdrawal of a part, if they should not be obtained, to give their votes for persons who would aid in the attainment of such modifications. He did not believe that such a power could be resisted. He could not see the extent of evil which might be the result of the efforts of an organized corps of men, four of whom may be sufficient to act, speaking the same language in every hole and corner of the Union. It was just as well to give the directors the kind of charter they require, because they will have the power to modify their charter whenever they please.

But the power of the bank might also be applied to political purposes; and might be applied with a force which

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would be found to be irresistible. His apprehensions had always been alive to the contingency that this great money power would connect itself with the Federal Government, and regulate the election of Chief Magistrate. Whoever lived long enough would see that this institution and the Executive would go together on all questions of magnitude; and whenever the next election should be over, whether the present Chief Magistrate should be put in or put out, we shall never again hear any President speaking in opposition to the will of the bank. In case of war, there would be found difficulty on the part of the Government in obtaining loans from this bank; and as the local banks would be all destroyed, the operations of the Government might be greatly embarrassed. In the last war, supposing that the directors of a bank of this influence had entertained the opinion that the war was an unrighteous one, and would not have contributed to carry it on, what embarrassments would not have ensued? The bank would have power, therefore, to compel the Government to make peace or war, at its will. The bank, having the control of the whole circulating medium of the country, can work any results which they please. They can influence the value of property every where, and change it to any hands which they choose to favor. The bank can also regulate the rate of foreign and domestic exchange, and can elevate or depress it, as circumstances may render it profitable or desirable for them to do so. He adverted to the influence which the foreign stockholders might have in a war with Great Britain, in preventing any efficiency on the part of our Government. He held that there was no security in the reflection that the bank had hitherto done well.

He further stated that he still retained all his constitutional objections to the delegation of these important powers to any individual corporation. It was a power which had been invariably contested since the year 1791, when it was first made a vexed question. It was then contested before the President, when the cabinet was divided, two and two, when he signed the bill. The lights which had been subsequently shed on the subject, were conclusive, in his mind, as to the propriety with which the constitutional power to incorporate a bank had been contested. He looked at the various powers expressed in the constitution out of which this power had been derived, and denied that any of those powers had warranted such derivation.

He argued that the framers of the constitution did not give any such power, for the purpose of carrying into effect any of the great powers given by the constitution; and that the moment such power was assumed, the power was assumed to make an individual take the notes of any corporation the Government may create. He denied that, in the event of another war, this bank could continue to be a specie-paying bank. The war disturbed the currency; money was necessary for the army and navy. The banks could not supply it without suspending specie payments; but it was considered patriotic to incur this consequence, for the benefit of the country; and they who refused to incur, made themselves liable to the suspicion that they did not desire to see the war brought to a successful termination. This state of things was brought about with the connivance, nay, the approbation of the Government; and it was to remedy an evil brought about with the encouragement of the Government that the United States' Bank was established. It was to restore the soundness of the currency, which was disturbed by the war.

He referred to the inefficiency of the bank, when in the quasi war with France, in 1798, 1799, a loan was obtained from individuals at eight per cent. The bank was at that time in existence, but it did not give any aid to the operations of the Government. In the event of a war, when these notes were offered, the people would call to mind the continental money, and would immediately take the notes to the bank, and get them exchanged for hard mo-

ney; and as the amount of specie in the vaults was not sufficient to meet all the notes, the bank would cease to be specie-paying.

In peace the Government could have every requisite facility for the collection and safe keeping of the revenue by the State banks. There was no complaint of these banks until the war. He had no hesitation in asserting that these local institutions would be sufficient for all the purposes of the Government.

He concluded with stating that his objections, on the various grounds he had specified, to the continuance of the charter of the bank, were insuperable. He denied the power of Congress to incorporate such a bank. If they possessed the power, he insisted that its exercise in this manner would be inexpedient. He thought that the bank might interfere with the elections, as the gentleman from Pennsylvania had stated it would be tempted to do if the term of its charter were shortened. The depositing of the public funds in this bank without any demand of interest, was a bounty given to them to interfere in these elections. The present bill tempted the directors of the bank too far; and, if they resisted the temptation, he would say that all the eulogies which had been passed upon them by the friends of the bank came far short of their real merits.

Mr. HILL then read the following observations in opposition to the bill:

Mr. President: In favor of the extension of the charter of the United States' Bank, it is urged that this institution is necessary for the preservation of a sound and equal currency. It has been assumed that, without this institution, the currency which was disturbed and depreciated by the necessities of the last war with Great Britain, would never have been restored. My belief is, that, had the United States' Bank existed during the late war, the moneyed power which it would have wielded, aided by that moneyed power at the East, which preferred investments in illicit traffic with the enemy to investments aiding our own country, would have prostrated the Government at the feet of the common enemy—would have compelled this Government to make such peace with Great Britain as she should dictate. Had this bank, if then existing, done like those patriotic State institutions which loaned money to the Government, and were in consequence obliged to suspend specie payments, it requires not the spirit of prophecy to foresee that the fate of the United States' Bank would have been that of the local banks. Divest this United States' Bank of the Government deposits—draw from it the Government funds, as they must be drawn in all times of public exigency, and it stands on no better ground than every local bank in the country stands. It is without national character; the national name which it assumes is mere moonshine. Strike this bank out of existence, in a time of general prosperity, and the means for preserving a sound currency and for facilitating exchanges exist precisely the same. The price of exchange is always favorable to that section of the country where the greatest balance is due. If, for instance, the interior country consumes more than it produces, if it buys more than it sells, the price of exchange will be against the interior. If the States of the South or West consume more from abroad than they furnish for the market at home, the price of exchange will be increased in those States equal to the expense of transporting specie funds to the point where the debts may be due—to the city of New York, or Philadelphia, or Boston, if the purchases shall there be made. On the other hand, if those States send more produce to New York, than the amount of their purchases at New York, the exchange will be in favor of the States, and against New York. The Bank of the United States is of no more value in facilitating these exchanges, than any broker's shop in the country. This bank charges the same for its bills of exchange as does any broker: nay, by monopolizing this

brokerage, it controls, in a good degree, the prices, and precludes the benefits of that salutary competition which would otherwise exist.

The credit which is assumed for the bank, of bringing up to par, and equalizing the currency of bank bills throughout the country, is but a gratuitous assumption. It is true that the circumstance of the bills of this bank being receivable every where in payment of duties and debts to the Government, gives these bills a currency that no local bank possesses. But let the Government give to the bills of any local bank the same quality—let the bills of any local bank be every where received in payment of debts due to the United States—and such local bank will contribute just as much to equalize the currency, as does the Bank of the United States.

In the six Eastern States, at this moment, the bills of the United States' Bank and its branches, with all the advantage which the Government gives those bills, by every where receiving them in payment for debts due to the United States, are not as good as are the bills of any and every local bank in those States: the local bills are there every where received as specie without discount; the bills of the United States' Bank and its branches are not received, except in the place where the branch is located, and where the bill or note is payable. The difference at present is from one-fourth to one-half per cent.: the difference between these and the spurious drafts which are circulated as bills, is probably one per cent. The principle is the same, whether the difference be one-fourth, one, ten, or twenty per cent. If that difference be one-fourth per cent. now, what will it be under the system of issuing spurious orders, as well as bills payable at distant parts of the Union, when Government funds shall be as scarce as they were during the exigencies of the last war? Then the sources of public revenue would be in the main dried up—a very small portion of the bills of the United States' Bank would be any where receivable; and the paper of this bank would be the very worst paper circulation that ever has existed, or ever could exist, in this country. Fastened down as we now are by the votes of a majority of the Senate, it will not be in the power of Congress hereafter to improve the currency; nor can all the efforts of the State Legislatures, or the local banks granted under them, correct this evil.

With what face can it be urged that the Bank of the United States improves the currency? I deny the proposition. The Bank of the United States, during the term of its existence, has done more towards establishing principles of banking calculated to superinduce and make permanent an unsound currency, than any and all the other banking companies of the country have done in the same time.

What would not be said, if twenty-five of the principal State banks throughout the Union should combine, and should agree to issue their bills at distant points of the Union, payable a thousand or fifteen hundred miles from the place of issue? Would it not be obvious that the intention was to evade specie payments? And can any one doubt, if an order to receive the bills thus sent forth in payment of debts due the United States should issue, such as that issued by Mr. Secretary Rush to receive the spurious orders of the Bank of the United States, that the bills of the local banks would be every where as current as are the spurious bank orders? But would not such a procedure be met with indignation throughout the whole trading and commercial community? This evasion of specie payments is tantamount to the direct suspension of specie payments by the Bank of England; it is a device which would do credit to Yankee ingenuity. Give any Yankee bank this exclusive privilege for the term of twenty years, and I will be bound that such bank will carry to New England more than a moiety of all the proceeds of the industry of the country. As the bill virtually sanctions the

evasion of specie payments, it is equal to an irrevocable grant of the power to suspend specie payments: the paper issues of this bank will be no better than the paper issues of the Bank of England during the suspension of specie payments—the quality of each paper is the same, the credit of both being based exclusively on the simple circumstance that they were receivable every where in payment of the debts due to the Government. Mr. Huskisson has shown that the suspension of specie payments by the Bank of England reduced the value of the currency in that country about twenty-five per cent.; and at every emergency of this Government, the Bank of the United States, under the grant now voluntarily presented to it, will cause a similar depreciation of the value of money in this country, and probably produce a greater dilapidation of property than the whole amount of its capital.

On the subject of these branch drafts, with all due deference to the learned counsellor who received fifty dollars for draughting the opinion that there could be “no legal objection to them,” and for the other distinguished gentlemen who, for one hundred dollars each, concurred “entirely in his opinion,” I must beg leave to differ entirely from them. They say there can be no legal objection to these orders, which does not apply to all drafts; that “whether they are signed by one officer or more, and whether they have the external appearance of a bank note or otherwise, must be a matter of perfect indifference, and entirely within the competency of the bank to regulate at its pleasure;” that “it is an ordinary banking operation, to which their general faculties are perfectly competent;” that “a restraint upon the power (to issue this kind of spurious paper) is without example in the charter of any bank;” that the inhibition of bank bills which are not signed by the president and countersigned by the cashier, in the twelfth fundamental article of the bill creating this corporation, “has no reference to checks or drafts drawn at the offices upon the bank;” and that since the issue of these drafts “will facilitate the exchanges of the country, and secure the public and the bank from frauds,” they seem to them as expedient as they are lawful!

This is, then, constitutional law, as expounded by the three great legal advisers (Messrs. Binney, D. Webster, and W. Wirt) of the bank; it must be so, for one of them solemnly sets forth the declaration, another “concurs entirely in his opinion,” and the third says he “can see no possible legal objection to the practice;” and the whole costs the bank but two hundred and fifty dollars! Let it be borne in mind that, in arriving at their conclusion, the learned gentlemen entirely blink the charter. To prevent the issue of such an enormous quantity of bills of a small denomination as shall drive out of circulation not only specie, but local bills, which are also the true representative of specie, the charter prohibited the issue and circulation of “bills or notes promising the payment of money,” unless signed by one officer, and countersigned by another: in vain does the bank four times petition Congress to change this provision in the charter. It is found by the “ordinary operations of banking,” funds are transmitted sometimes from one point to another, by drafts drawn by one bank upon another, as a mere operation of exchange, the draft always purporting on its face the precise amount desired to be transmitted. On the strength of this practice, the Bank of the United States procures some ten, fifteen, or twenty millions of dollars, in sums of five, ten, and twenty dollars each, of the drafts manufactured in close imitation of bills or notes of the same denomination—not for the purpose of accommodating the exchange, but for the purpose of throwing on the whole community an expanded paper circulation, if redeemable any where by specie, redeemable at such a distance from the place of issue, that it will cost the holder of fifty or a hundred dollars another fifty or a hundred dollars to obtain the specie where it is due. This paper circulation is not

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"bills or notes;" therefore, it is no violation of the charter that the paper is not signed by the president, and countersigned by the cashier. But the clause requiring the signatures to bills or notes, does not require the same signatures to checks and drafts: therefore, checks and drafts may be made a substitute for bills and notes, because checks and drafts, not for circulation, but for the transmission of funds, is "an ordinary banking operation, to which their general faculties are perfectly competent." Had any local State bank in the country resorted to such a subterfuge for such a purpose—had any State bank thus evaded the plain letter of its charter—there cannot be a doubt the act would have been condemned at once by every State judicial tribunal, and that every State Legislature in the Union would have declared the charter forfeit.

The gentlemen, counsel for the bank, in their learned opinion, give us no quotations from the books, as a justification of the issue of this spurious paper; they say the issue of checks and drafts "is an ordinary banking operation," thus carrying the idea that what is done by the United States' Bank is done by all other banks. It is not denied that other banks may sometimes issue checks and drafts for the accommodation of individuals who may wish to send money from one place to another; but it may be fearlessly denied that other banks are permitted to issue checks and drafts for the purposes of general circulation. Even the bank "facilities," which were issued several years ago in Massachusetts and Connecticut, to evade specie payments at the place of issue, were of a character infinitely superior to the "facilities" issued by the Bank of the United States. The Dedham bank issued its not espayable at Middletown, and the Hartford bank payable at New York; each some hundred and fifty miles distant. But there was a *bona fide* promise to pay, and the promise was kept. Yet the good sense of the community drove the banks to withdraw these facilities from circulation. So also the first bank chartered in New Hampshire, which for several years claimed the exclusive right of banking in that State, as the United States' Bank claims it now under the Federal Government, issued bills at Portsmouth, payable at Philadelphia. The popular indignation soon put down this evasion of the charter, although there was no clause in the charter prohibiting the issue. The checks and drafts which are attempted to be legalized by the counsel for the Bank of the United States, are of a character far below the bank facilities to which I have just alluded: they contain a promise to pay nowhere; they are a simple order drawn on the mother bank, at great distances from the places of issue; they may be paid, and probably will be paid, so long as it is convenient for the mother bank to pay them, if the holders will be at the expense of sending them five hundred, a thousand, or fifteen hundred miles; but the holders cannot, from their face, compel the bank to pay them. Stop the sale of the public lands in the South and West—let a war on the ocean stop the importation of goods on which duties are paid to the Government, and these branch drafts would instantly be depreciated in value from twenty-five to fifty per cent.; they would fall below the treasury notes issued during the late war, and even as low as the notes and bills of those banks which then suspended specie payments. And this is the system by which the United States' Bank has every where made an equal currency!

Should the friends of the bank, after the year 1836—for until that time we must have these checks and drafts fastened on us as a currency—consent to prohibit their issue, will not the bank resort to some other expedient to evade the payment of specie? It will be said that the renewed charter prevents the issue of bills or notes of one branch payable at another branch, of a denomination less than fifty dollars. Why permit such issue of any denomination? This provision will enable the bank at all times to

evade the payment of specie in quantities; being receivable for debts due to the United States, these bills will be current in all parts of the United States. In all times of scarcity the branches will issue only such bills payable at distant points; and they will be able to do an immense business, drawing their specie from the State banks around them, without being liable to be called on at any time for a single dollar. Even if the bills above fifty dollars will not be sufficient for this purpose, there are many expedients less disreputable and equally legal, as that of the issue of the drafts or checks, by which the bank might throw millions of small bills in circulation, and evade specie payments; and, after what we have seen, it will not be doubted that the able counsel and legal advisers of the bank will give their opinion that any proceeding of the bank is legal and right, since such proceeding will be but "an ordinary banking operation;" and because it "will facilitate the exchanges of the country," it will be "as expedient as it is lawful!"

It is asked "How is the revenue to be collected through all the custom-houses, the land offices, and the post offices, without some such means as the bank affords?" I answer, if there was not a bank in the country, it by no means follows that there would not be safe places of deposit for the public money at every point where money is receivable. In many places, in all places where there is no bank or branch of the Bank of the United States, State banks are now made places of deposit; and there is no more fear, because there is really no more risk in making these State banks places of deposit, than there is of the Bank of the United States or its branches. If the United States Bank were stricken out of existence, for the privilege of these deposits simply—besides the payment of two to four per cent. on the annual average of these deposits—the State banks would give bond, with ample security, to the Government, to do all that the United States' Bank now performs, or engages to perform, viz. collect and receive for safe keeping the public moneys; pay them out wherever and whenever called for; transmit the funds to any part of the country free of charge; transmit them to foreign countries without making the exorbitant charge that has been for years past paid by the United States; equalize the currency as effectually as the United States' Bank ever did, and much more effectually than the United States' Bank will do under the amended bill which is now before the Senate. There are many State banks, which would gladly pay the pensioners, and do all the duties formerly done by commissioners of loans, simply for the privilege of the temporary deposit of money used for those purposes by the Government. To perform all the purposes of collection, distribution, and safe keeping of the revenue of the United States, banking institutions might be found at every point, which would guaranty, each for the other, the safety of those funds; and, in addition to these services, these banks would pay the Government from two to four per cent. annually on the average deposits.

Were there not a bank of discount in existence in the country—I mean a bank issuing promissory notes or bills, but only specie—the condition of the funds of the Government would be more safe than it now is. The benefits of the specie deposits between the time the money is received and the time it is used, would be abundantly sufficient to compensate, in safe hands, for all the expense of paying out and transmitting funds. Instead of a fictitious basis—a paper foundation—we should then have a solid specie foundation. Instead of overtrading on a system of artificial credit, which explodes as certainly and surely as it progresses, there would be uniformity and safety in the transaction of every species of business. If there were at any time a substitute for specie as a circulating medium, it would be a tangible, responsible, individual credit—a credit which would be almost as sure as an intrinsic specie capital itself.

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But we are not to expect such a state of things. There must of necessity be banks: these banks, to be safe and salutary checks on each other, should be local, and should be regulated by the several State Governments within whose sovereignty they are located. If it be admitted that the State Governments have a right to create banks, it must be admitted that the Federal Government has not a right to destroy those banks. In what condition do you place State banks by the exclusive privilege which is granted by the bill now under consideration? You create a rival institution, exempt from all taxation, with power to evade specie payments, with an implied power to issue a spurious currency payable in specie a thousand miles from the place of issue, which spurious currency is made receivable in payment any where for debts due to the United States. This rival institution, without a cent of capital of its own, having the entire funds of the Government to operate upon, could and would annihilate every State bank in the country. A Senator, [Mr. WEBSTER,] the other day, aware of the fact that the grant of this charter ultimately involves the destruction of the State banks, contends that the power to regulate the currency gives the privilege of banking to the Federal Government alone. This construction of the constitution is quite as novel as the doctrine of the same Senator, that a representation by fractions in the House of Representatives is the only constitutional representation.

But, say its advocates, the perpetuation of this bank is necessary for the favorable effect it has or may have, "either generally or locally, on the agriculture, commerce, and manufactures of the Union." It must be admitted, with the exception of that portion of the stock of this bank which is purchased or owned by foreign stockholders, that the same capital is in the country if this institution do not, as if it do exist. The only advantage which this capital will possess with the charter over what it would have without it, will be in the issue of a paper currency; and this issue of paper currency must be enormous if the system of spurious orders shall be substituted for specie-paying paper bills. Thirty millions of dollars, without a specie basis, have been already loaned to the Western States by the United States' Bank; a portion of this sum is common bank bills, another portion is paper orders. This great amount has been issued just long enough to have the people feel the benefits of the introduction of so much capital—the pay day has not yet come. If that pay day is protracted, how long can those who have hired the money stand the payment of seven per cent., and a sixty days' renewal? If any circumstance—if the lessening or withdrawal of the public deposits shall compel the bank to draw in even one-half of this vast amount, how many scenes of ruin similar to that at Cincinnati, some ten years ago, by the operations of the same bank, must be repeated? These loans and facilities, now so sweet in the mouths of those who think that the people cannot get on without the United States' Bank, will become gall and wormwood before they shall be fully digested.

The expansion of the currency by the United States' Bank is already beginning to be felt in the Atlantic States; it presses on the trading community of our principal cities, producing successive failures: the manufacturers feel it in the reduction of prices and the reflux of their wares; the growers and dealers in wool feel it in the fall of that article; and the advocates of the American system are preparing to charge the revulsion to the contemplated repeal of the tariff!

The late Mr. Huskisson, that enlightened and useful practical statesman and political economist, to whom the world is indebted for many of those axioms which are meliorating the condition of man, says:

"The expansion of paper currency leads to overtrading, till overtrading again forces a contraction of the currency—producing alternations of extravagant excitement

and fearful depression—alternations of which the consequences are dangerous to men of capital, and subversive to the security of property, on which the prosperity of every trading community depends, and distressing to the laborers who depend for employment on the capital of the country."

Not only has the United States' Bank, for some cause best known to those who direct that institution, extended loans on its own capital beyond what it ought to have done, but it has made use of the funds of the Government, to the extent that it has become expedient for the bank to ask a delay from July to October of the payment of several millions of the public debt; so that it is evident that, far from being able to extend the facilities of trade, it must contract them. It has expanded the paper currency, and caused that overtrading which must force a contraction of the currency. If the funds of the Government shall continue to be thus used by the bank in all future time, instead of being a blessing to the community, the bank will be a curse.

I may be permitted to read an extract from an able writer on the currency and the Bank of England, in the British Monthly Magazine for February of the present year. These observations, with but slight exceptions, apply in full force to the Bank of the United States, and show what are to be the effects which this institution, placed, as it will be, beyond the reach of legislation for nearly twenty years more, will have on the agriculture, the commerce, and manufactures of this country.

[Mr. H. here read a page or two from the work referred to.]

The Senators from Virginia and South Carolina, [Messrs. TAZEWELL and HAYNE,] on Saturday, seemed to be surprised at the admission of the chairman of the committee who reported this bill, [Mr. DALLAS,] that if this bank charter should not be prolonged for more than ten years, it might become necessary that the bank should interfere in the elections. Does any one doubt that the agents of the bank have made use of the money power of the bank to influence the elections; and this, too, before the opinion of the President of the United States, in relation to the bank, was made public? In the large commercial towns, where this bank had to encounter a vigorous competition from the local banks, there may have been no direct political preferences. But the branch bank, located in the State which I have the honor in part to represent, was made a party engine previous to the last Presidential election—its directors were exclusively of one political party—its favors were dispensed with a view to affect that election; and it was the principal instrument to give, in the choice of electors of President in 1828, a small majority to the party in that State which ever since has been in a minority. Even up to this time, that bank has been conducted, so far as circumstances would allow, on the same principle, and with the same view. In contemptuous disregard of public opinion, the most obnoxious political partisans opposed to the administration have been continued in the direction of that branch; and the appointment of a new board of direction has been delayed for months, in violation of one provision of the charter, to accommodate with a large salary an officer of that branch, who had brought down upon it the execrations of almost the whole community, until he should remove into another State, where he could find a preponderance of political sentiment more congenial with his own opinions. The last selection, by the directors of the mother bank, of a board of directors for the branch in New Hampshire could have been made with no other view than to operate through the bank on the elections in that State.

One individual was placed conspicuous in that board, who had nothing in the world to recommend him but the degradation of prosecuting a newspaper friendly to the administration, of denying his own handwriting, of failing

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and ingloriously retreating from his own suit, and of resorting to brute force in making a cowardly attack on a third person whom he supposed had been instrumental in demonstrating his infamy. To such a man is given a control of the branch in New Hampshire, and of the revenues of the Government receivable in that State—a man who has rendered himself not less notorious for violating the laws of his country, than for failing in a course of gross deception to procure others to swear to his innocence.

The president of the Bank of the United States, in a letter to the Secretary of the Treasury, dated September, 1829, says: "The public opinion, in its crude state, is the most dangerous of all guides," and that "the bank cannot obey it." This he assigned as his reason for disregarding the remonstrances and petitions which were laid before him by the representatives and citizens of New Hampshire in 1829, against sundry abuses by the first officer of the branch in that State. He doubtless intends that public opinion in New Hampshire shall be punished for contumacy—that the people of that State, weak alone against his power, shall be made to feel the giant monopoly; and hence he appoints to the direction of that branch, men on whom public opinion has placed the seal of condemnation, and sustains them in acts which public opinion pronounces to have been unjust and oppressive. If this contempt for public opinion shall be exhibited while public opinion might be of great value in procuring a renewal of the bank, what may not be anticipated after the charter shall be fastened upon the people for fifteen years more? What is this declaration more or less than the agent, the deputy of Baring & Brothers, the most honorable Marquis of Hertford, and other privileged individuals under the British Government, openly setting public opinion in the United States of America at defiance!

The bank has had a major part of the newspapers, and even of the literary periodical works of the country, to advocate its cause: on one side of the political question, there has not been a solitary newspaper dissenting from the bank. The bank has also exercised freely the means it possessed to bring over to its side powerful newspapers which had been opposed to it. A vast preponderance of the newspaper press in its favor was not, however, enough for the bank; hundreds of thousands of extra sheets advocating its cause have been circulated by the bank throughout the country. To show you, sir, that the bank is identified with a party, it is only necessary to say that, as far I could learn in my own State, these extra publications of the bank, circulated from Philadelphia, have been sent to precisely the same individuals as received, from the city of Washington, previous to the last Presidential election, Chapman Johnson's Virginia addresses, and other pamphlets of a like character. The list in both cases must have been the same.

Will it be denied that this bank has attempted to exercise an influence on public opinion and on our elections? that it has attempted to influence the public presses of the country by extraordinary loans and accommodations? Can our eyes and our ears deceive us, when we look around us and see and hear the party which identifies itself with the bank? We are told by the Senator from Kentucky, [Mr. CLAY,] if this is a party question, that we "must look to the newspapers and the demagogues who have sought to make this a political instrument." Very true! It was not until after the convention at Baltimore last December, that the petition came in asking for the recharter of the bank this session. Did not the leaders of a party then give the bank to understand that if the mountain did not come to the aid of Mahomet before the next Presidential election, Mahomet should never afterwards go to the mountain? Did they not say to the bank, if you will not bring the influence of your money, including the funds of the Government, to bear on the next election, you need not expect any thing further from us after that election?

The party opposed to the administration has compelled the bank to take its ground at this time—the "newspapers" and the "demagogues" of the party make this bank the ground of opposition. Out of doors it is avowed that the subject is now forced on Congress, principally and mainly that the President shall be compelled either to approve or veto the new charter—to drive him into a dilemma in which he must act, and if he act either way that he will make more enemies than he can secure friends. The friends of the President, while they regret that this is really a party question exclusively, on one side, and a divided question in some sections of the country, on the other, have no fears for the result, if he shall do what they anticipate he will do.

Sir, I claim no merit for originality when I say this is a party question exclusively on one side; I have high authority for saying this was a party question so long ago as the year 1811. The gentleman from Kentucky, then as now a member of this Senate, took that stand against this monopoly for which the country was long grateful to him; he then felt towards the United States' Bank as those who are opposed to it now feel. If he is disposed to blame us for our opinions, he must blame himself that he was our instructor. He then represented the institution to be whatever we represent it to be—an engine in the hands of one political party, to control and bear down another party. What did he then say? In answer to Mr. Crawford, who said that this bank "had been made a party question, although the law incorporating the bank was passed prior to the formation of parties," the Senator from Kentucky then said:

"It is true that this law (the law incorporating the bank) was not the effect, but it is no less true that it was one of the causes of the political divisions in this country. And if, during the agitation of the present question, the renewal has, on one side, been opposed on party principles, let me ask if, on the other, it has not been advocated on similar principles. Where is the Macedonian phalanx—the opposition in Congress? I believe, sir, I shall not incur the charge of presumptuous prophecy, when I predict that we shall not pick up from its ranks one single straggler! And if, on this occasion, my worthy friend from Georgia has gone over into the camp of the enemy, is it kind in him to look back upon his former friends, and rebuke them for the fidelity with which they adhere to their old principles?"

Where is the "Macedonian phalanx," "the opposition in Congress," now? Can "one single straggler" be found opposed to the bank? If any friend of the Senator will show one shade of difference not tending to make the present case even a more aggravated party question than it was then—if he will show the "Macedonian phalanx" less compact, less determined, less zealous, than it was in 1811, then may it be admitted that it is unjust to quote him. There is, indeed, this difference in the two cases—in 1811 the charter expired, and, if renewed at all, it was necessary then to act; in the present case, the charter does not expire for four years, and we know not what the bank may be at the expiration of that time. In the one case, the charter was asked for, for its own sake; in the other case, it is pressed to be used as an engine to affect a pending election. In the one case, the people had elected their Representatives and Senators with an especial view to the object; in the other, the people are taken by surprise—the question is to be settled—the door is to be closed, before they are consulted. That they are taken by surprise, is manifest from the language of the Senator himself, who, in a speech at Cincinnati, in August, 1830, is reported to have said:

"Whether the charter ought to be renewed or not, near six years hence, in my judgment is a question of expediency to be decided by the then existing state of the country. It will be necessary at that time to look

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carefully to the condition of the bank and of the Union; to ascertain (if the public debt in the mean time be paid off) what effect that will produce, what will then be our financial condition, what that of the local banks, the state of our commerce, foreign and domestic, as well as the concerns of our country generally. I am not therefore prepared to say whether the charter ought or ought not to be renewed on the expiration of its present term."

If the honorable Senator has "gone over into the camp of the enemy," and, as a leader of a forlorn hope, "looks back upon his former friends," to rebuke them for the "fidelity with which they adhere to old principles," will he not consent to wait for the decision of the great question until the time which he had himself designated? Until the public debt shall be paid, and the condition of the bank and of the Union shall be carefully ascertained?

It is not to be expected that all of us have the same lights on the subject of the bank as that Senator: some of us are more inclined to be guided by the axioms laid down by himself in 1811, than to follow his present advice. I cannot read the whole of his speech against the bank on that occasion, although I confess it to be as good a speech against the present bank as any that can now be made. I will quote a few detached sentences to give an idea of the whole.

[Mr. H. here read nearly a column of extracts from the speech referred to.]

It is said there is a vast preponderance of the public opinion in favor of continuing this charter. If this be a fact—if there be no fears of public opinion, why prematurely force the new charter upon the people four years before the time? The charter will be equal probably to a gift of twenty millions of dollars to the present stockholders with the bonus as it stands. Will the people sanction that act of their Senators and Representatives which shall throw away this immense amount? Will the several States quietly forego their right of taxation, when responsible capitalists have offered, besides a bonus of one per cent. annually to the Federal Government, another bonus of one per cent. to the several State Governments for these exclusive banking privileges?

Are the people of the United States under any particular obligations to the present stockholders—to Baring, Brothers, & Co., who own nearly a million of this stock; to the most honorable the Marquis of Hertford, who has his hundred thousand dollars; to honorable Hudson Gurney, member of Parliament; to Sir William Keppell, Knight of the Grand Cross of the Order of Bath; to Lieutenant General Sir Marmaduke Warren Peacock; to Mrs. Candelaria Bell; to Lady Rosabella Wilson, and other British lords and ladies, to grant them exclusive privileges? On the confession of the advocates of this bank, the recharter of the bank, the instant it shall be consummated, will raise the value of the stock seventeen and a half millions of dollars. This will be equal to a gift outright to Baring, Brothers, & Co. of \$395,750; to the Marquis of Hertford of \$50,150; to honorable Hudson Gurney of \$25,000; to Sir William Keppell of \$36,100; to Sir Marmaduke Warren Peacock of \$25,000, to say nothing of other British subjects holding larger and smaller amounts of this stock. Was the like of this case ever before known? Did an American Legislature ever before do an act parallel to that which bestows on foreigners, individually, such large sums, not only without consideration, but with the doctrine openly avowed that taxation shall not reach this property? Is this country so miserably poor and destitute, that capital must be brought here and kept here at such an enormous premium as this? On the subject of legislating for the benefit of foreigners, let me again recur to the speech of the Senator, [Mr. CLAY,] from which I have before quoted. It is true that foreigners do not nominally hold so large a proportion of the stock of the present, as they held of the old bank; yet it is generally admitted that they are really the owners of a larger amount than

appears in the returns. They actually own a greater amount now than they did then. What was then the language of the Senator?

[Mr. H. here read a number of passages from Mr. CLAY's speech.]

The question recurs—is this Government under any obligations to the present stockholders of the United States' Bank? Was there any promise, either express or implied, to renew the charter in their hands? If so, let their advocates point to the chapter and verse in which that promise is contained. For twenty years these stockholders had privileges which no other corporation possessed; the grant to them did not extend beyond the term of twenty years. The first grant was either of value to them, or it was not. If valuable, they have no right to ask the renewal of a privilege from which other citizens are excluded: if of no value, surely the Government can be under no obligations to continue to them what shall operate to their injury.

I have before me a pamphlet bearing date at Cincinnati, May, 1832, which says:

"The general opinion throughout the West in regard to the rechartering of the Bank of the United States, is not expressed in the various memorials prepared, circulated, and sent to Congress by the direct influence of the bank. The debtor is morally the slave of the creditor. A free and independent expression of opinion is restrained by a sense of fear. If a merchant—the apprehension is that his credit will be stopped. If a mechanic or laborer—the loss of employment is dreaded. And with either, perhaps, the honest support of a family is involved. These facts existing among us, have caused the signing, 'without regard to party,' memorials for rechartering the present bank, which have appeared before Congress."

What is applied by the Cincinnati writer to individuals, and individuals of that place have been under severe thralldom to this mammoth institution, may be applied to every small local bank within the vortex of the Bank of the United States and its branches. I confess I was surprised when petitions were presented from several of the State banks in New Hampshire, in favor of rechartering the Bank of the United States. I knew there was a political *esprit du corps* operating in that State in favor of the bank, on the party which is in the minority: the bank had done much for the party, and it was natural that the party should do something for the bank. I have since ascertained that a number of the banks whose directors favored the same political party as the Bank of the United States, in utter contumacy to the agent of the bank who required it of them, refused to sign the printed petition which was forwarded to them. May not these refractory directors expect the vengeance of the mammoth after he shall be let loose to trample down every thing before him for fifteen years more? These small banks, if they shall come within his reach, will be but a mouthful to his maw. The solvent and independent banks which have resisted his mandate, can, however, shut up their banking houses, and place their capital in some other business, laying themselves under no other pains and penalties to this institution than such as all capital in other employments shall be subject to.

I was surprised to see some of the banks of the town of Portsmouth—not the old Union bank, for that is an owner of United States' Bank stock, but other banks in that town—petitioning to renew this charter; to see Portsmouth, which already been bled to depletion by this Doctor Sangrado, again holding out her arm to the empiric. That town and its vicinity has suffered severely from the branch which the good mother at Philadelphia had sent her. I hope again to see her rise invigorated from the ruin which had been spread around her. She had plenty of banking capital for all her business, without aid from

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Protection of the Frontier.

[JUNE 9, 1852.]

the United States' Bank. The bank sent an additional capital of some three hundred thousand dollars: this made more money than was necessary for ordinary business. At first the United States' Bank offered to loan on liberal principles. The tariff of 1824, and the flush of money, threw out an inducement to every man who had either money or credit to embark in manufacturing establishments: property was to be made hand over hand. The manufacturing mania was at its highest point. Some men at Portsmouth took shares in the great establishments at Dover, Somersworth, &c.; others undertook to build up and manage smaller establishments in other places. Investments also were made in other business. Several invested not only all their own money, but all their credit could procure from the banks. The branch bank loaned money liberally, having, besides its own capital, the benefit of the public deposits, with the understanding that those who took the money might have their notes renewed till sufficient time should elapse to enable them to realize their fortunes from rise in the factory stock, or profits from the dividends. The manufacturing bubble burst in 1827, '8, and '9: the holders of manufacturing stock held on as long as they could—till nearly the whole was sacrificed. The branch bank took what was pledged as collateral security, and came out itself from this speculation with a dead loss of 70,000 to 100,000 dollars. The principal, if not the only cause of these failures was the expansion of credit, and the facilities to obtain money which were thrown upon the trading community by the bank, and the bank calling for payment at a time when the money could not be had, thus rendering the price of real estate merely nominal, and of scarcely no value in the payment of debts.

The farmers and country traders who had been induced to make loans at this branch on better terms, as they supposed, than could be had at the local banks, fared little better from the treatment of this branch. Loans were offered them, the least favorable terms of which were a renewal, every four months, with payment of instalments of ten per cent. The understanding was that these terms should not be changed. At a time of the greatest scarcity, the president issued his circular to the debtors of the branch, requiring a renewal of the notes every two months, and the payment of twenty per cent. on the original sum at each renewal. From 50,000 to 100,000 dollars in specie, drawn in the course of a few weeks, was transmitted for safe keeping to the friends of the manager of the bank, who wanted money at the capital of a neighboring State. This withdrawal, at that time, contributed to accelerate the absolute ruin of many persons who were possessed of property enough, if time had been given them, to discharge all their debts, and have a moderate capital left. The effects of these speculations were likewise felt in the ruin of men of moderate property in the interior, whose estates were sacrificed at the sheriff's sales for one-third or one-fourth of their value.

Since that time, and so long as the head remained who maltreated the citizens, the branch bank at Portsmouth was scarcely able to do sufficient business, with all its capital and deposits, to pay its own expenses: and some of the principal business men, to this day, draw their promissory notes payable at any bank at Portsmouth, excepting the branch of the United States' Bank.

These facts, in themselves of small consequence to those who are in the habit of doing business by tens and hundreds of thousands, will serve to illustrate what, by possibility, may be the fate of those at the South and West, who have recently been so liberally accommodated with loans by the United States' Bank. Should they be called on suddenly to pay at one and the same time, and the call will be made at no time so likely as when there is a scarcity of funds, their situation may be no better than that of those I have described.

Congress has been in session six months; and never, I believe, has there been a Congress of six months which has cut out so much work and done so little. We have passed beyond the usual time of adjournment—we have perhaps done some things which we ought not to have done, and we have left undone other things which we ought to have done: nay, some pressing subjects are before us, involving the highest welfare of the whole people, and perhaps the existence of the Union itself. Why are these subjects made to give way to that which is now before us? Why is the recharter of the Bank of the United States, which has four years yet to run, and six years to wind up its affairs, pressed upon us with so much pertinacity?

On the subject of renewing the charter of the bank, the people are altogether taken by surprise. When the elections of those composing the present Congress took place, there was no expectation by the people that this Congress would act on this subject. And what right, I would ask, have we to legislate for those who are to come after us? If the Legislature of a State were now to elect a person to fill the place of any Senator whose term of service expires four years hence, would not such an act be justly regarded as an act of usurpation? "Sufficient for the day is the evil thereof:" and if we must have fastened upon this Government an irresponsible institution, controlling not only the whole currency of the country, but controlling the purse of the Government—if we must be bound hand and foot hereafter, as we are now bound by this bank—let us put on the chains when the day and hour arrive: until that time, let us burden the people with no more than one set of manacles.

Mr. BENTON then took the floor in opposition to the bill. He stated what were the motives which induced him to move his resolution last session, on the subject of the bank. He expressed the anxiety he had felt to bring the public mind to bear on the subject; for he did not speak with a view to change the opinions of any Senator, but merely to go abroad to the people. He expected that the people would come forward, in case this bill should pass, to instruct their representatives to adopt a different course. If that instruction should, however, be to confirm what the Senate were about to do, he would yield his place to another. Mr. B. here gave way for the motion, and

Mr. MANGUM moved that the Senate now adjourn.

The CHAIR decided that the yeas had it, but a recount was demanded; and the yeas and nays being demanded, the question was taken, and decided as follows:

YEAS.—Messrs. Benton, Brown, Dickerson, Dudley, Ellis, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Miller, Smith, Sprague, Tazewell, Troup, White.—19.

NAYS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Tipton, Tomlinson, Waggonman, Webster, Wilkins.—24.

Mr. BENTON then resumed his observations, stating that he had prepared himself for this result, by going out, and taking a slight dinner. He proceeded to oppose the renewal of the charter.

After Mr. B. had spoken three-quarters of an hour, he gave way for a motion for adjournment; and

The Senate adjourned.

SATURDAY, JUNE 9.

PROTECTION OF THE FRONTIER.

Mr. TIPTON, in accordance with the notice given by him on Friday, rose to ask leave to introduce a bill to authorize the President of the United States to raise five companies of rangers for the protection of the North-

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Alexandria Aqueduct.—Bank of the United States.

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western frontier of the United States. He said, I am fully aware, sir, that the Senate has no desire to listen to discussion upon any subject: nor would I now obtrude myself upon their notice, were it not for the deep interest I feel in the passage of the bill I have had the honor to introduce. But it would be criminal in me to keep my seat in silence when the property and the lives of those whom I have the honor in part to represent on this floor are in jeopardy.

The bill proposes to authorize the President of the United States to raise five hundred mounted riflemen to protect the Northwestern frontier—this description of troops being better suited to a border warfare than any other.

The measure is proposed as well to protect those of the Indians who wish to remain friendly, as to defend the whites, and to chastise the hostile bands of those savages who hover on our borders, ready to strike a blow whenever the opportunity may offer.

It may be objected to on the ground that we have already an army to protect us. It is true, sir, we have an army of four thousand men: one-fourth of this force is stationed on the seaboard, and the remainder occupy the numerous garrisons from Maine to Arkansas. We cannot collect them, in case of an emergency, at a given point, in any reasonable time. No man can have greater confidence in the skill and courage of our army than I have—none would confide more implicitly in their ability to defend us against an invading foe, were that foe a civilized one. But the service of which I speak requires the description of troops that I now propose. The Indian is here to-day and gone to-morrow; and the only trace of his presence is misery, bloodshed, and tears. If you call upon your army to protect us, before they arrive at their destined point, the enemy has disappeared.

But it may be asked, why not mount a part of the army, under the conduct of their own officers? Sir, there are two reasons: the officers of the army are, for the most part, unacquainted with the country, and with the habits and mode of warfare of the enemy. They are many of them young men, acquainted with the theory but not with the practice of war. This service requires practical men, acquainted with the Indians and their habits. It requires men who, like our Western hunters, have been raised with the rifle in their hand; who ride through the immense forests of our country with as much ease as others upon a plain and level road; who shoot with an unerring and certain aim; and who are, in every respect, eminently qualified for the duty proposed by this bill.

The inhabitants of the frontier would have more confidence in being defended by their fathers, husbands, and brothers, many of whom are experienced in this kind of warfare, and who are emphatically of themselves, than by comparative strangers. Would you shorten this war that is now raging on our frontier, raise this troop. Five hundred men, led by an officer suited to this service, are sufficient, after the first struggle shall have been decided, to march through the Indian country from Lake Michigan to the Mississippi.

To discomfit the Indians, you must make rapid marches, carry the war into the heart of their country, and compel them to seek shelter for their women and children in the swamps and marshes. Large bodies move slowly. A portion of your army is now on Rock river. Of their movements nothing has been heard for some days. The Indians are breaking up the settlements, and driving in the inhabitants south of them, and in the neighborhood of Galena, in the north. Move your army south, and the Indians fly before them, and murder at other points, unless our militia defend the frontier.

On the score of economy, it is better and cheaper to raise the troop proposed, than to attempt to defend the frontier with militia. One year's pay for this battalion

will not amount to 200,000 dollars, while more than that sum has already been appropriated for this summer's campaign alone, and will probably be insufficient to meet the object. If you wish, after the present war is ended, to preserve a permanent peace, it will be indispensably necessary to keep up an armed force, continually patrolling upon the border, to prevent the breaking out of the malice of the savage irritated by defeat, and awaiting only an opportunity to wreak his revenge. Indeed, until some change is made in our Indian relations, we will be obliged to support a military force in the neighborhood. And of all kinds this is the most adapted to the duty required of it. I will not allow myself to believe that the Senate will count and compare the value of a few dollars with the lives of their own citizens. Remember, sir, I ask your aid, whilst the blood of our women, and the blood of our infants, is scarcely yet cold upon the ground. In the midst of our danger and distress, we make this appeal to the liberality and justice of Congress, and I do it in the fullest confidence that we will not be denied.

Sir, were the Union invaded, who more willing to rush to the point of danger, than the men of the West? They have poured out their blood like water; and will you not now afford them the aid they ask? Furnish us but the means, and my life for it, sir, my constituents are fully able to meet any emergency, and to brave any danger. But you must let us fight under our own officers, and in our own way.

The bill was then read a first and second time, and referred to the Committee on Military Affairs.

ALEXANDRIA AQUEDUCT.

On motion of Mr. CHAMBERS, the Senate then proceeded to consider the bill for the benefit of the Alexandria Canal Company. Mr. C. made some explanation as to the situation of Alexandria, and her strong claims on the attention and liberality of Congress.

Mr. SMITH thought the aqueduct asked for by Alexandria should be accompanied by a free bridge; and that this should be a substitute for the long bridge. He maintained that the right of General Mason to his ferry ought not to be violated without compensation. Mr. S. moved to amend the bill, by increasing the appropriation to 130,000 dollars, and by inserting a provision reserving space for and erecting a free bridge.

Mr. WEBSTER said that General Mason would of course be indemnified, but objected to couple this matter with the Alexandria bill.

Mr. CHAMBERS objected to any amendment at this stage of the session, but expressed a disposition to give every attention to Georgetown at a proper time.

The bill and amendment were then laid on the table till Monday, and the amendment was ordered to be printed.

BANK OF THE UNITED STATES.

The Senate then resumed the consideration of the bill to modify and continue the act to incorporate the subscribers to the Bank of the United States.

Mr. BENTON resumed the remarks, in opposition to the engrossment of the bill, which he commenced on the preceding day. He stated that the establishment of the United States' Bank had been followed by injurious consequences to the South and the West; and to prove this, he adverted to the instructions issued by the bank to the branches of the South and the West. He quoted the language of a distinguished statesman, that the year 1816 would constitute an era, that it was the most disastrous period in our history, as it had given birth to those twin monsters, the bank and an ultra tariff. He considered the bank and tariff as one and indissoluble; and held that the death warrant of the South and West had issued from the institution when the circular instructions were sent abroad. He characterized the board of directors as a central power,

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The Pension Law.—Duties on Imports.

[JUNE 11, 1832.]

acting and deciding in secret, and whose decisions were only known by their disastrous operation on the community.

He contended that the public deposits in the United States' Bank would by October next amount to twenty millions, and that all the statements made as to the diminution of the public deposits were fallacious. The hostility of the bank to the rapid payment of the public debt, he said, was evidenced by its course in the South and the West; and its enmity to an administration which was sedulously applying itself to the payment of the debt, was equally apparent. The orders of the bank to change the loans in the South and West into domestic bills of exchange, he considered to be sufficient proof of this enmity. This mode of coercing the debtors of the bank, he ascribed to a desire to exact usurious interest. He charged the bank with adopting the aristocratical and oppressive practices of the Bank of England; and was desirous that Congress should wait three or four years longer before they renewed the charter, in order to see how these practices would result. He stated that a pilgrimage to Philadelphia to raise money was just as common, and just as necessary to obtain capital, as a pilgrimage to Mecca was to save the soul of a Mahometan. He wished that, if the country was to have a bank, it would be an independent one. He thought the West ought to be freed from the pressure of an institution which bore it down to the earth, for the purpose of enriching another section of the Union. He called on all who had been at New Orleans, and all who drank the waters of the West, to step forward and rescue New Orleans from the grasp of a foreign Power, which was about to plunge her into ruin.

[In the course of the remarks of Mr. BENTON, a message was received from the House of Representatives, communicating an amendment made to the bill from the Senate to substitute mounted volunteers for infantry on the Northwestern frontier. The amendment strikes out the original bill, and authorizes the President to raise any number of mounted volunteers, not to exceed 1,100 men, &c.]

On motion of Mr. WHITE, the Senate proceeded to consider the amendment; when

Mr. CLAY remarked that it was certainly an extraordinary circumstance, that, in the present state of our Northwestern frontier, there had been no movement on the part of the Executive; but that the Senate obtained all the information it had on the subject from a member rising here, and another member rising there, in his place.

The message was, on motion of Mr. WEBSTER, laid on the table.]

Mr. GRUNDY then moved the indefinite postponement of the bank bill; and,

The question being taken thereon, it was decided as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Tazewell, Troup, Tyler, White.—20.

NAYS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Naudain, Prentiss, Robbins, Robinson, Silsbee, Smith, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—24.

The question was taken on the engrossment of the bill for a third reading, and decided in the affirmative, as follows:

YEAS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Robinson, Silsbee, Smith, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—25.

NAYS.—Messrs. Benton, Bibb, Brown, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Tazewell, Troup, Tyler, White.—20.

MONDAY, JUNE 11.

THE PENSION LAW.

On motion of Mr. CHAMBERS, the joint resolution offered by Mr. WILKINS, to transfer to the Secretary of War the duties imposed by the pension bill on the Secretary of the Treasury, was taken up for consideration.

Mr. CHAMBERS then adverted to the practice of the department to put the most rigid constructions on the pension laws, and that these constructions are somewhat similar to those which are upon the laws in favor of criminals in cases which are highly penal. He stated that the bill which had lately passed was a supplement to the act of 1818, which provided for certain officers, &c. specified; but that the supplementary bill had omitted to include within its provisions all the officers belonging to the hospital department and on the medical staff. He stated, further, that one of his colleagues in the other House had assured him that, under the rigid practice of the department, this class of officers would be considered as not entitled to the benefit of the law. He therefore proposed to amend the resolution by adding a clause to the following effect:

"And that, in the execution of the said act, all officers in the hospital department and on the medical staff be considered as being as fully within the meaning of the said act, as of officers of the line."

Mr. WILKINS requested the reading of a paper addressed to the chairman of the Committee on Pensions by the chief clerk of the Pension Office, exhibiting the inconvenience which resulted from the petitions being filed in one department, and the papers in another.

Mr. FOOT said a few words against the change, and corrected the statement that this new bill was a supplement to the act of 1818. It was a supplement to the act of 1828. He moved a substitute to the amendment proposed, directing the Secretary of the Treasury to permit the withdrawal of the papers of petitioners.

After some few words in explanation, Mr. MANGUM moved to commit the resolution to the Committee on Pensions, which was negatived—yeas 14.

Some conversation then took place on a suggestion from Mr. FORTYTH to take away from the amendment the authority for the applicants themselves to withdraw their papers.

The amendment of Mr. Foot was negatived; that of Mr. CHAMBERS agreed to; and the resolution ordered to a third reading.

DUTIES ON IMPORTS.

On motion of Mr. DICKERSON, the Senate took up the bill to repeal in part the duties on imports—yeas 21, nays 16.

Mr. DICKERSON then stated that his object was to offer an amendment to the bill, and to move for the printing of that amendment, and then to lay the bill again on the table, until the Senate should be disposed to take it up. He then moved to strike out all the first section of the bill, after the word "cocoa," and to insert a new classification of articles, which he sent to the Chair.

The amendment having been read, was ordered to be printed.

Mr. TAZEWELL then said that he had been opposed to taking up the bill at this time, because he had wished to offer an amendment which he had been for some time preparing, and which he wished to offer, to be sent to the printing shop, to the Senate, to the world, or any where else. All that he had as yet been able to accomplish, was to prepare a rough draught of a bill, which would exhibit the principles which he thought should be adopted in order to fix the revenue of the country on a basis on which he deemed it to be practicable to place it. The principles might, in the first place, be examined, and the Senate might afterwards go into the consideration of the

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details. If the Senate should decide that the principles of his bill were correct, they would then proceed to consider the details which he should be prepared at a proper time to offer. Should the principles presented by his bill be repudiated by the Senate, there would be no necessity for touching the details. He stated that he was engaged in the preparation of some schedules embracing the details of the bill.

The proposition was then received informally in the shape of an amendment to the amendment.

Mr. CLAY expressed his hope that the proposition would be received by the Senate. He was glad to find that the gentleman from Virginia had devoted a portion of his time to this employment. He hoped the gentleman would proceed in his work, prepare his schedules, and furnish them to the Senate, that they might be printed, and, at a proper time, receive the consideration of the Senate. He would refrain from any observations, at this time, on the subject of the principles of the bill. He should be pleased, however, to see, in an authentic and responsible form, the views of every individual Senator, and, were it possible, of every member of the House of Representatives, in order that the whole might be considered together, and that the good might be extracted, and incorporated into a bill.

Mr. WEBSTER hoped that it would be understood that the schedules in preparation were also to be printed, as they might be furnished by the gentleman from Virginia.

The CHAIR replied that it would be so understood. The amendments were then ordered to be printed; and the bill was then laid on the table.

BANK OF THE UNITED STATES.

The bill to modify and continue the act to incorporate the subscribers to the Bank of the United States was read a third time.

The question being on its passage,

Mr. WEBSTER asked for the yeas and nays on this question, and they were ordered.

Mr. MANGUM then spoke briefly in exposition of the reasons which would compel him to vote against the passage of the bill.

The question was then taken, and decided as follows:

YEAS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—28.

NAYS.—Messrs. Benton, Bibb, Brown, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Tazewell, Troup, Tyler, White.—20.

On his name being called,

Mr. DALLAS said that, being called to vote on the passage of the bill, he felt it to be his duty to make a brief statement to the Senate. He had been returned to the Senate on the list of stockholders, as holding a part of the stock in the bank. As soon as he found that this subject would come in for discussion, he had directed the stock which he held in the institution to be sold. It had been sold, he had received the amount of the sales, and had no longer any interest in the bank.

On his name being called,

Mr. SILSBEE said that he perceived his name on the list of stockholders. He had disposed of his stock before this question came before Congress, and was no longer interested in the institution.

On his name being called,

Mr. WEBSTER said that he had seen his name on the list of the returns; but that the insertion was altogether a mistake of the clerk at the bank in Philadelphia.

The bill was then passed, and sent to the other House for concurrence.

ALEXANDRIA CANAL COMPANY.

On motion of Mr. CHAMBERS, the Senate then proceeded to consider the bill for the benefit of the Alexandria Canal Company.

The question pending being on the motion of Mr. SMITH to insert the word "thirty" after the words "one hundred," increasing the appropriation to 130,000 dollars; and to insert after the provision for an aqueduct, the words "and sixteen feet on each side thereof for a free bridge."

Mr. FORSYTH asked for the yeas and nays on this question.

Some discussion took place on the subject of the amendment, when, on motion of Mr. HAYNE, the question was divided, and the order for the yeas and nays on the first branch, the insertion of the word "thirty," being withdrawn, the motion was negatived.

The question being then on the motion to insert the words in reference to the free bridge,

The amendment was advocated by Mr. FORSYTH and Mr. HAYNE; and opposed by Mr. CLAY, Mr. MILLER, Mr. TYLER, Mr. FOOT, and Mr. CHAMBERS.

The amendment was advocated on the ground that the aqueduct would be injurious to the interests of Georgetown, and destructive to the rights of General Mason in his ferry; and that the only consideration which Georgetown could receive in return was in the form of a free bridge for her benefit.

It was replied that Alexandria had not received her share in the distribution of the funds received by the Government from the sales of public lands within the District, and that she ought to be gratified in this her first application to Congress for aid; that the opposition of Georgetown to the measure was ill-timed and unkind; and that the rights of General Mason in the ferry would be protected. It was further declared that there was no disposition on the part of Alexandria to injure Georgetown, or to interfere with the rights of General Mason; and a pledge was given by Alexandria that she would at any time permit a free bridge to be built on the piers of the aqueduct, and that any injury to the owner of the ferry would be equitably adjusted.

It was then explained by Mr. CLAY, in compliance with a suggestion from the authorities of Georgetown, that there was no opposition intended to the wishes of Alexandria.

Mr. CLAY complimented the gentleman from Virginia [Mr. TYLER] and the gentleman from South Carolina [Mr. MILLER] on their union with him on this question of internal improvement; and expressed a hope that they would extend their new feelings beyond the District. In reference to the protests against the system, he related an anecdote, in substance as follows:

After a certain message of a late President of the United States, about the year 1825, which, with a great deal of eloquence, enforced the propriety of a system of internal improvements, there was a great deal of alarm excited through the ancient dominion of Virginia on the subject of this official document. Some of those gentlemen who participated in this alarm, were deputed to wait on Mr. Jefferson, and to ask his advice how they should act in this emergency, in this melancholy condition to which the commonwealth had been reduced. After they had set forth their complaints, and their desire that he would advise them how to act—"why," said Mr. Jefferson, "I'll tell you." They had talked about protests, resolutions, &c. "I'll tell you," said Mr. Jefferson—"make a protest! make a solemn protest! and then get as much of the money as you can.

The yeas and nays were then ordered on the second

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part of the amendment, moved by Mr. SMITH, and the question being taken, was decided as follows:

YEAS.—Messrs. Forsyth, Hayne, Hill, Marcy, Smith, Tipton, Waggaman.—7.

NAYS.—Messrs. Bell, Bibb, Brown, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Grundy, Hendricks, Holmes, Johnston, Kane, King, Knight, Mangum, Miller, Moore, Nau-dain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Sprague, Tazewell, Tomlinson, Troup, Tyler, Webster, White, Wilkins.—39.

The bill was ordered to a third reading—yeas 38, nays 5.

INDIAN WAR.

On motion of Mr. WEBSTER, the Senate proceeded to consider the message of the House of Representatives, communicating the amendment of that body, authorizing the President of the United States to receive into the service of the United States' volunteers, for the protection of the Northwestern frontier, not to exceed ten companies.

Mr. CLAY then withdrew the motion which he had made on Saturday to recommit the bill.

Mr. TIPTON then rose to move some amendments which he thought would obviate the difficulty that had arisen. He said the bill now before the Senate, as amended by the House, provides for raising one thousand gun men to protect the Northwestern frontier against the Indians. He would have been satisfied with the bill as it was, for he was anxious to stop the effusion of blood, and the destruction of property, in the frontier country. Some Senators object to the number of men to be raised, some to their term of service, and others to the discretionary power vested in the President. On a former occasion he had stated that five hundred men were competent to the service, if led by an officer suited to the occasion. This was still his opinion; but, yielding to the wishes of the representative from Illinois, for whose opinion he had great respect, he had left the number blank. Some Senators have said to the friends of this measure, agree among yourselves, and we will vote with you for any sum that is required. In order to settle this matter, and procure the prompt action of Congress, I now propose, said Mr. T., to amend the amendment, by asking for five hundred men, to serve one year, to be commanded by one major and a suitable number of platoon officers, to be appointed by the President, by and with the advice and consent of the Senate. He had no fear of the discretionary power vested in the President. The President knew too well what was due to a suffering people, and to his own fame, and he had given too many pledges of fidelity to his country, now to err in regard to conducting an Indian war. Pass this bill with the amendment, and, in thirty days from the day the President signs it, a sufficient force will be on the frontier, and of that description of troops that will inspire confidence in our people, and enable them to return with their families to their former homes. This number of men is amply sufficient to keep peace, and the presence of an armed force is at all times necessary to awe those Indians into submission.

An Indian has no love for the American people. The missions, the teachers, and the preachers sent to them, have not civilized them, nor will the long prayers made, nor the hypocritical hands holden up in our Eastern cities in behalf of the poor Indians, have much effect in warding off the scalping knives from our heads. To explain the cause of his anxiety on this subject, Mr. T. read a letter from Major Brown, dated May 30th, stating that General Walker, with four hundred men, had gone out. General Walker, said Mr. T., is a brave and active young man: his followers are united to the service; while they are out, the frontiers will be protected. But these men live by their own industry, and cannot remain long in the

field, and, when they return, more murders will be perpetrated.

Those who have not lost their lives have lost their property, and the opportunity of making bread for this season. Another letter informed him that there was not bread enough in the country to serve the people ten days. The Indian has struck his blows, and will lie close and conceal himself until our militia return from their expedition.

At the approach of autumn, when the settlers, driven by necessity, return to recover their property, and to put in winter grain for the next crop, unless we have an armed force there, this war will be renewed.

And, sir, said Mr. T., will you then expect us to renew this application next year to Congress with another mournful list of murders? If you do, you are, perhaps, mistaken. Let me tell you what will be done!

There are about five thousand one hundred Indians in Indiana, and in Illinois eight thousand six hundred: we are neighbors, cannot agree, and are now at war. You must separate us by removing these Indians out of these States, or you may be sure, sir, that we will exterminate them. From this war, and this danger, the Menominees and a part of the Pottawatamies are exempt. If you will send the force which we want, it can, if under judicious officers, protect the white people and the friendly Indians until all the Indian tribes are removed from our vicinity.

This is no tariff bill to talk, and write, and threaten about, and put off until next year. It comes home to our business and bosoms: our wives and our little ones—all are at stake. We cannot, we will not, delay. Let me entreat gentlemen, whatever they do, to do it quickly. It is better for us that you should this day, before the Western mail goes out, decide. Denial is better for us than delay. When you tell us no, you must defend yourselves—we cannot spare the money—the tariff will not be modified—we dread giving the President this power—there are but few Indians at war—your men, now out, will watch the Black Hawk until he starves; then, sir, we understand you. Understanding, then, sir, we know what to do. I am no prophet; but I would not be surprised if all the Indians from Tippecanoe to the Mississippi should be exterminated before the end of one year. Sir, it is our duty, in self-defence, to do this; and, after it is done, let me not be told, you Western people are savages; you murdered the poor Indians. Do gentlemen expect us to beg the lives of our families upon our knees? It is not in our nature; we cannot, we will not, do it. Congress will adjourn in a few days; and when we return to our people, and tell them that we have done all in our power to procure men for their defence, and have failed, then, sir, our constituents know what to do, and upon you, not upon us, be the charge of what follows; for these wars will be brought to a close in the shortest possible way. It is proper that I should state that I have conversed with the Secretary of War, and that he approves raising this corps. I wrote to him, but he is absent, or I would have had a letter to submit to the Senate upon the subject.

I am opposed, continued Mr. T., to popular elections of military officers. They create much difficulty, and are subversive of military discipline. When an officer is charged with an expedition, and directed to take his men to a certain point, and do a certain thing, he is responsible for the execution of the order. Can he say to this man, go there, to another stay here, if he is electioneering with them? Military service requires power to enforce discipline if you will make it efficient. The President knows this. He has been embarrassed by these things in his campaign. I confide in him that he will not appoint cadets from West Point, nor bar room clerks and counterhoppers to command our men. No, sir, be

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will ask the honorable Senators from Illinois or Missouri who is competent to command; who will your people confide in? And he will appoint men who are recommended by the representatives from the States in danger. As to the organization of the corps, Mr. T. said he wished it to form a part of the army—the officers to be commissioned for three years—the men enlisted for one year, unless sooner discharged; and the law to remain in force three years. His object was to avoid popular militia, by creating a permanent and efficient corps to maintain the peace of the frontiers.

Mr. KANE was opposed to adopting the amendments of the Senator from Indiana, [Mr. TIERNEY;] their discussion would create delay; nor would the measure be so expeditious; and, for expedition's sake, he would take the amendment as it came from the House.

Mr. HENDRICKS said he was in favor of the amendment by the Senator from Indiana, and that he had a few words to say, chiefly applicable to filling the blank, should the amendment proposed be adopted. The bill, as it originally passed the Senate, proposed the mounting of a corps of infantry for the protection of our inland frontier. It had no reference to the recent troubles of the Northwest, but had its origin in a belief, entertained for years past, that this description of troops was better suited to the service in that quarter than infantry on foot.

This bill had been modelled in the House of Representatives, in direct reference to the Indian war now raging between the Mississippi and Lake Michigan, and proposed as a substitute the raising of one thousand gun men, volunteers, corps organized, or to be organized, as the President might direct; to continue in service, or be dismissed from it, as his discretion might see fit. The amendments proposed, said Mr. H., look not so much to the present crisis, as to the permanent defence of the country, and contemplate a corps of mounted rangers on the model of those employed on the frontier during the late war. This latter purpose, said Mr. H., I approve, and believe the latter description of troops decidedly the best adapted to the service, and the most efficient that can be called into it. This was the testimony, he believed, uniformly given in favor of these corps during that war, from the frontiers of the Ohio to the Mississippi river. These troops were more active, energetic, more rapid in their movements, and as brave as any others that have heretofore ever been employed in the service. They were, indeed, citizen soldiers, having all the advantages of discipline, and all the interests of the country concentrated upon them. It was his opinion that so much better were these corps suited to the defence against Indians, than five hundred of them would be better than the one thousand proposed by the amendment of the House of Representatives. He wished this corps to be organized as the bill proposed, to be made a corps of the army, officered as the rangers were the last war; and this could be done, as it then was, either by arbitrary appointments of the President and Senate, or by selections of the officers on the part of the companies, these selections being afterwards sanctioned by the appointing power; for in both ways were the companies of rangers officered during the war. He would also pay these troops as they have been heretofore paid; would give them one dollar per day, and require them to find their own rations, clothing, and horses. He would, at a proper time, move to fill the blank with six hundred, with a view of their being organized into six companies, which would, in his opinion, after the present crisis should pass away, be abundantly sufficient for the protection and tranquillity of our whole exposed frontier. The officers would be continued in the service as long as the service might need them. The men would be enlisted for one year, unless sooner discharged; and whenever it should be thought advisable, the whole corps, officers and men, could be instantly disbanded.

Mr. H. further remarked that all the objections to the proposed amendment could, in his opinion, be readily answered. It had been said that the raising of rangers would be a measure of delay, and that the volunteers proposed by the amendment of the House were already in the field. We had been urged in favor of the bill as it came from the House, by considerations of the present emergency on the frontier. He, for one, did not feel himself legislating for the present emergency at all; that emergency had, in all probability, before this, passed away. The Indians were no doubt dispersed, and sheltered in the deep forests of the Northwest; and if this were not now the fact, it would be so long before any troops we could raise by the bill could be brought into the field. For the present emergency, there were already too many troops in the field, more than could be employed; they were in each other's way, and the greatest difficulty they would feel, would be the want of supplies. Communications from the seat of war had told us that four thousand Illinois militia were already there, and that this number was daily increasing. The militia from the western counties of Indiana had also marched to the point of danger. He had seen a letter this morning, informing that the Governor of Indiana had ordered a brigadier general, with his whole command, to repair to the frontier, if, in his opinion, such force might be needed.

We have even heard of movements of the militia in the State of Ohio. It was idle to suppose that the first emergency could be aided by the bill now before the Senate. There were, or had been, probably five men in the service where one was needed. This was creditable to the militia of the new States. It was a part of their history, that they simultaneously repair, *en masse*, to the point of danger.

Sir, said Mr. H., in voting upon the measure now before the Senate, I feel myself called upon to provide an efficient corps for the protection of tranquillity on the frontier. Such force he thought necessary, although the recent speck of war should have wholly disappeared; for it would be recollected that the recent disturbances have not been the first which, within the last few years, have been excited by these tribes on the Upper Mississippi. They repair yearly to Menden and Fort Drummond, and receive large presents from the British, and feel that they have a resting place without the limits of the United States. Future hostilities may be expected from them. This their past history, as well as their present feelings, induces us to expect; and for this state of things it was our duty to provide six hundred men, organized into six companies. Two companies to be raised in each of the States, Indiana, Illinois, and Missouri, mounted and kept in motion, would be a sufficient protection for the whole line of our exposed frontier.

Mr. HAYNE said the present difficulty in which they found themselves involved, was owing to neglect in not being furnished with any plan necessary to be pursued, or any official information by the Executive or public officers of the Government. Thus, in the absence of such knowledge, different propositions were suggested by various members, as each thought would be best adapted for his own part of the States, and the House and the Senate could not decide on the conflicting opinions. The only method, then, was for those like him, who were not familiar with these affairs, to compare those different projects, and to form their opinions accordingly. He had formed his opinion, as far as he was able to judge, and he preferred the bill introduced on Friday by the Senator from Indiana to the present measure.

Mr. BENTON denied that there was any negligence on the part of the Government. Measures which the exigency of the case required, had long since been put into execution, and were now in successful operation.

Mr. BUCKNER stated his views of the description of

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New York Resolutions—The Tariff.—Pension Law.—French Spoliations.

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men he thought best fitted for such defensive operations against the Indians. Those who were most familiar with the peculiarities of the Indians, from residence on the spot, were best adapted to defeat their incursions. He would prefer that they should be mounted on their own property; they then had an object of care different from what it otherwise would be if the property of the public. He also thought that loungers in garrisons, from want of practice in riding through forests and over a rough country, were, of all others, the most likely to be bad riders. In scouring the forests, necessary in Indian warfare, they would be of little or no avail; first would go their bridles, next their stirrups, then their trappings, accoutrements to their saddlebags, or, probably, what might be termed their Yankee wallets. Of what use, he would then ask, could such troops be? He would prefer to those regulars the inhabitants of the spot, if properly organized—men to whom such difficulties were familiar—men who could climb the rocky mountains, and fear not the toil—men to whom the swamp, the prairie, or the flood, presented no fears—men who required no guides to direct their path in the profound obscurity of the night, or to penetrate the forest in its darkest gloom.

After some further remarks from Mr. ROBINSON, Mr. TIPTON, and Mr. FOOT, the first amendment having been read,

Mr. BENTON stated that the bill introduced by the Senator from Indiana was under the consideration of the Military Committee, of which they would soon report. In order to gain information on the measure under discussion from the War Department, he would move that the bill, with the several amendments, be, for the present, laid on the table, and the information acquired he would communicate, if possible, on the following day.

The motion was carried; when

The Senate adjourned.

TUESDAY, JUNE 12.

NEW YORK RESOLUTIONS—THE TARIFF.

Mr. DUDLEY presented certain resolutions adopted at a meeting of citizens in the city of New York, recommending concessions on the subject of the tariff; and moved to lay them on the table, and print them.

Mr. WEBSTER said that these resolutions came to the Senate under the authority of the most respectable names. They were represented, and no doubt truly, to have been passed at a very numerous assemblage of citizens, called by a notice signed by highly respectable names, and were introduced to the consideration of that assemblage by a speech highly proper for the occasion, by an able and most excellent man. But however commendable in their spirit and temper, the resolutions, he feared, were too general in their scope and character to be valuable guides through the arduous duties which lay before Congress. They recommend a spirit of accommodation, of conciliation, of compromise. Now this is exactly such a spirit, said Mr. W., as we all profess, ourselves, and as most of us, in my opinion, really and sincerely feel. But the question is a very complex one: it involves a deep and important principle, and it involves also very great difficulties of detail. If this most respectable meeting, or any other, could tell us what that is which could be given up, without ruin or extreme injury to those concerned, and which, if given up, would produce the satisfaction so much to be desired, they would, by so doing, render Congress a most useful service.

What are those plain and obvious principles, by a regard to which, on questions of this kind, discontents may be allayed, and harmony restored? What is it that shall be given up? Is it the interest of the wool grower, or the manufacturer of woollens, or the manufacturer of cotton, or the manufacturer of iron, or the manufacturer of

glass? Is it the hatter, the carriage maker, the shoemaker, and other workers in leather? Which of them is willing to be sacrificed? Or, if something be to be yielded, in respect to all and each of them, how much is that something? How much may be given up without affecting the means of living, and the necessary support of families? And, on the other hand, what degree of special protection, and in favor of what branches of industry and labor, is to be fairly expected from those who are opposed to the principle of protection, as a principle? What and which are those exorbitant duties which it is so clear a dictate of duty to abandon?

As to the discontent which is to be appeased, and which no one is more disposed to see at rest than I am, can this meeting, or any meeting, inform us how far it is to be traced to any specific burden, pointed out, designated, and proved; or how far it results from that which is matter of opinion, or general theory? If the laws complained of are unimportant, if they are connected with no great interests, then, indeed, on the strength of the mere fact of existing discontents, they ought to be repealed; but if they are deemed the essential supports of great interests, public and private, then the dissatisfaction which they cause, or are said to cause, should be candidly considered, its grounds carefully examined, to see how far they are real, and how far the general interest will permit their removal.

I entirely approve, said Mr. W., the spirit of these resolutions; I commend their spirit of kindness and conciliation; above all, I commend the attachment manifested by them to the great and paramount object of regard—the union of the States; but I am not quite willing that an opinion should be cherished abroad, that members of Congress, of any party, are wanting in a proper spirit of conciliation, or that what Congress most needs is a spirit of compromise. For his own part, Mr. W. said, he hardly failed to meet, at every turn, some gentleman who had a project for compromising all our difficulties. He thought there was no want of projects. In his opinion, the necessity of a steady system of policy; a regular adherence to what has been solemnly settled; a moderate but firm regard to the stability of property, to the maintenance of those means of living on which the various classes of labor depend; caution not to agitate great and numerous interests to their very centre, by ill considered, though well intended efforts to allay excitement among other interests; these were topics, in regard to which, if in regard to any, Congress might be benefited by friendly admonition.

The resolutions were ordered to be printed.

PENSION LAW.

The joint resolution directing that certain duties imposed by the pension bill on the Secretary of the Treasury, be transferred to the Secretary of War, being taken up,

Mr. FOOT protested against the passage of the resolution, and asked for the yeas and nays; which were ordered.

On motion of Mr. TOMLINSON, who also expressed some apprehension lest evil should result from the change contemplated by the resolution, as amended yesterday on the motion of Mr. CHAMBERS, the resolution was committed to the Committee on Pensions.

FRENCH SPOILIATIONS.

Mr. WILKINS, pursuant to notice, moved that the Senate take up the bill providing for satisfaction for claims due to American citizens for spoliations.

Mr. TAZEVELL reminded the Senate that there was executive business of importance which required immediate action; and that he had been promised that when the bank bill should be disposed of, there would be no opposition to going into executive business. He there-

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fore made a motion to that effect; but the motion was out of order while the other question was pending.

After some conversation on the subject, Mr. WILKINS asked for the yeas and nays on his motion; which being taken, his motion was negative; and,

On motion of Mr. TAZEWELL, the Senate then proceeded to the consideration of executive business.

WEDNESDAY, JUNE 13.

FRENCH SPOILIATIONS.

Mr. CHAMBERS moved that the Senate proceed to the consideration of the bill relative to French spoliations previous to the year 1800.

Mr. MILLER asked for the yeas and nays on the question; and expressed a hope that if the motion should be negative to-day, this decision would be received as an indication of the indisposition of the Senate to act on the bill during the present session.

The yeas and nays were ordered, and the question was put, and decided as follows:

YEAS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Knight, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Smith, Tipton, Tomlinson, Wilkins.—23.

NAYS.—Messrs. Brown, Dickerson, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Robinson, Sprague, Tazewell, Tyler, Webster, White.—19.

So the Senate agreed to consider the bill.

Mr. TAZEWELL then rose to move that the Senate proceed to the consideration of executive business. He stated his reasons to be, 1st, the importance of the subject under deliberation in executive session; and, 2dly, the length of time which this bill would consume if it were taken up. If gentlemen were disposed to protract the session to an indefinite extent, then, indeed, the bill might be taken up; but he had no hesitation in saying that the discussion of the question would occupy some weeks.

Mr. SMITH expressed a disposition to take up the bill merely to hear the exposition of the views of the gentleman from Pennsylvania [Mr. WILKINS] on the subject. The bill might then be laid on the table.

Mr. CHAMBERS contended that there could be no great difficulty in understanding the character of these claims, and their justice. Of all people who had ever come before Congress, these were, in his opinion, the most entitled to an early settlement of their demands. In a very few hours the whole of the subject might be made clear to every one. It was his wish that applicants who had been here for thirty-two years might have the opportunity of a hearing and a decision on their claims. It was by no means his desire to throw any impediment in the way of the executive business.

Mr. WEBSTER stated that he was perhaps as much interested in the speedy adjustment of these claims as any gentleman; but he had voted against taking up the bill, because he considered it as a hopeless thing that it could receive the final action of the Senate at this session. They had now reached the middle of June, and there were some important bills before the Senate, and several subjects of vital interest which required to be acted upon. He expressed his conviction that these claims were founded in equity; and stated that, whenever a question should be taken upon the bill, he would be found voting in favor of them. But he could not agree with the suggestion that the subject would occupy so small a portion of the time of the Senate.

Mr. CLAY said he had voted to take up the bill, in order to evince his disposition to go into the consideration of these claims. He thought that they were equitable

and just, as regarded the principle on which they were founded. But there would be found to exist great difficulty in settling the amount to be paid. His object was to permit the chairman of the committee to give his exposition of the grounds on which the bill had been reported, in order that the Senate might be in full possession of all the facts, and might come here at the next session prepared to vote upon the bill. After the chairman had been heard, he hoped the bill would either be postponed or laid on the table. He assured the gentleman from Virginia that he had no idea, in voting to take up this bill, to consider it, to the exclusion of the all-engrossing subjects which so greatly agitated the country, and which were now pending before Congress.

Mr. WILKINS stated that when the memorial on which this bill was founded was put into his hands, he received it with much reluctance, and merely in consequence of the absence of a Senator who would have been much more competent to the discharge of the duties which it imposed. He went into the consideration of these claims somewhat prejudiced against them, and entirely uninformed as to their precise nature and extent. Nor had he any interest in the decision of these claims. Living in the interior of the country, he had been all his life a stranger to the seaboard, and consequently could not be supposed to have any personal interest in the settlement of the question. He had gone into the examination of the subject; and the result was a firm conviction that the claims were founded in justice, and that the Government was bound to give the satisfaction. When this bill came up in its regular order, there were seven or eight of the Senators absent, not only from their seats, but from the city. In consequence of this deficiency in the Senate, he had himself laid the bill on the table. Such had been the constant pressure of important business in the Senate subsequently, that he had suffered the bill to remain on the table. He had permitted it to lie there while the bank question was before the Senate. That question having been disposed of, he thought that this was the best moment to press the consideration of the bill. He was aware that there was still very important business awaiting the action of the Senate; and he thought also that this bill must necessarily provoke a considerable discussion. He wished to avoid any discussion which was not absolutely necessary; and if the experience of the learned Senators who had just spoken led them to the conviction that the Senate could not get through with the bill at the present session, to their experience and judgment he would feel himself compelled to yield. It would be entirely useless to take up the bill at all, unless a decision could be reached. In his preliminary remarks, if it was taken up, he should take up as little time as possible; but, as he was not gifted with the power of condensation, he could not deliver what he should feel it to be his duty to express, in less than a day or two.

Mr. CLAY, seeing that it would be totally impracticable to act on the bill, moved to lay it on the table.

He withdrew his motion at the request of

Mr. CHAMBERS, who explained his former remarks. He had only intended to throw out the idea that the principles of the bill were not so difficult of comprehension as to require any lengthened discussion. But he admitted that there would be found some difficulty in adjusting the amount to be paid. He expressed an apprehension that if the claims were postponed till the next session, they would then be found not to have advanced a single step, and he should begin to despair of any adjustment.

Mr. CLAY stated, in reply, that if any one supposed that the Government were to pay the amount of these claims, dollar for dollar, and to appropriate the full amount of the claims, thus adjusted, out of the public treasury, nothing could be further from his intention. He considered the claims to have been worth something in 1800; what that something was, he was willing to fix, and to pay it. It

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[JUNE 14, 1832.]

was only on this principle that he would vote one cent to the claimants. He adverted to the fact of the renunciation of the claims on France, as having affected their value. He was willing to pay an equitable consideration for them.

Mr. CHAMBERS referred to the privileges which the United States had obtained in consequence of these claims; privileges which they would not be disposed to surrender for any pecuniary considerations. He assured the Senate that there was no design to pay these claimants dollar for dollar. The amount of the claims was from fifteen to twenty millions. Heretofore, the bills reported on the subject had appropriated three millions for their adjustment. The present bill appropriated five millions.

Mr. HOLMES adverted to the first petition on the subject which he had presented, and from the consideration of which the committee to which it had been referred moved to be discharged. He had resisted this motion on the ground that the petitioner had a right to a detailed report on his application. He was, however, outvoted, on the ground that the sum was very large, and that the Government was poor. If the Government were not disposed to put the allowance to the claimants on the ground of what the claims were worth, they ought at least to give what they had received. He was certain that the more the claims were examined, the more the Senate must be convinced that they were as just as any claims could be between man and man.

Mr. TYLER said that he had looked into these claims as assiduously as the Senator from Pennsylvania had; but he had come to precisely an opposite conclusion from that Senator. They had received the final action of a committee before the Senator from Maine became a member of this body; the report which was made being decidedly adverse to their allowance. He stated that many of his constituents were deeply interested in the decision of these claims.

The bill was then laid on the table; and, after disposing of some private bills,

On motion of Mr. TAZEVELL, the Senate proceeded to the consideration of executive business.

THURSDAY, JUNE 14.

INDIAN WAR.

Mr. TIPTON wished to be informed whether the chairman of the Committee on Military Affairs had received any information to communicate to the Senate on the subject of the bill relative to the enlistment of mounted troops.

Mr. BENTON replied that he had been unable, in consequence of the absence of the Secretary of War, to obtain the information he had desired.

Mr. TIPTON then said, I consider it my duty to move the Senate to take up this bill, with the amendment made by the House. The question now is, will Congress vote us the means of defence or not? Denial is better for us than delay. If you will aid us, do it immediately; if not, say so, and we will do our own business in our own way.

Sir, we must sweep these people from existence, or keep them peaceable. The power to make peace, and to preserve it, and to preserve the Indians, is what I want. No one can imagine the distress that an alarm on the frontier produces, without witnessing it. Those who are at the point of attack, flee with their families; those next in the rear, though more secure, are not safe. No man can leave his own family to help his neighbor; and the consequence is, that they break up and desert their homes, taking little with them, and leave their property to be pillaged by the dishonest whites, as well as the Indians.

If you will authorize the raising of the corps which I propose, we can prevent these alarms, give confidence to the people, and check or destroy the hostile Indians.

The Senator from Illinois, [Mr. KANE,] when this bill

was up the other day, asked who knew that this number, five hundred men, is sufficient. Sir, all practical men know that five hundred men are sufficient to march to my point between Lake Michigan and the Mississippi. They will do it, with or without authority.

What is the extent of the Indian country? I will tell you. It is about one hundred and thirty miles from Chicago to Dixon's ferry—four short days' march for mounted riders. The real force of the Black Hawk's followers may be fairly estimated at seven hundred to one thousand warriors; that is, five hundred and fifty of his own tribe, two hundred and fifty Pottawatamies, and a few from other tribes. This force is not now dangerous, but to the defenceless frontier, and will increase every day until it is broken down. One energetic effort will crush it.

To oppose this man and his force, we are told that, on the 10th of May, twelve hundred and five men were within thirty or forty miles of this banditti. Why did these men not march on, day and night, and attack these Indians, if to be found? We are told that part of our men are infantry, and their baggage in boats. In these days of gold living, men must have baggage, and, of course, live at their ease. I do not censure them for this. It is quite satisfactory excuse in 1832; but, sir, in 1791, or 1814, what would have been said of sunshine soldiers? Let us recur, for a few moments, to days long gone by.

On the 23d of May, 1791, General Scott crossed the Ohio at the mouth of the Kentucky, and marched from thence for Weeantonon, on the Wabash. It rained incessantly; but he pressed forward, through an unbroken and unknown forest, crossed four large streams, the White rivers and their tributaries, not in boats, but swam them on his horses, or on logs confined together—rafts; and, on the 1st day of June, he surprised the Indians at Weeantonon, now called Weea, killed some, and took fifty-eight prisoners. This town is one hundred and fifty-five miles from the Ohio, where he set out.

But this is not all. He was now two hundred and fifty miles from Lexington, the settled part of Kentucky, surrounded by the most numerous and warlike tribes that ever inhabited North America, then unbroken by defeat, not humbled and reduced by the wars that have since intervened, and not dispirited by the operations of our people, and ferocious as the native Indian is known to be. But General Scott had neither baggage nor boats to cumber him. Lieutenant Colonel Wilkinson was dispatched with three hundred and sixty men to cross the Wabash, a large river, then much swollen with rains, to destroy the Indian villages at what they called the Eel river, now Tippecanoe.

Colonel Wilkinson marched on foot, crossed the river, surprised the Indians, destroyed the town, and returned with a loss of three men, wounded, having marched on foot thirty-six miles in twelve days, fought a battle, and burned a town. These men were Kentuckians, commanded by a man that could walk on foot, and swim a river.

General Scott then returned to Lexington, having marched four hundred and fifty miles, burned four towns, and killed many of the enemy, taken fifty-eight prisoners, and conducted his prisoners to Fort Steuben, now Jeffersonville.

In 1791, Colonel Wilkinson was ordered by General Washington to destroy the Indian villages on Eel river. They set out on the 1st of August from Fort Washington, now Cincinnati, with five hundred and twenty-three men. He marched two days north to make a feint on the Miami towns, then northwest; and he tells us that, on the 7th day, he crossed the Wabash on the very spot that he set out for, and next day surprised the Indians on Eel river, one hundred and eighty miles from Fort Washington—killed some of the Indians, took some, and pressed forward to find the Pottawatamie town, or Tippecanoe.

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The next day he inspected his command, to find its condition—found two hundred and seventy lame horses; and but five days' provisions in camp, two hundred and twenty miles from Fort Washington, surrounded with warlike tribes, but no baggage, besides prisoners. He returned safe, having performed a march of five hundred miles through an almost unknown forest, through bogs, creeks, and rivers; but, sir, in these days our men forded the rivers, if they could be forded well; but if not, swam them, without delay, on their horses.

The amendment I propose is, to authorize the President to raise, by enlistment, or by accepting volunteers, five hundred men, believing that number to be sufficient for the purpose intended. But if Congress will give us one thousand men, I am willing to concede something to meet the views of other Senators. The amendment differs but little from the laws of 1812 and 1813, authorizing the raising of the rangers. The President of that day allowed some companies to elect their own officers, and the officers for other companies were appointed here, and they were directed to enlist their men. We got some good officers, and some not so. These troops were efficient, and rendered valuable service. A gentleman now here, who was engaged in this service, can bear testimony of their usefulness.

Some Senators express fears that strangers will be sent from the East to command us. Sir, I assure them that they need have no such fears. The President knows too well what is due to himself and to the Western people, to send any one not known to the West, and who lives amongst us. He will probably appoint a few officers, organize the companies; but that he will permit the men to nominate a part of their own officers, I cannot doubt.

The officers who may be appointed, or elected, and commissioned under this law, will come under the rules and articles of war, as far as they will apply to the nature of the service. They will be commissioned by the President, and held responsible, as military men should be. No favoritism can be admitted into a military corps if you desire its efficiency. They must not depend upon popular favor, but on their activity and on their courage. If they transgress, they can be reached by the sentence of a military court, and be cashiered, if necessary. Rigid discipline must be preserved, or nothing is to be expected but defeat and disgrace.

I learn that, on the breaking out of this war, many of the Pottawatamies and Miamiis have applied to their agents to protect them from the hostile parties. I know many of them to be good men, with whom I could live in friendship.

I regret, sir, that I have been compelled to trouble you so frequently upon this subject; but I could not do less in the discharge of my duty to those I have the honor to represent here.

Messrs. ROBINSON and KING opposed the motion, which was carried—yeas 26.

Mr. TIPTON then moved to amend the bill by striking out the amendment of the House, and inserting a new bill, substantially as follows:

That the President of the United States be, and he is hereby, authorized to raise, either by the acceptance of volunteers, or enlistment for one year, unless sooner discharged, — mounted rangers, to be armed, equipped, mounted, and organized, in such manner, and to be under such regulations and restrictions, as the nature of the service may, in his opinion, make necessary.

Sec. 2. That each of the said companies of rangers shall consist of one captain, one first, one second, and one third lieutenant, five sergeants, five corporals, and one hundred privates—the whole to form a battalion, and be commanded by a major.

Sec. 3. That the said non-commissioned officers and privates shall arm and equip themselves, unless other-

wise ordered by the President, and provide their own horses, and shall be allowed each — per day, as a full compensation for their services and the use of their arms and horses. The commissioned officers shall receive the same pay and emoluments as officers of the same grade in the army of the United States.

Sec. 4. That the officers, non-commissioned officers, and privates, shall be entitled to the same provision, in case of disability by wounds or otherwise, as is made for officers, non-commissioned officers, and privates, in the regular army, and subject to all the rules and articles of war, so far as the same may be applicable.

Sec. 5. That the officers shall be appointed by the President, by and with the advice of the Senate.

Mr. HAYNE asked for a division of the question, so as first to take the vote on striking out the amendment of the House.

Mr. KANE expressed his hope that the Senate would take up the bill of the House. He stated that advices had been received that nearly half the effective militia of Illinois had been called out, and that the consequence must be an entire neglect of the crops. A prompt action of Congress was called for. The Indians were very hostile, and had committed many depredations, and several murders, attended by horrid barbarities. He objected to the provision that the officers should be appointed by the President, by and with the advice of the Senate. He deemed it to be of importance that the volunteers should select their own officers. They would not volunteer to serve under officers concerning whom they are ignorant; nor would they serve cheerfully under officers in the election of whom they had not taken a part. The settlers on the Illinois frontier would not enlist for the sake of a little pay, or for rum or whiskey; they were heads of families, deeply interested in the efficient defence of the frontier, and would not serve under any officers in whom they had not entire confidence.

Mr. TIPTON made a few observations in defence of his amendment, which he said was framed in the exact words of the act of 1813. He considered that, under an efficient officer, well acquainted with the mode of Indian warfare, a force of five hundred men would be better than twice the number under the command of inexperienced men.

Mr. BIBB referred to the force raised by order of General Washington, in 1793, to aid General Wayne in his expedition against the Indians, as the most effective force which could be employed in such service.

Mr. HAYNE expressed a hope that the motion to strike out would prevail. It was not to be expected that this force could be raised in time to act during the present campaign. It was for employment hereafter. Now that the alarm had spread along the frontier, the citizens on the spot would be sufficient, for the present, to repel the invasion. He objected to the employment of such troops as were provided by the amendment from the House: militia to-day, citizens to-morrow; soldiers to-day, farmers to-morrow; hunters to-day, any thing to-morrow. He objected to these paper men, who appeared on the roll transmitted to the Government as an efficient body, and as such received their pay, while all their duty consisted in going out once or twice a year on a hunting frolic into the country, for which they were to be allowed to become pensioners of the Government. He asked the yeas and nays on the motion to strike out, and they were ordered.

Mr. BENTON said he hoped the motion to strike out would prevail. He considered that the troops provided by the amendment would be more at home than on service, and would be of no value.

Mr. ROBINSON opposed the motion to strike out. It had been alleged, first, that the troops would not serve long enough, and then that they were paid longer than was necessary. He stated that the former objection was put down by the provision that the service should be for eight

SENATE.]

Tariff Petitions.—Public Lands.

[JUNE 15, 1852.]

months, and longer, if the President deemed the continuance of their services requisite. There could be no necessity for keeping men in service, when there were no Indians within a hundred miles of the spot. As to the remark of the Senator from Missouri, that this force could be worth nothing, he attributed it to some heart-burnings, because the bill of that Senator had been thrown aside—had been used up in the House, title and substance. The men required for the defence of the frontier must not be men accustomed only to cities, who had spent much of their time in luxury and idleness, who had perhaps never been on the frontier, and perhaps never on horseback. Put such men on a good horse, and it may enable them to make their escape, but would be of no other service. He asked who were to be defended. The citizens of Illinois. And the proper defenders would be the militia of Illinois. And was it intended to send foreigners to command these militia, to lead those who had already shed their blood in defence of the frontier? These troops had their firesides and their homes to defend, and they would not consent to be commanded by those in whom they had no confidence.

Mr. BUCKNER was in favor of striking out the amendment of the House. He was satisfied that the views of the gentleman from South Carolina were the correct views, and that they had been misconceived by the gentleman from Illinois. He coincided in the opinion that the troops employed under the provisions of the House bill would spend much of their time in frolics. The men required were men who would watch the ebbs and flows of Indian warfare, and be prepared for it at all times. No one who knew any thing of the matter supposed that the Indians made their attacks when our troops were best prepared. His experience told him this was an error, if any one entertains it. In company with his colleague he had been engaged in these wars, and had pursued the Indians when the ice over the streams was sufficiently strong to bear his horse. He considered the volunteers as a much more efficient force than the infantry garrisons for which they were to be substituted. The infantry knew nothing of guns, except the musket; they were unacquainted with the rifle, and fired without aim. The Indians would come up inside the range of the artillery, so as to render the guns useless. They would find their way into the fort; fix their fires, and burn the fort; and, instead of the army defending the country, the militia would have to turn out and save the army. He had every confidence in the gentleman from Indiana. He knew well, and highly appreciated his ability. A principal objection which had been made against his amendment was, that it took away the right of election of officers, and that it was in opposition to democratic principles. He was a democrat himself, but he would only have democracy in its proper place; and democracy in a camp he considered as much out of place as a parson in a grogshop. In a camp, there must be strict discipline, arbitrary rule. He censured the manner in which the militia had been led into the ambuscade of the Indians in the late conflict; expressed a deep feeling for the people of Illinois, and considered it to be the common duty to give her prompt and efficient aid.

After a few words from Mr. CHAMBERS, the question was taken, and decided as follows:

YEAS.—Messrs. Bell, Benton, Buckner, Clayton, Ellis, Ewing, Foot, Frelinghuysen, Grundy, Hayne, Hendricks, Hill, Holmes, Knight, Mangum, Marcy, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Seymour, Sprague, Tipton, Tomlinson, Troup, Tyler, Waggaman, Webster.—30.

NAYS.—Messrs. Bibb, Chambers, Dudley, Forsyth, Kane, King, Robinson, Ruggles, Silsbee, Tazewell, White.—11.

So the motion to strike out was agreed to.

On motion of Mr. HENDRICKS, the first blank in the amendment of Mr. TIPTON was then filled with the words "six hundred," and the second with the words "one dollar."

Mr. KING moved to strike out the last section, relative to the appointment of officers by the President and Senate; but, on an explanation that the officers elected by the volunteers would be commissioned, he withdrew his motion.

The amendment of Mr. TIPTON was then agreed to, and reported to the Senate, and the Senate concurred therein.

On motion of Mr. TAZEWELL, the Senate then proceeded to the consideration of executive business.

FRIDAY, JUNE 15.

TARIFF PETITIONS.

Mr. FRELINGHUYSEN presented a petition from citizens of Orange county, New Jersey, against the reduction of the protecting duties. He stated that the people of New Jersey were especially interested in the manufacture of hats, and fabrics from leather and wool, the protective duties on which had remained as they were settled by the tariff of 1816. The project of the Secretary of the Treasury reduced the duty on hats from thirty to twenty per cent., a reduction which would be ruinous to the domestic manufacturer; and the whole of the project presented a most ruinous commentary on the protective system. He moved to lay the petition on the table.

Mr. SMITH rose to correct what he called the extraordinary coloring given to the project of the Secretary.

The CHAIR reminded the Senator that he was out of order; and

Mr. FRELINGHUYSEN offered to withdraw his motion, to allow him to proceed; but

Mr. SMITH declined to go into any discussion.

PUBLIC LANDS.

Mr. DICKERSON, pursuant to notice, moved to postpone the preceding orders, and take up the bill reported by the Committee on Manufactures, to appropriate, for a limited time, the proceeds of the public lands. He reminded the Senate that this was one of the subjects which had been sent to the Committee on Manufactures, and it was sent thither against the wishes and the protest of the members of that committee. There was but one individual on that committee from the West, the Senator from Kentucky, and he understood the subject well. That Senator had drawn up the report, and prepared the bill. In making this motion, therefore, he sought no opportunity for himself to state any views on the subject, but to give an opportunity to the Senator from Kentucky, and the gentlemen on the opposite side of the question, to give their views.

Mr. SMITH hoped that the orders would not now be postponed, as the Senator from Alabama, the chairman of the Committee on Public Lands, was absent.

Mr. CLAY expressed a hope that this subject would not only be acted on promptly but definitively. But he was not desirous to urge the taking up the bill at this moment. He was willing to wait until twelve o'clock, or until to-morrow, if it was more convenient for the action of the Senate.

Mr. POINDEXTER suggested that perhaps the most agreeable course would be to call up the bill, and then to lay it on the table, to be taken up on some fixed day; he would say on Monday.

Mr. DICKERSON said that he certainly would not have made the motion, had he seen that the chairman of the Committee on Public Lands was not in his seat. He had no objection to take up the bill, and then to lay it on the table, and make it the order of the day for Monday.

Mr. CLAY suggested Tuesday.

Mr. BENTON named Monday.

JUNE 15, 1832.]

Insolvent Debtors.

[SENATE.]

Mr. CLAY said he had no objection to take it up to-day, or to-morrow. Indeed, he would prefer that disposition of the subject. But if it was to be postponed till next week, he would prefer Tuesday, as he understood that many members of the Senate would not be in their seats on Monday.

The motion to postpone the orders, and take up the bill, was then agreed to.

Mr. POINDEXTER moved to postpone the further consideration of the bill till Tuesday.

Mr. HOLMES inquired of the Chair if the bill would stand as put on the special orders if postponed, and made the special order for Tuesday.

The CHAIR stated that there was a joint resolution offered by the Senator from Ohio, which had been made the special order for that day, and would therefore be entitled to precedence.

Mr. EWING then stated that, although he desired to bring his resolution before the Senate as early as possible, he would consent to postpone it to the present question.

The bill was then laid on the table, and made the special order for Tuesday.

INSOLVENT DEBTORS.

On motion of Mr. MARCY, the Senate then proceeded to consider the bill in addition to an act entitled an act for the relief of insolvent debtors of the United States.

An amendment had been reported to the bill from the House, by the Committee on the Judiciary, to strike out part of the second section, and insert a substitute.

Mr. MARCY stated that the object of the first section was to enable the Government to carry into effect the law of 1831. The construction put on the term "insolvent debtor" by the Attorney General, was that the debtor must have declared insolvent by the law of the State. It was therefore thought that the provision should be enlarged, and such was the object of the second section.

The second section provides that if the property of the debtor shall not be found, the debtor may yet be discharged. It had been previously supposed that the Secretary of the Treasury could not discharge the debtor, unless he had obtained some property. It had also been made a condition that the debtor must have been discharged from imprisonment for his other debts. In some of the States there is no imprisonment for debt; and in some cases the United States' debt is the only one which the debtor owes. The amendment reported by the committee is intended to meet such cases. There had been some doubt as to what were insolvent laws. He considered all as such which gave release to debtors without the full payment of their debts.

Mr. HOLMES said that, in some States, there were no insolvent laws *eo nomine*; and, therefore, the term "insolvent law" might not be sufficiently definite. He would move to amend the bill by introducing the words "or laws for the discharge of poor debtors from prison."

The amendment was agreed to, and the amendment, as amended, was agreed to.

After some further amendments, the bill was ordered to a third reading; soon after which,

Mr. WILKINS moved that the vote taken on the bill just ordered to a third reading be reconsidered. He said his object for moving a reconsideration of the vote on the bill was owing to a proviso from the House of Representatives, in the second section, which had been amended in the Judiciary Committee, by striking out, and a substitute inserted, which had just been agreed as forming part of the bill. He wished to have the section rejected altogether as unnecessary. The bill of last session purported to give relief to "insolvents," not contemplating the construction now given to it; but the Attorney General had put a meaning to the phrase entirely technical; that it was necessary for the person, to get the

benefit of the law, to have been discharged as an insolvent in his own State, and thus to have gone through all the forms of the State law. To relieve the debtor of the United States from this form, which the phraseology of the bill had left for construction, it had again been brought before Congress. The substitute which had been inserted, was nothing more than a modification of the proviso from the House; and it was agreed in their committee that the vote should be taken on it especially. But the bill had been read, somehow overlooking this determination. By the law, as it stood, it was necessary that the debtor should have been imprisoned and discharged in his own State as a debtor; or the debt due the United States to be such as if due to the State in which he resided, he would be entitled to a discharge from. His [Mr. W.'s] object was to do away with this altogether. There was no necessity for the unfortunate debtor to be thus harassed; the law of last year was sufficiently rigid, and subjected the person to the closest scrutiny, that rendered it uncalled for that he should be previously harassed, his feelings tortured, and exposure of his private affairs made in his own State. The scrutiny which the law of last year allowed, independent of a previous investigation, was such as would not be required of a debtor under the laws of Pennsylvania. He thought this enactment to go through such ordeal in his own State, was unwise in the extreme; the appointment of assignees, &c., with the expenses attending the same, only exhausted his funds, and left the less chance for any thing to be obtained by the United States.

Mr. FRELINGHUYSEN expressed himself in favor of the reconsideration, and in accordance with the opinions which had just been uttered.

Mr. WEBSTER felt a good deal of regret in legislating on the question this year. It had been well and maturely considered last session; and had been managed by a distinguished and experienced gentleman in the other House, [Mr. BUCHANAN,] now absent from the country, and passed under his auspices. He was opposed to the change which had been made in the law; it was no criterion to go by the insolvent laws of the different States, in deciding who was entitled to be discharged from debt due to the United States. In some of the States, the insolvent laws were extremely loose; in others, they had none. Thus the enactment operated unequally with respect to United States' debtors, if their own State laws were to be the test. In consequence of this, in the bill of last year, it was thought better to make a kind of synopsis of a bankrupt law between the debtor and the United States, without any reference to his peculiar State law. A construction not intended by the framers of the law, had been put on the word "insolvent;" and, to obviate this, it had again come before Congress; but, in amending it, they had gone further, and left it as a matter of course that every person who was entitled to a discharge in his own State, should have the benefit of this act. He preferred the original bill as it was, leaving the decision in the hands of commissioners, in place of that of the Treasury Department, or the Attorney General, to say who was entitled to its operation.

Mr. MARCY briefly explained.

Mr. HAYNE was of the committee that had inserted the clause; he was willing it should be stricken out, if gentlemen who were friendly to such a measure thought it would militate against the debtors unfairly. He was averse to the detaining of debtors where there was no fraud, and where they were unable to pay. It only detracted so much from the labor and energy which they would otherwise contribute to the country.

After some further remarks from Mr. WILKINS, Mr. SMITH, and Mr. WEBSTER, the last of whom suggested that, if they disagreed to the amendment of the House, it would be better, without passing any amendment themselves, to have a conference,

SENATE.]

Internal Improvements.—Spafford's Patent.—President's Fac Simile.

[JUNE 16, 1832.]

Mr. MARCY moved, on reconsidering their vote, to strike out the substitute to the amendment from the House. The proviso inserted by the House was also stricken out; and the bill was then ordered to a third reading.

SATURDAY, JUNE 16.

INTERNAL IMPROVEMENTS.

On motion of Mr. BENTON, the Senate proceeded to consider the bill granting certain public lands to the State of Missouri, for the purposes of internal improvement.

The amendment made in committee to insert the States of Mississippi and Louisiana, was agreed to, and the question on the engrossment of the bill was put, and carried in the affirmative.

[A little discussion took place during the consideration of the bill, in which Mr. JOHNSTON, Mr. WEBSTER, Mr. WAGGAMAN, Mr. HOLMES, Mr. FORSYTH, Mr. BENTON, and Mr. POINDEXTER took part. It was stated that the four other new States had received grants of public lands, while the States included in the bill had received no donations either in money or lands. The present donation was asked for the purpose of making some improvements of great importance to the whole people of the Union, and not exclusively beneficial to the States to which the lands were granted.]

On motion of Mr. MOORE, the Senate proceeded to consider the bill supplementary to an act making appropriations for the improvement of the Tennessee, Coosa, Cahawba, and Black Warrior rivers.

There was some discussion on this bill, which was finally, on motion of Mr. CLAY, laid on the table until Tuesday, to allow time for examination.

On motion of Mr. FORSYTH, the Senate proceeded to the consideration of executive business.

MONDAY, JUNE 18.

SPAFFORD'S PATENT.

The Senate then proceeded to consider the bill for the relief of Horatio Gates Spafford.

This bill provides for granting letters patent to the petitioner, permitting him to file his specifications among the confidential archives of the State Department, to remain there for one year. It was stated that the object of the discovery was to add fourfold power to the steam engine; and the principles of the invention were declared to be new and of the utmost efficiency and value, by the attestations of many gentlemen of practical science. The bill was opposed on the ground of its anomalous character, of the ignorance under which Congress were acting in granting this privilege. As the bill came from the House, it permitted the specification to remain four years a secret. Mr. MARCY moved to strike out four years, and insert one year, which prevailed. The bill was then ordered to be read a third time, by the following vote:

YEAS.—Messrs. Buckner, Chambers, Clay, Clayton, Dallas, Dudley, Frelinghuysen, Grundy, Hayne, Hill, Holmes, Johnston, Kane, King, Knight, Marcy, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Smith, Tomlinson, Troup, Wilkins.—28.

NAYS.—Messrs. Benton, Bibb, Brown, Dickerson, Ellis, Foot, Forsyth, Hendricks, Mangum, Robinson, Silsbee, Sprague, Tazewell, Tyler, Webster, White.—16.

The bill granting to the States of Missouri, Mississippi, and Louisiana, five hundred thousand acres of land each, for the purposes of internal improvement, was read a third time.

The subject was discussed by Messrs. FOOT, JOHNSTON, BENTON, FRELINGHUYSEN, CHAMBERS, HENDRICKS, CLAY, and BUCKNER.

Mr. CLAY, after some remarks relative to the bill for the future disposal of the public lands, which was fixed for Tuesday, by which, if passed into a law, those three

States would come in equally for their share, would move (giving the friends of the bill their choice) that the bill be postponed till that day week, or be laid on the table, to be again called up.

Mr. POINDEXTER was sorry to see the great opposition now exhibited to the bill, when, on a former day, it had been ordered to the present stage almost unanimously. It indicated, he thought, an unfriendly feeling to the Southern States. He denied that any former grants had yet been made to any of those States. He asserted that the grants now sought would only put them on an equality with the other new States, after which they would then be entitled to their proper share under the proposed bill.

Mr. CLAY replied to Mr. JOHNSTON and Mr. POINDEXTER. He protested against the doctrine advanced elsewhere, that the new States had the right to all the lands within their limits, as the doctrine of those who would play the demagogue. The public lands, when these States were created, were the property of the United States. They were, and are, the property of the whole community, purchased by the common treasure and blood of all.

Mr. HENDRICKS alluded to the use of the word "demagogue" by the Senator from Kentucky. The doctrine was one advanced by a Senator of Indiana, a gentleman whose opinion had always been deemed worthy of respect and consideration. Such denunciation was uncalled for, and, he thought, was extremely unkind to the State of Indiana.

Mr. CLAY explained. He had not before denounced such opinions, but he did so now, as baseless, bottomless, and untenable, come whence they would, from Legislature or elsewhere. But he had not, in his former remarks, spoken of such doctrine as broached in this Senate, in the other House, or as that of any individual, but as a doctrine urged by many out of doors.

Messrs. POINDEXTER and JOHNSTON were opposed to any postponement, and wished for an explicit vote on the question.

Mr. SMITH would vote in favor of the proposition. He would prefer this mode to that of yearly appropriations being asked for by these States for the improvement of this and that river; leaving the disposition, in this case, to the States themselves.

Mr. BUCKNER, after some remarks, in which he expressed his opinion that the bill was capable of much improvement, moved that it be laid on the table.

The question was taken by yeas and nays, on the motion of Mr. WAGGAMAN; when the motion to lay on the table was carried, yeas 27, nays 13, as follows:

YEAS.—Messrs. Bell, Brown, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Foot, Forsyth, Frelinghuysen, Hayne, Hill, Holmes, Knight, Mangum, Marcy, Miller, Naudain, Prentiss, Seymour, Silsbee, Sprague, Tomlinson, Tyler, Wilkins.—27.

NAYS.—Messrs. Benton, Grundy, Hendricks, Johnston, King, Moore, Poindexter, Robbins, Robinson, Smith, Tazewell, Waggaman, White.—13.

So the bill was laid on the table.

PRESIDENT'S FAC SIMILE.

Mr. KING moved that the Senate take up the bill to provide for the appointment of a recorder of the Patent Office; which was agreed to—yeas 16, nays 9.

The question was on a motion of Mr. CLAY to reconsider the vote by which the amendment of Mr. FORSYTH, (substituting a fac simile of the President's signature, instead of appointing an officer to sign the land patents,) was rejected.

The bill was again laid on the table, by common consent, to wait for a reply to a resolution sent some days ago to the General Land Office, calling for information.

The Senate then, on motion of Mr. CLAY, proceeded to consider the bill in addition to an act granting aid to

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Richmond Petition.—Harbor Bill.—Public Lands.

[SENATE.]

Alabama for the improvement of the Tennessee, Coosa, Cahawba, and Black Warrior rivers.

The bill was amended, on motion of Mr. WEBSTER, so as to place the business under the control of the Legislature of Alabama.

The bill was reported as amended, and was then ordered to be engrossed, and read a third time.

TUESDAY, JUNE 19.

As soon as the journal had been read, a message was received from the House of Representatives, by their Clerk, notifying the Senate of the death of CHARLES C. JOHNSTON, a member of that House from the State of Virginia, and that his funeral would take place in the afternoon at half past three o'clock.

On motion of Mr. TYLER, the Senate then adopted the following resolution:

Resolved, That the Senate, as a mark of respect, will attend the funeral of the Hon. CHARLES C. JOHNSTON, a member of Congress from Virginia, this day, at half past three o'clock; and, as an additional mark of respect, that the Senators will go into mourning, by wearing crape on the left arm for thirty days.

On motion of Mr. TAZEWELL, it was then

Ordered, That when the Senate adjourns, it adjourn to meet at half past three o'clock.

On motion of Mr. TAZEWELL,

The Senate then adjourned.

WEDNESDAY, JUNE 20.

RICHMOND PETITION.

Mr. TYLER presented the petition of citizens of Richmond, praying an appropriation for the removal of obstructions in James river; which was referred to the Committee on Commerce. On presenting this memorial, Mr. T. took occasion to express his constitutional objections to the granting of the prayer of the memorial. He stated that, in his opinion, it would be an absurd proposition to say that Congress had a right to expend money in the improvement of the bed of a river, by which a circuitous navigation could be obtained, and had no right to make an expenditure on a canal running laterally. He considered it would be an odious discrimination which entitled a town situated below the falls to the privilege of an appropriation, and excluded one which was situated above the falls. He considered such discrimination as founded on no principle of justice, and therefore as odious.

HARBOR BILL.

Mr. WILKINS moved to postpone the orders, to take up the bill from the House making appropriations for certain internal improvements.

Mr. WILKINS asked for the yeas and nays on the motion; which were ordered.

The question was then taken, and decided as follows:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Foot, Forsyth, Frelinghuysen, Hendricks, Holmes, Johnston, Kane, Knight, Marcy, Naudain, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—30.

NAYS.—Messrs. Brown, Buckner, Ellis, Grundy, Hayne, Hill, King, Mangum, Miller, Moore, Tazewell, Troup, Tyler, White.—14.

The various amendments to the bill were then taken up, and the appropriations for the commencement of new works were stricken out, on motion of Mr. FORSYTH, who stated that the committee desired to confine the provisions of the bill to such works as had been already commenced.

Some appropriations also, which were contained in other bills, were stricken out.

Mr. FORSYTH moved so to amend the bill as to place both the appropriations for the Cumberland road under the superintendence of an officer of engineers; which was agreed to.

The amendments recommended by the committee having been gone through,

Mr. FORSYTH moved to strike out the appropriation of thirty thousand dollars for the improvement of the Cumberland river. He stated it to be his object to strike out all new objects, and such of the others as had not been previously surveyed by the direction of the Government.

Mr. JOHNSTON opposed the motion to strike out, and made some statements to show the extent of the commerce carried on through that river.

Mr. FORSYTH asked for the yeas and nays; which were ordered.

Mr. CLAY expressed a desire to say a few words on the question, but he was not prepared to do so to-day. He therefore moved to lay the bill on the table.

The motion was agreed to.

PUBLIC LANDS.

The special orders of the day being called by the CHAIR,

Mr. FORSYTH moved that the Senate proceed to the consideration of executive business, and asked for the yeas and nays; which were ordered.

Mr. CLAY considered the motion unkind, at this moment, as there was no pressing occasion to go into executive session to-day, and as another subject (the land bill) was made the special order for to-day. He hoped the Committee on Manufactures would be heard.

Mr. TAZEWELL reminded the Senate of the repeated promises made to him to go into executive business. He considered that business as being at least as important as the subject now desired to be brought up for consideration. He asked if gentlemen could suppose that the subject of the public lands could be disposed of to-day, or to-morrow, or the next day, when the conflicting reports of two intelligent committees were to be examined and discussed. He asked how much time was likely to be consumed in settling a question involving the territory of so many States, when so much time was occupied by the Senate in settling the affairs of a little corporation.

Mr. CLAY said he had received this motion to-day with other feelings than surprise; feelings which his respect for the Senate would not permit him to express.

When business of little moment was before the Senate on Monday, the gentleman from Virginia made no motion to go into executive business. Why did he not make his motion on that occasion? Mr. C. then adverted to the manner in which this subject of the public lands had been forced upon the Committee on Manufactures, and had been sent to another committee. The Senate could put an end to the discussion of the subject whenever they pleased, if it should be carried to too great a length. But he claimed the right of the committee to be heard in defence of their report. It was due to them in fairness.

Mr. TAZEWELL replied that he felt indifference to the feelings to which the Senator from Kentucky had referred, but had not expressed. As to his conduct in not moving on Monday to go into executive business, he left it to another Senator to do him justice.

Mr. WHITE then stated that the Committee had devolved it upon him to make the motion on Monday to go into executive business, and that he was prevented from making it by the discussion which took place that day.

Mr. TAZEWELL then stated that he was thus exculpated from the charge of remissness of duty on Monday. He defended himself against the crime of having voted to send this subject to the Committee on Public Lands, after the report of the Committee on Manufactures. It ap-

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[JUNE 20, 1832.]

peared from the statement of the Senator from Kentucky, that the Committee on Manufactures only asked to be heard, after their report had been sent by thousands to the public, in explanation of the report; and that they did not ask for action on the subject. The Senator from Kentucky said the Senate could hear the explanation, and then could lay the subject on the table.

Mr. CLAY said the Senator from Virginia could not be more indifferent to any unexpressed sentiments of his, than he was to any of the sentiments of the Senator from Virginia, whether expressed or unexpressed. The private understanding between that Senator and the Senator from Tennessee could not be known to the Senate. Several subjects were taken up on Monday, and there was sufficient opportunity to make the motion then, and which had been now made. And now that members had come here prepared to go into the subject, the Senator from Virginia had made his motion. He disclaimed having thrown out the idea that the subject was not to be acted on, after the explanation had been given, and restated what he had said. He reminded the Senate that the report was sent to the Committee on the Public Lands by a majority of one vote, and the reference could have been denied, had the Senator from Virginia given his vote another way. He stated that this reference was contrary to all congressional practice, as far as his experience enabled him to decide. He expressed a hope that the Senate would take up the subject of the public lands, and suffer the other business to stand over.

Mr. WHITE explained, and repeated that it was the wish of the committee to go into executive business on Monday, and it had been his intention to make the motion, but for the reason he had already given. The committee wished to dispose of the executive business, and he would then go with pleasure into any other business when that should be settled.

Mr. MILLER said he was in favor of the principles in the report of the Committee on Manufactures, but he was opposed to the bill, and was ready to do any thing to kill the bill. He had voted to give an opportunity to the Committee on Public Lands to examine the subject, and to present their views, and he was now willing to permit the Committee on Manufactures to reply to the exposition of the Committee on Public Lands. He stated that as the executive subject, which had been so long lingering here, had been interrupted, he would vote against going into executive session.

Mr. KING said he should vote against taking up the subject of the public lands, and in favor of going into executive business. The subject of the public lands had been pushed through to the point which it had now reached; and he was opposed to putting aside other business, to take up a subject which, instead of being disposed of in two or three days, would, if the state of the session would permit, occupy two or three weeks.

Mr. JOHNSTON stated that the Senate were wasting the day in a discussion of no utility. The Senate had been engaged on a very important bill, when the motion was made to lay it on the table, in order to take up the subject of the public lands. If a motion had been made to lay on the table any bill in order to go into executive business, it would have been deemed discourteous in the Senator from Kentucky to have interposed his motion. It was equally discourteous to interpose a motion to go into executive business; and this kind of discourtesy he had never witnessed before since he had been in the Senate.

Mr. FORSYTH disclaimed any idea of doing injustice to the Senator from Kentucky, or acting unkindly towards him, in his motion to go into executive business. It was entirely to be referred to the importance of the unfinished business in executive session.

Mr. POINDEXTER said he had intended to vote to go

into executive business; but, as the Senate had laid the bill in relation to internal improvements on the table, with an implied assent that the subject of the public lands should be taken up, he should now vote to go into this subject.

Mr. MOORE said he should vote against going into executive session, although he should vote against the bill. He adverted to the immense audience which had been collected for the purpose of hearing the debate set for today; and, although he made no pretensions to gallantry himself, he was not disposed to disappoint the expectations of such an audience.

Mr. BUCKNER said that, being opposed to the measure, he would have voted against taking up the measure in any form, and he should therefore vote for going into executive business. He repeated what had been said as to the time which the subject of the public lands would occupy.

The question was then taken on Mr. FORSYTH's motion, and negatived as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Buckner, Dallas, Dudley, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Robinson, Smith, Sprague, Tazewell, Troup, White.—21.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Dickerson, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Seymour, Silsbee, Tipton, Tomlinson, Tyler, Waggaman, Webster, Wilkins.—26.

The CHAIR then called up the resolutions offered by Mr. EWING, as the first on the list of special orders.

On motion of Mr. EWING, the resolutions were laid on the table.

PUBLIC LANDS.

The Senate then took up the bill to appropriate, for a limited time, the proceeds of the public lands; and the amendments reported by the Committee on Public Lands were read.

Mr. POINDEXTER moved an amendment, giving 500,000 acres to each of the States of Missouri, Mississippi, and Louisiana; which was ordered to be printed.

Mr. CLAY then rose, and said that, in rising to address the Senate, he owed, in the first place, the expression of his hearty thanks to the majority, by whose vote, just given, he was indulged in occupying the floor on this most important question. He was happy to see that the days when sedition acts and gag laws were in force, and when screws were applied for the suppression of the freedom of speech and debate, were not yet to return; and that, when the consideration of a great question had been specially assigned to a particular day, it was not allowed to be arrested and thrust aside by an unexpected and unprecedented parliamentary manœuvre. The decision of the majority demonstrated that feelings of liberality and courtesy and kindness still prevailed in the Senate, and that they would be extended even to one of the humblest members of the body; for such, he assured the Senate, he felt himself to be.

It may not be amiss again to allude to the extraordinary reference of the subject of the public lands to the Committee on Manufactures. I have nothing, said Mr. C., to do with the motives of honorable Senators who composed the majority by which that reference was ordered. The decorum proper in this Hall obliges me to consider their motives to have been pure and patriotic. But still

* This subject had been set down for this day. It was generally expected, in and out of the Senate, that it would be taken up, and that Mr. CLAY would address the Senate. The members were generally in their seats, and the gallery and lobbies crowded. At the customary hour he moved that the subject pending should be laid on the table, to take up the land bill. It was ordered accordingly. At this point of time, Mr. FORSYTH made a motion, supported by Mr. TAZEWELL, that the Senate proceed to executive business. The motion was overruled.—Editors.

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I must be permitted to regard the proceeding as very unusual. The Senate has a standing Committee on Public Lands, appointed under long established rules. The members of that committee are presumed to be well acquainted with the subject; they have some of them occupied the same station for many years, are well versed in the whole legislation on the public lands, and familiar with every branch of it—and four out of five of them come from the new States. Yet, with a full knowledge of all these circumstances, a reference was ordered by a majority of the Senate to the Committee on Manufactures, a committee than which there was not another standing committee of the Senate whose prescribed duties were more incongruous with the public domain. It happened, in the constitution of the Committee on Manufactures, that there was not a solitary Senator from the new States, and but one from any Western State. We had earnestly protested against the reference, and insisted upon its impropriety; but we were overruled by the majority, including a majority of Senators from the new States. I will not attempt an expression of the feelings excited in my mind on that occasion. Whatever may have been the intention of honorable Senators, I could not be insensible to the embarrassment in which the Committee on Manufactures was placed, and especially myself. Although any other member of that committee would have rendered himself, with appropriate researches and proper time, more competent than I was to understand the subject of the public lands, it was known that, from my local position, I alone was supposed to have any particular knowledge of them. Whatever emanated from the committee was likely, therefore, to be ascribed to me. If the committee should propose a measure of great liberality towards the new States, the old States might complain. If the measure should seem to lean towards the old States, the new might be dissatisfied. And if it inclined to neither class of States, but recommended a plan according to which there would be distributed impartial justice among all the States, it was far from certain that any would be pleased.

Without venturing to attribute to honorable Senators the purpose of producing this personal embarrassment, I felt it, as a necessary consequence from their act, just as much as if it had been in their contemplation. Nevertheless, the Committee on Manufactures cheerfully entered upon the duty which, against its will, was thus assigned to it by the Senate. And, for the causes already noticed, that of preparing a report, and suggesting some measure embracing the whole subject, devolved in the committee upon me. The general features of our land system were strongly impressed on my memory; but I found it necessary to re-examine some of the treaties, deeds of cession, and laws which related to the acquisition and administration of the public lands; and then to think of, and, if possible, strike out, some project, which, without inflicting injury upon any of the States, might deal equally and justly with all of them. The report and bill submitted to the Senate, after having been previously sanctioned by a majority of the committee, were the results of this consideration. The report, with the exception of the principle of distribution which concludes it, obtained the unanimous concurrence of the Committee on Manufactures.

The report and bill were hardly read in the Senate before they were violently denounced. And they were not considered by the Senate before a proposition was made to refer the report to that very Committee on Public Lands, to which, in the first instance, I contended the subject ought to have been assigned. It was in vain that we remonstrated against such a proceeding, as unprecedented, as implying unmerited censure on the Committee on Manufactures, and as leading to interminable references; for what more reason could there be to

refer the report of the Committee on Manufactures to the Land Committee, than would exist for a subsequent reference of the report of this committee, when made, to some third committee, and so on in an endless circle? In spite of all our remonstrances, the same majority, with but little, if any, variation, which had originally resolved to refer the subject to the Committee on Manufactures, now determined to commit its bill to the Land Committee. And this not only without particular examination into the merits of that bill, but without the avowal of any specific amendment which was deemed necessary! The Committee on Public Lands, after the lapse of some days, presented a report, and recommended a reduction of the price of the public lands immediately to one dollar per acre, and eventually to fifty cents per acre; and the grant to the new States of fifteen per cent. on the nett proceeds of the sales, instead of ten, as proposed by the Committee on Manufactures, and nothing to the old States.

And now, Mr. President, I desire, at this time, to make a few observations in illustration of the original report; to supply some omissions in its composition; to say something as to the power and rights of the General Government over the public domain; to submit a few remarks on the counter report; and to examine the assumptions which it contained, and the principles on which it is founded.

No subject which had presented itself to the present, or perhaps any preceding Congress, was of greater magnitude than that of the public lands. There was another, indeed, which possessed a more exciting and absorbing interest, but the excitement was happily but temporary in its nature. Long after we shall cease to be agitated by the tariff, ages after our manufactures shall have acquired a stability and perfection which will enable them successfully to cope with the manufactures of any other country, the public lands will remain a subject of deep and enduring interest. In whatever view we contemplate them, there is no question of such vast importance. As to their extent, there is public land enough to found an empire; stretching across the immense continent, from the Atlantic to the Pacific Ocean, from the Gulf of Mexico to the Northwestern lakes, the quantity, according to official surveys and estimates, amounting to the prodigious sum of one billion and eighty millions of acres! As to the duration of the interest regarded as a source of comfort to our people, and of public income, during the last year, when the greatest quantity was sold that ever, in one year, had been previously sold, it amounted to less than three millions of acres, producing three millions and a half of dollars. Assuming that year as affording the standard rate at which the lands will be annually sold, it would require three hundred years to dispose of them. But the sales will probably be accelerated, from increased population and other causes. We may safely, however, anticipate that long, if not centuries, after the present day, the representatives of our children's children may be deliberating in the Halls of Congress on laws relating to the public lands.

The subject, in other points of view, challenged the fullest attention of an American statesman. If there was any one circumstance, more than all others, which distinguished our happy condition from that of the nations of the Old World, it was the possession of this vast national property, and the resources which it afforded to our people and our Government. No European nation (possibly with the exception of Russia) commanded such an ample resource. With respect to the other republics of this continent, we have no information that any of them have yet adopted a regular system of previous survey and subsequent sale of their wild lands, in convenient tracts, well defined, and adapted to the wants of all. On the contrary, the probability is that they adhere to the ruinous and mad system of old Spain, according to which large unsurveyed districts are granted to favorite individuals,

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prejudicial to them, who often sink under the incubance, and die in poverty, whilst the regular current of emigration is checked and diverted from its legitimate channels.

And if there be in the operations of this Government one, which, more than any other, displays consummate wisdom and statesmanship, it is that system by which the public lands have been so successfully administered. We should pause, solemnly pause, before we subvert it. We should touch it hesitatingly, and with the gentlest hand. The prudent management of the public lands, in the hands of the General Government, will be more manifest by contrasting it with that of several of the States, which had the disposal of large bodies of waste lands. Virginia possessed an ample domain west of the mountains and in the present State of Kentucky, over and above her munificent cession to the General Government. Pressed for pecuniary means by the revolutionary war, she brought her wild lands, during its progress, into market, receiving payment in paper money. There were no previous surveys of the waste lands—no townships, no sections, no official definition or description of tracts. Each purchaser made his own location, describing the land bought as he thought proper. These locations or descriptions were often vague and uncertain. The consequence was, that the same tract was not unfrequently entered various times by different purchasers, so as to be literally shingled over with conflicting claims. The State, perhaps, sold in this way much more land than it was entitled to, but then it received nothing in return that was valuable; whilst the purchasers, in consequence of the clashing and interference between their rights, were exposed to tedious, vexatious, and ruinous litigation. Kentucky long and severely suffered from this cause, and is just emerging from the troubles brought upon her by improvident land legislation. Western Virginia has also suffered greatly, though not to the same extent.

The State of Georgia had large bodies of waste lands, which she disposed of in a manner satisfactory no doubt to herself, but astonishing to every one of that commonwealth. According to her system, waste lands are distributed in lotteries among the people of the State, in conformity with the enactments of the Legislature. And when one district of country is disposed of, as there are many who do not draw prizes, the unsuccessful call out for fresh distributions. These are made, from time to time, as lands are acquired from the Indians; and hence one of the causes of the avidity with which the Indian lands are sought. It is manifest that neither the present generation nor posterity can derive much advantage from this mode of alienating public lands. On the contrary, I should think, it cannot fail to engender speculation and a spirit of gambling.

The State of Kentucky, in virtue of a compact with Virginia, acquired a right to a quantity of public lands south of Green river. Neglecting to profit by the unfortunate example of the parent State, she did not order the country to be surveyed previous to its being offered to purchasers. Seduced by some of those wild land projects, of which at all times there have been some afloat, and which hitherto the General Government alone has firmly resisted, she was tempted to offer her waste lands to settlers, at different prices, under the name of head rights or pre-emptions. As the laws, like most legislation upon such subjects, were somewhat loosely worded, the keen eye of the speculator soon discerned the defects, and he took advantage of them. Instances had occurred of masters obtaining certificates of head rights in the name of their slaves, and thus securing the land, in contravention of the intention of the Legislature. Slaves generally have but one name, being called Tom, Jack, Dick, or Harry. To conceal the fraud, the owner would add Black, or some other cognomination, so that the certificate would read Tom Black, Jack Black,

&c. The gentleman from Tennessee [Mr. GRUNDY] will remember, some twenty odd years ago, when we were both members of the Kentucky Legislature, that I took occasion to animadvert upon these fraudulent practices, and observed that, when the names came to be alphabetized, the truth would be told, whatever might be the language of the record; for the alphabet would read Black Tom, Black Harry, &c. Kentucky realized more in her treasury than the parent State had done, considering that she had but a remnant of public lands, and she added somewhat to her population. But they were far less available than they would have been under a system of previous survey and regular sale.

These observations in respect to the course of the respectable States referred to, in relation to their public lands, are not prompted by any unkind feelings towards them, but to show the superiority of the land system of the United States.

Under the system of the General Government, the wisdom of which, in some respects, is admitted even by the report of the Land Committee, the country subject to its operation, beyond the Alleghany mountains, has rapidly advanced in population, improvement, and prosperity. The example of the State of Ohio was emphatically relied on by the report of the Committee on Manufactures—its million of people, its canals and other improvements, its flourishing towns, its highly cultivated fields, all put there within less than forty years. To weaken the force of this example, the Land Committee deny that the population of that State is principally settled upon public lands derived from the General Government. But, Mr. President, with great deference to that committee, I must say that it labors under misapprehension. Three-fourths, if not four-fifths, of the population of that State are settled upon public lands purchased from the United States, and they are the most flourishing parts of the State. For the correctness of this statement, I appeal to my friend from Ohio [Mr. EWING] near me. He knows, as well as I do, that the rich valleys of the Miami of Ohio, and the Maumee of the Lake, the Scioto, and the Muskingum, are principally settled by persons deriving titles to their lands from the United States.

In a national point of view, one of the greatest advantages which these public lands in the West, and this system of selling them, affords, is the resource which they present against pressure and want, in other parts of the Union, from the vocations of society being too closely filled, and too much crowded. They constantly tend to sustain the price of labor, by the opportunity which they offer of the acquisition of fertile land at a moderate price, and the consequent temptation to emigrate from those parts of the Union where labor may be badly rewarded.

The progress of settlement, and the improvement in the fortunes and condition of individuals, under the operation of this beneficent system, are as simple as they are manifest. Pioneers of a more adventurous character, advancing before the tide of emigration, penetrate into the uninhabited regions of the West. They apply the axe to the forest, which falls before them, or the plough to the prairie, deeply sinking its share in the unbroken wild grasses in which it abounds. They build houses, plant orchards, enclose fields, cultivate the earth, and rear up families around them. Meantime, the tide of emigration flows upon them, their improved farms rise in value, a demand for them takes place, they sell to the new comers at a great advance, and proceed farther west, with ample means to purchase from Government, at reasonable prices, sufficient land for all the members of their families. Another and another tide succeeds the first, pushing on westwardly the previous settlers, who, in their turn, sell out their farms, constantly augmenting in price, until they arrive at a fixed and stationary value. In this way, thousands and tens of thousands are daily improving their cir-

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circumstances, and bettering their condition. I have often witnessed this gratifying progress. On the same farm, you may sometimes behold, standing together, the first rude cabin of round and unbewn logs, and wooden chimneys, the hewed log house, chinked and shingled, with stone or brick chimneys; and, lastly, the comfortable brick or stone dwelling; each denoting the different occupants of the farm, or the several stages of the condition of the same occupant. What other nation can boast of such an outlet for its increasing population, such bountiful means of promoting their prosperity, and securing their independence?

To the public lands of the United States, and especially to the existing system by which they are distributed with so much regularity and equity, are we indebted for these signal benefits in our national condition. And every consideration of duty to ourselves and to posterity enjoins that we should abstain from the adoption of any wild project that would cast away this vast national property, held by the General Government in sacred trust for the whole people of the United States, and forbids that we should rashly touch a system which has been so successfully tested by experience.

It has been only within a few years that restless men have thrown before the public their visionary plans for squandering the public domain. With the existing laws, the great State of the West is satisfied and contented. She has felt their benefit, and grown great and powerful under their sway. She knows and testifies to the liberality of the General Government in the administration of the public lands, extended alike to her and to the other new States. There are no petitions from, no movements in, Ohio, proposing vital and radical changes in the system. During the long period, in the House of Representatives and in the Senate, that her upright and unambitious citizen, the first Representative of that State, and afterwards successively Senator and Governor, presided over the Committee on Public Lands, we heard of none of these chimerical schemes. All went on smoothly, and quietly, and safely. No man, in the sphere within which he acted, ever commanded or deserved the implicit confidence of Congress more than Jeremiah Morrow. There existed a perfect persuasion of his entire impartiality and justice between the old States and the new. A few artless but sensible words, pronounced in his plain Scotch Irish dialect, were always sufficient to ensure the passage of any bill or resolution which he reported. For about twenty-five years, there was no essential change in the system; and that which was at last made, varying the price of the public lands from two dollars, at which it had all that time remained, to one dollar and a quarter, at which it has been fixed only about ten or twelve years, was founded mainly on the consideration of abolishing the previous credits.

Assuming the duplication of our population in terms of twenty-five years, the demand for waste land, at the end of every term, will at least be double what it was at the commencement. But the ratio of the increased demand will be much greater than the increase of the whole population of the United States, because the Western States nearest to or including the public lands populate much more rapidly than other parts of the Union: and it will be from them that the greatest current of emigration will flow. At this moment Ohio, Kentucky, and Tennessee are the most migrating States in the Union.

To supply this constantly augmenting demand, the policy which has hitherto characterized the General Government, has been highly liberal both towards individuals and the new States. Large tracts, far surpassing the demand of purchasers, in every climate and situation adapted to the wants of all parts of the Union, are brought into the market at moderate prices, the Government having sustained all the expense of the original purchase, and of surveying, marking, and dividing the land. For fifty dol-

lars, any poor man may purchase forty acres of first rate land; and, for less than the wages of one year's labor, he may buy eighty acres. To the new States, also, has the Government been liberal and generous in the grants for schools and for internal improvements, as well as in reducing the debt contracted for the purchase of lands by the citizens of those States who were tempted, in a spirit of inordinate speculation, to purchase too much or at too high prices.

Such is a rapid outline of this invaluable national property—of the system which regulates its management and distribution, and of the effects of that system. We might here pause, and wonder that there should be a disposition with any to waste or throw away this great resource, or to abolish a system which has been fraught with so many manifest advantages. Nevertheless, there are such, who, impatient with the slow and natural operation of wise laws, have put forth various pretensions and projects concerning the public lands within a few years past. One of these pretensions is an assumption of the sovereign right of the new States to all the lands within their respective limits, to the exclusion of the General Government, and to the exclusion of all the people of the United States, those in the new States only excepted. It is my purpose now to trace the origin, examine the nature, and expose the injustice of this pretension.

This pretension may be fairly ascribed to the propositions of the gentleman from Missouri, [Mr. BEXFORD,] to graduate the public lands, to reduce the price, and to cede the "refuse" lands (a term which, I believe, originated with him) to the States within which they lie. Prompted, probably, by these propositions, a late Governor of Illinois, unwilling to be outdone, presented an elaborate message to the Legislature of that State, in which he gravely and formally asserted the right of that State to all the land of the United States comprehended within its limits. It must be allowed that the Governor was a most impartial judge, and the Legislature a most disinterested tribunal, to decide such a question.

The Senator from Missouri was chanting, most sweetly, to the tune "refuse lands," "refuse lands," "refuse lands," on the Missouri side of the Mississippi; and the soft strains of his music having caught the ear of his Excellency on the Illinois side, he joined in chorus, and struck an octave higher. The Senator from Missouri wished only to pick up some crumbs which fell from Uncle Sam's table; but the Governor resolved to grasp the whole loaf. The Senator modestly claimed only an old smoked, rejected joint; but the stomach of his Excellency yearned after the whole hog! The Governor peeped over the Mississippi into Missouri, and saw the Senator leisurely roaming in some rich pastures, on bits of refuse land. He returned to Illinois, and, springing into the grand prairie, determined to claim and occupy it in all its boundless extent.

Then came the resolution of the Senator from Virginia, [Mr. TAZEWELL,] in May, 1826, in the following words: "Resolved, That it is expedient for the United States to cede and surrender to the several States, within whose limits the same may be situated, all the right, title, and interest of the United States to any lands lying and being within the boundaries of such States, respectively, upon such terms and conditions as may be consistent with the due observance of the public faith, and with the general interest of the United States." The latter words rendered the resolution somewhat ambiguous; but still it contemplated a cession and surrender. Subsequently the Senator from Virginia proposed, after a certain time, a gratuitous surrender of all unsold lands, to be applied by the Legislature in support of education, and the internal improvement of the State.

[Here Mr. TAZEWELL controverted the statement. Mr. CLAY called to the Secretary to hand him the journal of

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April, 1828, which he held up to the Senate, and read from it the following:

"The bill to graduate the price of the public lands, to make donations thereof to actual settlers, and to cede the refuse to the States in which they lie, being under consideration,

"Mr. TAZEWELL moved to insert the following as a substitute: That the land which shall have been subject to sale under the provisions of this act, and shall remain unsold for two years, after having been offered at twenty-five cents per acre, shall be, and the same is, ceded to the State in which the same may lie, to be applied by the Legislature thereof in support of education, and the internal improvement of the State."

Thus, it appears, not only that the honorable Senator proposed the cession, but showed himself the friend of education and internal improvements, by means derived from the General Government. For this liberal disposition, on his part, I believe it was that the State of Missouri honored a new county with his name. If he had carried his proposition, that State might well have granted a principality to him.

The memorial of the Legislature of Illinois, probably produced by the message of the Governor already noticed, had been presented, asserting a claim to the public lands. And it seems (although the fact had escaped my recollection, until I was reminded of it by one of her Senators [Mr. HENDRICKS] the other day) that the Legislature of Indiana had instructed her Senators to bring forward a similar claim. At the last session, however, of the Legislature of that State, resolutions had passed, instructing her delegation to obtain from the General Government cessions of the unappropriated public lands on the most favorable terms. It is clear, from this last expression of the will of that Legislature, that, on reconsideration, it believed the right to the public lands to be in the General Government, and not in the State of Indiana. For, if they did not belong to the General Government, it had nothing to cede; if they belonged already to the State, no cession was necessary to the perfection of the right of the State.

I will here submit a passing observation. If the General Government had the power to cede the public lands to the new States, for particular purposes, and on prescribed conditions, its power must be unquestionable to make some reservations, for similar purposes, in behalf of the old States. Its power cannot be without limit as to the new States, and circumscribed and restricted as to the old. Its capacity to bestow benefits, or dispense justice, is not confined to the new States, but is co-extensive with the whole Union. It may grant to all, or it can grant to none. And this comprehensive equity is not only in conformity with the spirit of the cessions in the deeds from the ceding States, but is expressly enjoined by the terms of those deeds.

Such is the probable origin of the pretension which I have been tracing; and now let us examine its nature and foundation. The argument in behalf of the new States is founded on the notion that, as the old States, upon coming out of the revolutionary war, had or claimed a right to all the lands within their respective limits, and as the new States have been admitted into the Union on the same footing and condition, in all respects, with the old, therefore they are entitled to all the waste lands embraced within their boundaries. But the argument forgets that all the revolutionary States had not waste lands; that some had but very little, and others none. It forgets that the right of the States to the waste lands within their limits was controverted; and that it was insisted that, as they had been conquered in a common war, waged with common means, and attended with general sacrifices, the public lands should be held for the common benefit of all the States. It forgets that, in consequence of this right, as-

serted in behalf of the whole Union, the States that contained any large bodies of waste lands, (and Virginia, particularly, that had the most,) ceded them to the Union for the equal benefit of all the States. It forgets that the very equality which is the basis of the argument would be totally subverted by the admission of the validity of the pretension. For how would the matter then stand? The revolutionary States will have divested themselves of the large districts of vacant lands which they contained, for the common benefit of all the States, and those same lands will enure to the benefit of the new States exclusively. There will be, on the supposition of the validity of the pretension, a reversal of the condition of the two classes of States. Instead of the old having, as is alleged, the wild lands which they included at the epoch of the revolution, they will have none, and the new States all. And this in the name and for the purpose of equality among all the members of the confederacy! What, especially, would be the situation of Virginia? She magnanimously ceded an empire in extent for the common benefit. And now it is proposed not only to withdraw that empire from the object of its solemn dedication to the use of all the States, but to deny her any participation in it, and appropriate it exclusively to the benefit of the new States carved out of it.

If the new States had any right to the public lands, in order to produce the very equality contended for, they ought forthwith to cede that right to the Union, for the common benefit of all the States. Having no such right, they ought to acquiesce cheerfully in an equality which does, in fact, now exist between them and the old States.

The Committee on Manufactures has clearly shown that, if the right were recognised in the new States, now existing, to the public lands within their limits, each of the new States, as they might hereafter be successively admitted into the Union, would have the same right; and consequently that the pretension under examination embraces, in effect, the whole public domain, that is, a billion and eighty millions of acres of land.

The right of the Union to the public lands is incontestable. It ought not to be considered debatable. It never was questioned but by a few, whose monstrous heresy, it was probably supposed, would escape animadversion from the enormity of the absurdity, and the utter impracticability of the success of the claim. The right of the whole is sealed by the blood of the revolution, founded upon solemn deeds of cession from sovereign States, deliberately executed in the face of the world, or resting upon national treaties concluded with foreign Powers, on ample equivalents contributed from the common treasury of the people of the United States.

This right of the whole was stamped upon the face of the new States at the very instant of their parturition. They admitted and recognised it with their first breath. They hold their stations, as members of the confederacy, in virtue of that admission. The Senators who sit here, and the members in the House of Representatives from the new States, deliberate in Congress with other Senators and Representatives, under that admission. And, since the new States came into being, they have recognised this right of the General Government by innumerable acts:

By their concurrence in the passage of hundreds of laws respecting the public domain, founded upon the incontestable right of the whole of the States;

By repeated applications to extinguish Indian titles, and to survey the lands which they covered;

And by solicitation and acceptance of extensive grants from the General Government of the public lands.

The existence of the new States is a falsehood, or the right of all the States to the public domain is an undeniable truth. They have no more right to the public lands within their particular jurisdictions, than other States have

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to the mint, the forts and arsenals, or public ships within theirs; or than the people of the District of Columbia have to this magnificent capitol, in whose splendid halls we deliberate.

The equality contended for between all the States now exists. The public lands are now held, and ought to be held and administered for the common benefit of all. I hope our fellow-citizens of Illinois, Indiana, and Missouri, will reconsider the matter; that they will cease to take counsel from demagogues who would deceive them, and instil erroneous principles into their ears; and that they will feel and acknowledge that their brethren of Kentucky and of Ohio, and of all the States in the Union, have an equal right with the citizens of those three States in the public lands. If the possibility of an event so direful as a severance of this Union were for a moment contemplated, and, what would be the probable consequence of such an unspeakable calamity, three confederacies were formed out of its fragments, do you imagine that the Western confederacy would consent to the States including the public lands, holding them exclusively for themselves? Can you imagine that the States of Ohio, Kentucky, and Tennessee would quietly renounce their right in all the public lands west of them? No, sir! No, sir! They would wade to their knees in blood before they would make such an unjust and ignominious surrender.

But this pretension, unjust to the old States, unequal as to all, would be injurious to the new States themselves, in whose behalf it has been put forth, if it were recognised. The interest of the new States is not confined to the lands within their limits, but extends to the whole billion and eighty millions of acres. Sanction the claim, however, and they are cut down and restricted to that which is included in their own boundaries. Is it not better for Ohio, instead of the five millions and a half—for Indiana, instead of the fifteen millions—or even for Illinois, instead of the thirty-one or thirty-two millions—or Missouri, instead of the thirty-eight millions—within their respective limits, to retain their interest in those several quantities, and also retain their interest, in common with the other members of the Union, in the countless millions of acres that lie west, or northwest, beyond them?

I will now proceed, Mr. President, to consider the expediency of a reduction of the price of the public lands, and the reasons assigned by the Land Committee in their report in favor of that measure. They are presented there in formidable detail, and spread out under seven different heads. Let us examine them: The first is, "because the new States have a clear right to participate in the benefits of a reduction of the revenue to the wants of the Government, by getting the reduction extended to the article of revenue chiefly used by them." Here is a renewal of the attempt, made early in the session, to confound the public lands with foreign imports, which was so successfully exposed and refuted by the report of the Committee on Manufactures. Will not the new States participate in any reduction of the revenue, in common with the old States, without touching the public lands? As far as they are consumers of objects of foreign imports, will they not equally share the benefit with the old States? What right, over and above that equal participation, have the new States to a reduction of the price of the public lands? As States, what right, much less what "clear right," have they to any such reduction? In their sovereign or corporate capacity, what right? Have not all the stipulations between them, as States, and the General Government, been fully complied with? Have the people within the new States, considered distinct from the States themselves, any right to such reduction? Whence is it derived? They went there in pursuit of their own happiness. They bought lands from the public, because it was

their interest to make the purchase, and they enjoy them. Did they, because they purchased some land, which they possess peacefully, acquire any, and what right, in the land which they did not buy? But it may be argued that, by settling and improving these lands, the adjacent public lands are enhanced. True, and so are their own. This enhancement of the public lands was not a consequence which they went there to produce, but was a collateral effect, as to which they were passive. The public does not seek to avail itself of this augmentation in value, by augmenting the price. It leaves that where it was; and the demand for reduction is made in behalf of those who say their labor has increased the value of the public lands, and the claim to reduction is founded upon the fact of enhanced value. The public, like all other landholders, had a right to anticipate that the sale of a part would communicate, incidentally, greater value upon the residue. And, like all other land proprietors, it has the right to ask more for that residue, but it does not; and, for one, I should be as unwilling to disturb the existing price by augmentation as by reduction. But the public lands is the article of revenue which the people of the new States chiefly consume. In another part of this report, liberal grants of the public lands are recommended, and the idea of holding the public lands as a source of revenue is scouted, because it is said that more revenue could be collected from the settlers, as consumers, than from the lands. Here, it seems that the public lands are the article of revenue chiefly consumed by the new States.

With respect to lands yet to be sold, they are open to the purchase, alike of emigrants from the old States, and settlers in the new. As the latter have most generally supplied themselves with lands, the probability is that the emigrants are more interested in the question of reduction than the settlers. At all events, there can be no peculiar right to such reduction existing in the new States. It is a question common to all, and to be decided in reference to the interest of the whole Union.

2. "Because the public debt being now paid, the public lands are entirely released from the pledge they were under to that object, and are free to receive a new and liberal destination, for the relief of the States in which they lie."

The payment of the public debt is conceded to be near at hand; and it is admitted that the public lands, being liberated, may now receive a new and liberal destination. Such an appropriation of their proceeds is proposed by the bill reported by the Committee on Manufactures, and which I shall hereafter call the attention of the Senate more particularly to. But it did not seem just to that committee that this new and liberal destination of them should be restricted "for the relief of the States in which they lie" exclusively, but should extend to all the States indiscriminately, upon principles of equitable distribution.

3. "Because nearly one hundred millions of acres of the land now in market are the refuse of sales and donations, through a long series of years, and are of very little actual value, and only fit to be given to settlers, or abandoned to the States in which they lie."

According to an official statement, the total quantity of public land which had been surveyed up to the 31st of December last was a little upwards of 162,000,000 acres. Of this, a large proportion, perhaps even more than the 100,000,000 acres stated in the land report, has been a long time in market. The entire quantity which has ever been sold by the United States, up to the same day, after deducting lands relinquished and lands reverted to the United States, according to an official statement also, is 25,242,590 acres. Thus, after the lapse of thirty-six years, during which the present land system has been in operation, a little more than twenty-five millions of acres have been sold, not averaging a million per annum, and upwards of one hundred millions of the surveyed lands

remain to be sold. The argument of the report of the Land Committee assumes that "nearly one hundred millions are the refuse of sales and donations," are of very little actual value, and only fit to be given to settlers, or abandoned to the States in which they lie.

Mr. President, let us define as we go; let us analyze. What do the Land Committee mean by "refuse land?" Do they mean worthless, inferior, rejected land, which nobody will buy, at the present Government price? Let us look at facts, and make them our guide. The Government is constantly pressed by the new States to bring more and more land into the market; to extinguish more Indian titles; to survey more. The new States themselves are probably urged to operate upon the General Government by emigrants and settlers who see still before them, in their progress west, other new lands which they desire. The General Government yields to the solicitations. It throws more land into the market, and it is annually and daily preparing additional surveys of fresh lands. It has thrown, and is preparing to throw, open to purchasers already one hundred and sixty-two millions of acres. And now, because the capacity to purchase, in its nature limited by the growth of our population, is totally incompetent to absorb this immense quantity, the Government is called upon, by some of the very persons who urged the exhibition of this vast amount to sale, to consider all that remains unsold as refuse! Twenty-five millions in thirty-six years only are sold, and all the rest is to be looked upon as refuse! Is this right? If there had been five hundred millions in market, there probably would not have been more, or much more, sold. But I deny the correctness of the conclusion, that it is worthless, because not sold. It is not sold, because there were not people to buy it. You must have gone to other countries, to other worlds, to the moon, and drawn from thence people to buy the prodigious quantity which you offered to sell.

Refuse land! A purchaser goes to a district of country, and buys out of a township a section which strikes his fancy. He exhausts his money. Others might have preferred other sections. Other sections may even be better than his. He can with no more propriety be said to have "refused" or rejected all the other sections, than a man who, attracted by the beauty, charms, and accomplishments of a particular lady, marries her, can be said to have rejected or refused all the rest of the sex.

Is it credible, that, out of one hundred and fifty or one hundred and sixty millions of acres of land in a valley, celebrated for its fertility, there are only about twenty-five millions of acres of good land, and that all the rest is refuse? Take the State of Illinois as an example. Of all the States in the Union, that State probably contains the greatest proportion of rich fertile lands. More than Ohio, more than Indiana, abounding as they both do in fine lands. Of the thirty-three millions and a half of public lands in Illinois, a little more only than two millions have been sold. Is the residue of thirty-one millions all refuse land? Who that is acquainted in the West can assert or believe it? No, sir; there is no such thing. The unsold lands are unsold, because of the reasons already assigned. Doubtless there is much inferior land remaining, but a vast quantity of the best of lands also. For its timber, soil, water power, grazing, minerals, almost all land possesses a certain value. If the lands unsold are refuse and worthless in the hands of the General Government, why are they sought after with so much avidity? If in our hands they are good for nothing, what more would they be worth in the hands of the new States? "Only fit to be given to settlers." What settlers would thank you? what settlers would not scorn a gift of refuse, worthless land? If you mean to be generous, give them what is valuable; be manly in your generosity.

But let us examine a little closer this idea of refuse land. If there be any State in which it is to be found in

large quantities, that State would be Ohio. It is the oldest of the new States. There the public lands have remained longest exposed in the market. But there we find only five millions and a half to be sold. And I hold in my hand an account of sales in the Zanesville district, one of the oldest in that State, made during the present year. It is in a paper entitled the "Ohio Republican," published at Zanesville the 26th May, 1832. The article is headed "Refuse Land," and it states: "It has suited the interest of some to represent the lands of the United States which have remained in market for many years, as mere 'refuse,' which cannot be sold; and to urge a rapid reduction of price, and the cession of the residue, in a short period, to the States in which they are situated. It is strongly urged against this plan that it is a speculating project, which, by alienating a large quantity of land from the United States, will cause a great increase of price to actual settlers in a few years, instead of their being able forever, as it may be said is the case under the present system of land sales, to obtain a farm at a reasonable price. To show how far the lands unsold are from being worthless, we copy from the Gazette the following statement of recent sales in the Zanesville district, one of the oldest districts in the West. The sales at the Zanesville land office, since the commencement of the present year, have been as follows: January, \$7,120 80; February, \$8,542 67; March, \$11,744 75; April, \$9,209 19; and since the first of the present month, about \$9,000 worth have been sold, more than half of which was in forty acre lots." And there cannot be a doubt that the act, passed at this session, authorizing sales of forty acres, will, from the desire to make additions to farms, and to settle young members of families, increase the sales very much, at least during this year.

A friend of mine in this city bought, in Illinois, last fall, about 2,000 acres of this refuse land, at the minimum price, for which he has lately refused six dollars per acre. An officer of this body, now in my eye, purchased a small tract of this same refuse land of 160 acres, at second or third hand, entered a few years ago, and which is now estimated at 1,900 dollars. It is a business, a very profitable business, at which fortunes are made in the new States, to purchase these refuse lands, and, without improving them, to sell them again at large advances.

Far from being discouraged by the fact of so much surveyed public land remaining unsold, we should rejoice that this bountiful resource, possessed by our country, remains in almost undiminished quantity, notwithstanding so many new and flourishing States have sprung up in the wilderness, and so many thousands of families have been accommodated. It might be otherwise if the public land was dealt out by Government with a sparing, grudging, griping hand. But they are liberally offered, in exhaustless quantities, and at moderate prices, enriching individuals, and tending to the rapid improvement of the country. The two important facts brought forward, and emphatically dwelt on by the Committee on Manufactures, stand in their full force, unaffected by any thing stated in the report of the Land Committee. These facts must carry conviction to every unbiased mind that will deliberately consider them. The first is the rapid increase of the new States, far outstripping the old, averaging annually an increase of eight and a half per cent., and doubling of course in twelve years. One of these States, Illinois, full of refuse land, increasing at the rate of eighteen and a half per cent.! Would this astonishing growth take place if the lands were too high, or all the good land sold? The other fact is the vast increase in the annual sales; in 1830, rising to three millions. Since the report of the Committee on Manufactures, the returns have come in of the sales of last year, which had been estimated at three millions. They were, in fact, \$3,566,127 94! Their progressive increase baffles all

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alculation. Would this happen, if the price were too high?

It is argued that the value of different townships and sections is various; and that it is, therefore, wrong to fix the same price for all. The variety in the quality, situation, and advantages of different tracts, is no doubt great. After the adoption of any system of classification, there would still remain very great diversity in the tracts belonging to the same class. This is the law of nature. The resumption of inferiority, and of refuse land, founded upon the length of time that the land had been in market, denied, for reasons already stated. The offer, at public auction, of all lands to the highest bidder, previous to their being sold at private sale, provides, in some degree, for the variety in the value; since each purchaser pushes the land up to the price which, according to his opinion, he ought to command. But, if the price demanded by government is not too high for the good land, (and no one will believe it,) why not wait until that is sold before any reduction of price in the bad? And that will not be sold for many years to come. It would be quite as wrong to bring the price of good land down to the standard of the bad, as it is alleged to be to carry the latter up to that of the former. Until the good land is sold, there will be no purchasers of the bad: for, as has been stated in the report of the Committee on Manufactures, a discreet farmer would rather give a dollar and a quarter per acre for first class land, than accept refuse and worthless land as a present.

4. "Because the speedy extinction of the federal title within their limits is necessary to the independence of the new States; to their equality with the elder States; to the development of their resources; to the subjection of their soil to taxation, cultivation, and settlement; and to the proper enjoyment of their jurisdiction and sovereignty." All this is mere assertion and declamation. The General Government, at a moderate price, is selling the public lands as fast as it can find purchasers. The new States are populating with unexampled rapidity; their condition is now much more eligible than that of some of the old states. Ohio, I am sorry to be obliged to confess, is, in internal improvement, and some other respects, fifty years in advance of her elder sister and neighbor, Kentucky. Now have her growth and prosperity, her independence, her equality with the elder States, the development of her resources, the taxation, cultivation, and settlement of her soil, or the proper enjoyment of her jurisdiction and sovereignty, been affected or impaired by the federal title within her limits? The federal title! It has been a source of blessings and of bounties, but not of one real grievance. As to the exemption from taxation of the public lands, and the exemption, for five years, of those sold to individuals, if the public land belonged to the new States, would they tax it? And as to the latter exemption, it is paid for by the General Government, as may be seen by reference to the compacts; and it is, moreover, beneficial to the new States themselves, by holding out a motive to emigrants to purchase and settle within their limits.

5. "Because the ramified machinery of the Land Office department, and the ownership of so much soil, extends the patronage and authority of the General Government to the heart and corners of the new States, and subverts their policy to the danger of a foreign and powerful influence."

A foreign and powerful influence! The Federal Government a foreign Government! And the exercise of a intimate control over the national property, for the benefit of the whole people of the United States, a deprecatory penetration into the heart and corners of the new States! As to the calamity of the land offices which are held within them, I believe that it is not regarded by the people of those States with quite as much horror as it is viewed by the Land Committee. They justly consider

that they ought to hold those offices themselves, and that no persons ought to be sent from the other foreign States of this Union to fill them. And, if the number of the offices were increased, it would not be looked upon by them as a grievous addition to the calamity.

But what do the Land Committee mean by the authority of this foreign, Federal Government? Surely they do not desire to get rid of the Federal Government. And yet the final settlement of the land question will have effected but little in expelling its authority from the bosoms of the new States. Its action will still remain in a thousand forms, and the heart and corners of the new States will still be invaded by post offices and postmasters, and post roads, and the Cumberland road, and various other modifications of its power.

7. "Because the sum of \$425,000,000, proposed to be drawn from the new States and Territories, by the sale of their soil, at one dollar and twenty-five cents per acre, is unconscionable and impracticable—such as never can be paid; and the bare attempt to raise which must drain, exhaust, and impoverish these States, and give birth to the feelings which a sense of injustice and oppression never fail to excite, and the excitement of which should be so carefully avoided in a confederacy of free States."

In another part of their report, the committee say, speaking of the immense revenue alleged to be derivable from the public lands, "this ideal revenue is estimated at \$425,000,000 for the lands now within the limits of the States and Territories, and at \$1,363,589,691 for the whole federal domain. Such chimerical calculations preclude the propriety of argumentative answers." Well; if these calculations are all chimerical, there is no danger from the preservation of the existing land system of draining, exhausting, and impoverishing the new States, and of exciting them to rebellion.

The Manufacturing Committee did not state what the public lands would, in fact, produce. They could not state it. It is hardly a subject of approximate estimate. The committee stated what would be the proceeds, estimated by the minimum price of the public lands; what, at one-half of that price; and added that, although there might be much land that would never sell at one dollar and a quarter per acre, "as fresh lands are brought into market and exposed to sale at public auction, many of them sell at prices exceeding one dollar and a quarter per acre." They concluded by remarking that the least favorable view of regarding them was to consider them a capital yielding an annuity of three millions of dollars at this time; that, in a few years, that annuity would probably be doubled; and that the capital might then be assumed as equal to \$100,000,000.

Whatever may be the sum drawn from the sales of the public lands, it will be contributed, not by citizens of the States alone in which they are situated, but by emigrants from all the States. And it will be raised, not in a single year, but in a long series of years. It would have been impossible for the State of Ohio to have paid, in one year, the millions that have been raised in that State by the sale of public lands; but, in a period of upwards of thirty years, the payment has been made, not only without impoverishing, but with the constantly increasing prosperity of the State.

Such, Mr. President, are the reasons of the Land Committee for the reduction of the price of the public lands. Some of them had been anticipated and refuted in the report of the Manufacturing Committee; and I hope that I have now shown the insolidity of the residue.

I will not dwell upon the consideration, urged in that report, against any large reduction, founded upon its inevitable tendency to lessen the value of the landed property throughout the Union, and that in the Western States especially. That such would be the necessary

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consequence, no man can doubt who will seriously reflect upon such a measure as that of throwing into the market, immediately, upwards of one hundred and thirty millions of acres, and at no distant period upwards of two hundred millions more, at greatly reduced rates.

If the honorable chairman of the Land Committee [Mr. KING] had relied upon his own sound practical sense, he would have presented a report far less objectionable than that which he has made. He has availed himself of another's aid, and the hand of the Senator from Missouri [Mr. BENTON] is as visible in the composition, as if his name had been subscribed to the instrument. We hear again, in this paper, of that which we had so often heard repeated before in debate by the Senator from Missouri—the sentiments of Edmund Burke. And what was the state of things in England, to which those sentiments were applied?

England has too little land and too many people. America has too much land for the present population of the country, and wants people. The British Crown had owned, for many generations, large bodies of land, preserved for game and forest, from which but small revenues were derived. It was proposed to sell out the Crown lands, that they might be peopled and cultivated, and that the royal family should be placed on the civil list. Mr. Burke supported the proposition by convincing arguments. But what analogy is there between the Crown lands of the British sovereign, and the public lands of the United States? Are they here locked up from the people, and, for the sake of their game or timber, excluded from sale? Are not they freely exposed in market to all who want them, at moderate prices? The complaint is that they are not sold fast enough; in other words, that people are not multiplied rapidly enough to buy them. Patience, gentlemen of the Land Committee, patience! The new States are daily rising in power and importance. Some of them are already great and flourishing members of the confederacy. And, if you will only acquiesce in the certain and quiet operation of the laws of God and man, the wilderness will quickly team with people, and be filled with the monuments of civilization.

The report of the Land Committee proceeds to notice and to animadvert upon certain opinions of the late Secretary of the Treasury, contained in his annual report, and endeavors to connect them with some sentiments expressed in the report of the Committee on Manufactures. That report had before been the subject of repeated commentary in the Senate, by the Senator from Missouri; and of much misrepresentation and vituperation in the public press. Mr. Rush showed me the rough draught of that report, and I advised him to expunge the paragraphs in question, because I foresaw that they would be misrepresented, and that he would be exposed to unjust accusation. But knowing the purity of his intentions, believing in the soundness of the views which he presented, and confiding in the candor of a just public, he resolved to retain the paragraphs. I cannot suppose the Senator from Missouri ignorant of what passed between Mr. Rush and me, and of his having, against my suggestions, retained the paragraphs in question; because these facts were all stated by Mr. Rush himself, in a letter addressed to a late member of the House of Representatives, representing the district in which I reside, which letter, more than a year ago, was published in the Western papers.

I shall say nothing in defence of myself—nothing to disprove the charge of my cherishing unfriendly feelings and sentiments towards any part of the West. If the public acts in which I have participated, if the uniform tenor of my whole life, will not refute such an imputation, nothing that I could here say would refute it.

But I will say something in defence of the opinions of my late patriotic and enlightened colleague, not here to

speak for himself; and I will vindicate his official opinions from the erroneous glosses and interpretations which have been put upon them.

Mr. Rush, in an official report, which will long remain a monument of his ability, was surveying, with a statesman's eye, the condition of America. He was arguing in favor of the protective policy—the American system. He spoke of the limited vocations of our society, and the expediency of multiplying the means of increasing subsistence, comfort, and wealth. He noticed the great and the constant tendency of our fellow-citizens to the cultivation of the soil, the want of a market for their surplus produce, the inexpediency of all blindly rushing to the same universal employment, and the policy of dividing ourselves into various pursuits. He says, “The manner in which the remote lands of the United States are selling and settling, whilst it possibly may tend to increase more quickly the aggregate population of the country, and the mere means of subsistence, does not increase capital in the same proportion. . . . Any thing that may serve to hold back this tendency to diffusion from running too far and too long into an extreme, can scarcely prove otherwise than salutary. . . . If the population of these, [a majority of the States, including some Western States,] not yet redundant in fact, though appearing to be so, under this legislative incitement to emigrate, remained fixed in more instances, as it probably would be by extending the motives to manufacturing labor, it is believed that the nation would gain in two ways: first, by the more rapid accumulation of capital; and, next, by the gradual reduction of the excess of its agricultural population over that engaged in other vocations. It is not imagined that it ever would be practicable, even if it were desirable, to turn this stream of emigration aside; but resources, opened through the influence of the laws, in new fields of industry, to the inhabitants of the States already sufficiently peopled to enter upon them, might operate to lessen, in some degree, and usefully lessen, its absorbing force.”

Now, Mr. President, what is there in this view adverse to the West, or unfavorable to its interests? Mr. Rush is arguing on the tendency of the people to engage in agriculture, and the incitement to emigration produced by our laws. Does he propose to change those laws, in that particular? Does he propose, in fact, any new measure? So far from suggesting any alteration of the conditions on which the public lands are sold, he expressly says that it is not desirable, if it were practicable, to turn this stream of emigration aside. Leaving all the laws in full force, and all the motives to emigration, arising from fertile and cheap lands, untouched, he recommends the encouragement of a new branch of business, in which all the Union, the West as well as the rest, is interested; thus, presenting an option to population to engage in manufactures or in agriculture, at its own discretion. And does such an option afford just ground of complaint to any one? Is it not an advantage to all? Do the Land Committee desire (I am sure they do not) to create starvation in one part of the Union, that emigrants may be forced into another? If they do not, they ought not to condemn a multiplication of human employments, by which, as its certain consequence, there will be an increase in the means of subsistence and comfort. The objection to Mr. Rush, then, is, that he looked at his whole country, and at all parts of it; and that, while he desired the prosperity and growth of the West to advance undisturbed, he wished to build up, on deep foundations, the welfare of all the people.

Mr. Rush knew that there were thousands of the poorer classes who never could emigrate; and that emigration, under the best auspices, was far from being unattended with evil. There are moral, physical, pecuniary obstacles to all emigration; and these will increase as the good

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vacant lands of the West are removed, by intervening settlements, farther and farther from society, as it is now located. It is, I believe, Dr. Johnson who pronounces that, of all vegetable and animal creation, man is the most difficult to be uprooted and transferred to a distant country; and he was right. Space itself—mountains, and seas, and rivers, are impediments. The want of pecuniary means, the expenses of the outfit, subsistence, and transportation of a family, is no slight circumstance. When all these difficulties are overcome, (and how few, comparatively, can surmount them?) the greatest of all remains—that of being torn from one's natal spot; separated forever from the roof under which the companions of his childhood were sheltered, from the trees which have shaded him from summers' heats, the spring from whose gushing fountain he has drank in his youth, the tombs that hold the precious relics of his venerated ancestors!

But I have said that the Land Committee had attempted to confound the sentiments of Mr. Rush with some of the reasoning employed by the Committee on Manufactures against the proposed reduction of the price of the public lands. What is that reasoning? Here it is: it will speak for itself; and, without a single comment, will demonstrate how different it is from that of the late Secretary of the Treasury, unexceptionable as that has been shown to be: "The greatest emigration (say the Manufacturing Committee) that is believed now to take place from any of the States, is from Ohio, Kentucky, and Tennessee. The effects of a material reduction in the price of the public lands would be—1st, To lessen the value of real estate in those three States; 2d, To diminish their interest in the public domain, as a common fund for the benefit of all the States; and, 3d, To offer what would operate as a bounty to further emigration from those States, occasioning more and more lands, situated within them, to be thrown into the market; thereby not only lessening the value of their lands, but draining them both of their population and currency."

There are good men in different parts, but especially in the Atlantic portion of the Union, who have been induced to regard lightly this vast national property; who have been persuaded that the people of the West are dissatisfied with the administration of it; and who believe that it will, in the end, be lost to the nation; and that it is not worth present care and preservation. But these are radical mistakes. The great body of the West are satisfied—perfectly satisfied, with the general administration of the public lands. They would, indeed, like, and are entitled to, a more liberal expenditure among them of the proceeds of the sales. For this provision is made by the bill to which I will hereafter call the attention of the Senate. But the great body of the West have not called for, and understand too well their real interest to desire, any essential change in the system of survey, sale, or price of the lands. There may be a few, stimulated by demagogues, who desire change; and what system is there, what Government, what order of human society, that a few do not desire changed?

It is one of the admirable properties of the existing system that it contains within itself, and carries along, principles of conservation and safety. In the progress of its operation, new States become identified with the old, in feeling, in thinking, and in interest. Now, Ohio is as sound as any old State in the Union, in all her views relating to the public lands. She feels that her share in the exterior domain is much more important than would be an exclusive right to the few millions of acres left unsold within her limits, accompanied by a virtual surrender of her interest in all the other public lands of the United States. And I have no doubt that now, the people of the other new States, left to their own unbiased sense of equity and justice, would form the same judgment. They

cannot believe that what they have not bought, what remains the property of themselves and all their brethren of the United States, in common, belongs to them exclusively. But if I am mistaken—if they have been deceived by erroneous impressions on their mind, made by artful men, as the sales proceed, and the public land is exhausted, and their population increased, like the State of Ohio, they will feel that their true interest points to their remaining copartners in the whole national domain, instead of bringing forward an unfounded pretension to the inconsiderable remnant which will be then left in their own limits.

And now, Mr. President, I have to say something in respect to the particular plan brought forward by the Committee on Manufactures for a temporary appropriation of the proceeds of the sales of the public lands.

The committee saw that this fund is not wanted by the General Government; that the peace of the country is not likely, from present appearances, to be speedily disturbed; and that the General Government is absolutely embarrassed in providing against an enormous surplus in the treasury. Whilst this is the condition of the Federal Government, the States are in want of, and can most beneficially use, that very surplus with which we do not know what to do. The powers of the General Government are limited; those of the States are ample. If those limited powers authorized an application of the fund to some objects, perhaps there are others of more importance, to which the powers of the States would be more competent, or to which they may apply a more provident care.

But the Government of the whole and of the parts, at last, is but one Government of the same people. In form, they are two; in substance, one. They both stand under the same solemn obligation to promote, by all the powers with which they are respectively entrusted, the happiness of the people; and the people, in their turn, owe respect and allegiance to both. Maintaining these relations, there should be mutual assistance to each other afforded by these two systems. When the States are full-handed, and the coffers of the General Government are empty, the States should come to the relief of the General Government, as many of them did, most promptly and patriotically, during the late war. When the conditions of the parties are reversed, as is now the case, the States wanting what is almost a burden to the General Government, the duty of this Government is to go to the relief of the States.

They were views like these which induced a majority of the committee to propose the plan of distribution contained in the bill now under consideration. For one, however, I will again repeat the declaration, which I made early in the session, that I unite cordially with those who condemn the application of any principle of distribution among the several States, to surplus revenue derived from taxation. I think income derived from taxation stands upon ground totally distinct from that which is received from the public lands. Congress can prevent the accumulation, at least, for any considerable time, of revenue from duties, by suitable legislation, lowering or augmenting the imposts; but it cannot stop the sales of the public lands, without the exercise of arbitrary and intolerable power. The powers of Congress over the public lands are broader and more comprehensive than those which they possess over taxation, and the money produced by it.

This brings me to consider, 1st, the power of Congress to make the distribution. By the second part of the third section of the fourth article of the constitution, Congress "have power to dispose of, and make all needful rules and regulations respecting the territory or other property of the United States." The power of disposition is plenary, unrestrained, unqualified. It is not limited to a specified object or to a defined purpose, but left ap-

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plicable to any object or purpose which the wisdom of Congress shall deem fit, acting under its high responsibility.

The Government purchased Louisiana and Florida. May it not apply the proceeds of lands within those countries to any object which the good of the Union may seem to indicate? If there be a restraint in the constitution, where is it—what is it?

The uniform practice of the Government has conformed to the idea of its possessing full powers over the public lands. They have been freely granted, from time to time, to communities and individuals, for a great variety of purposes. To States for education, internal improvement, public buildings; to corporations for education; to the deaf and dumb; to the cultivators of the olive and the vine; to pre-emptioners; to General Lafayette, &c.

The deeds from the ceding States, far from opposing, fully warrant the distribution. That of Virginia ceded the land as "a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the said States, Virginia inclusive." The cession was for the benefit of all the States. It may be argued that the fund must be retained in the common treasury, and thence paid out. But, by the bill reported, it will come into the common treasury; and then the question how it shall be subsequently applied for the use and benefit of such of the United States as compose the confederacy, is one of *modus* only. Whether the money is disbursed by the General Government directly, or is paid out, upon some equal and just principle, to the States, to be disbursed by them, cannot affect the right of distribution. If the General Government retained the power of ultimate disbursement, it could execute it only by suitable agents; and what agency is more suitable than that of the States themselves? If the States expend the money, as the bill contemplates, the expenditure will, in effect, be a disbursement for the benefit of the whole, although the several States are the organs of the expenditure; for the whole and all the parts are identical. And whatever redounds to the benefit of all the parts, necessarily contributes, in the same measure, to the benefit of the whole. The great question should be, is the distribution upon equal and just principles? And this brings me to consider,

2d. The terms of the distribution proposed by the bill of the Committee on Manufactures. The bill proposes a division of the nett proceeds of the sales of the public lands among the several States composing the Union, according to their federal representative population, as ascertained by the last census; and it provides for new States that may hereafter be admitted into the Union. The basis of the distribution, therefore, is derived from the constitution itself, which has adopted the same rule, in respect to representation and direct taxes. None could be more just and equitable.

But it has been contended, in the land report, that the revolutionary States, which did not cede their public lands, ought not to be allowed to come into the distribution. This objection does not apply to the purchases of Louisiana and Florida, because the consideration for them was paid out of the common treasury, and was consequently contributed by all the States. Nor has the objection any just foundation, when applied to the public lands derived from Virginia and the other ceding States; because, by the terms of the deeds, the cessions were made for the use and benefit of all the States. The ceding States having made no exception of any State, what right has the General Government to interpolate in the deeds, and now create an exception? The General Government is a mere trustee, holding the domain in virtue of those deeds, according to the terms and conditions which they expressly describe; and it is bound to execute the trust accordingly. But how is the fund produced by the public lands now

expended? It comes into the common treasury, and is disbursed for the common benefit, without exception of any State. The bill only proposes to substitute to that object, now no longer necessary, another and more useful common object. The general application of the fund will continue under the operation of the bill, although the particular purposes may be varied.

The equity of the proposed distribution, as it respects the two classes of States, the old and the new, must be manifest to the Senate. It proposes to assign to the new States, besides the five per cent. stipulated for in their several compacts with the General Government, the further sum of ten per cent. upon the nett proceeds. Assuming the proceeds of the last year, amounting to \$3,566,127 94, as the basis of the calculation, I hold in my hand a paper [Appendix, A.] which shows the sum that each of the seven new States would receive. They have complained of the exemption from taxation of the public lands sold by the General Government for five years after the sale. If that exemption did not exist, and they were to exercise the power of taxing those lands, as the average increase of their population is only eight and a half per cent. per annum, the additional revenue which they would raise would only be eight and a half per cent. per annum; that is to say, a State now collecting a revenue of \$100,000 per annum would collect only \$108,500, if it were to tax lands recently sold. But, by the bill under consideration, each of the seven new States will annually receive, as its distributive share, more than the whole amount of its annual revenue.

It may be thought that to set apart ten per cent. to the new States, in the first instance, is too great a proportion, and is unjust towards the old States. But it will be recollected that, as they populate much faster than the old States, and as the last census is to govern in the apportionment, they ought to receive more than the old States. If they receive too much at the commencement of the term, it may be neutralized by the end of it.

After the deduction shall have been made of the fifteen per cent. allotted to the new States, the residue is to be divided among the twenty-four States, old and new, composing the Union. What each of the States would receive, is shown by a table annexed to the report. Taking the proceeds of the last year as the standard, there must be added one-sixth to what is set down in that table as the proportion of the several States.

If the power and the principle of the proposed distribution be satisfactory to the Senate, I think the objects cannot fail to be equally so. They are education, internal improvements, and colonization—all great and beneficent objects—all national in their nature. No mind can be cultivated and improved; no work of internal improvement can be executed in any part of the Union, nor any person of color transported from any of its ports, in which the whole Union is not interested. The prosperity of the whole is an aggregate of the prosperity of the parts.

The States, each judging for itself, will select, among the objects enumerated in the bill, that which comports best with its own policy. There is no compulsion in the choice. Some will prefer, perhaps, to apply the fund to the extinction of debt, now burdensome, created for internal improvements; some to new objects of internal improvement; others to education; and others again to colonization. It may be supposed possible that the States will divert the fund from the specified purposes; but against such a misapplication, we have, in the first place, the security which arises out of their presumed good faith; and, in the second, the power to withhold subsequent, if there has been any abuse in previous appropriations.

It has been argued that the General Government has no power in respect to colonization. Waiving that, as not being a question at this time, the real inquiry is, have the States themselves any such power? for it is to the States

that the subject is referred. The evil of a free black population is not restricted to particular States, but extends to, and is felt by, all. It is not, therefore, the slave question, but totally distinct from and unconnected with it. I have heretofore often expressed my perfect conviction that the General Government has no constitutional power which it can exercise in regard to African slavery. That conviction remains unchanged. The States in which slavery is tolerated, have exclusively in their own hands the entire regulation of the subject. But the slave States differ in opinion as to the expediency of African colonization. Several of them have signified their approbation of it. The Legislature of Kentucky, I believe unanimously, recommended the encouragement of colonization to Congress.

Should a war break out during the term of five years that the operation of the bill is limited to, the fund is to be withdrawn, and applied to the vigorous prosecution of the war. If there be no war, Congress, at the end of the term, will be able to ascertain whether the money has been beneficially expended, and to judge of the propriety of continuing the distribution.

Three reports have been made on this great subject of the public lands, during the present session of Congress, besides that of the Secretary of the Treasury at its commencement—two in the Senate, and one in the House. All three of them agree, first, in the preservation of the control of the General Government over the public lands; and, second, they concur in rejecting the plan of a cession of the public lands to the States in which they are situated, recommended by the Secretary. The Land Committee of the Senate propose an assignment of fifteen per cent. of the nett proceeds, besides the five per cent. stipulated in the compacts (making together twenty per cent.) to the new States, and nothing to the old.

The Committee on Manufactures of the Senate, after an allotment of an additional sum of ten per cent. to the new States, proposes an equal distribution of the residue among all the States, old and new, upon equitable principles.

The Senate's Land Committee, besides the proposal of a distribution, restricted to the new States, recommends an immediate reduction of the price "of fresh lands to a minimum of one dollar per acre, and to fifty cents per acre for lands which have been five years or upwards in market."

The Land Committee of the House is opposed to all distribution, general or partial, and recommends a reduction of the price to one dollar per acre.

And now, Mr. President, I have a few words more to say, and shall be done. We are admonished by all our reflections, and by existing signs, of the duty of communicating strength and energy to the glorious Union which now encircles our favored country. Among the ties which bind us together, the public domain merits high consideration. And if we appropriate, for a limited time, the proceeds of that great resource, among the several States, for the important objects which have been enumerated, a new and powerful bond of affection and of interest will be added. The States will feel and recognise the operation of the General Government, not merely in power and burdens, but in benefactions and blessings. And the General Government, in its turn, will feel, from the expenditure of the money which it dispenses to the States, the benefits of moral and intellectual improvement of the people, of greater facility in social and commercial intercourse, and of the purification of the population of our country, themselves the best parental sources of national character, national union, and national greatness. Whatever may be the fate of the particular proposition now under consideration, I sincerely hope that the attention of the nation may be attracted to this most interesting subject; that it may justly appreciate the value of this immense national property; and that, preserving the regula-

tion of it by the will of the whole, for the advantage of the whole, it may be transmitted, as a sacred and inestimable succession, to posterity, for its benefit and blessing for ages to come.

[A]

Statement showing the amount received in the year 1831 from the sales of public lands in each of the seven States within which they are situated; and also the amount from sales in the Territories. The five per cent. now allowed by law to each of the seven States upon the sales of lands within the same; the additional ten per cent. proposed to be allowed them; and the proportional dividend of the same seven States in the nett proceeds of the entire sales, after deducting the fifteen per cent. therefrom.

	Amount received in 1831.	5 per cent.	10 per cent.	15 per cent.	Dividend.	Grand total.
Ohio,	\$428,252 70	21,412 64	42,825 27	64,237 91	243,147 22	307,385 13
Indiana,	695,848 45	34,792 42	69,584 84	104,377 26	89,121 11	193,498 37
Illinois,	426,824 63	21,341 23	42,682 46	64,023 69	40,827 55	104,851 24
Missouri,	575,633 42	18,781 67	37,563 34	56,345 01	33,883 57	90,228 58
Alabama,	894,265 81	44,713 29	89,426 58	134,139 87	68,200 08	202,539 95
Mississippi,	206,219 43	10,310 97	20,621 94	30,932 91	28,671 55	59,604 46
Louisiana,	86,192 18	4,309 60	8,619 21	12,928 81	44,606 93	57,535 74
Total,	3,113,236 62			\$466,985 46		
Michigan,	401,542 67					
Arkansas,	16,311 29					
Florida,	35,037 56					

[Supposing it would be acceptable, we annex the table which accompanied the report of the Senate's Committee on Manufactures, showing the distributive share of each State. Since that table was constructed, it has been ascertained that the proceeds of the public lands last year were upwards of three and a half millions of dollars. Consequently, one-sixth should be added to the amount estimated for every State, in the following table, to show what each State would receive, on the supposition that the produce of the public lands for succeeding years will equal the last.]—*Editors of the Register.*

Statement showing the dividend of each State (according to its federal population) in the proceeds of the public lands, after deducting therefrom fifteen per cent. as an additional dividend for the States in which the public land is situated.

[Estimated proceeds of lands, \$3,000,000; deduct 15 per cent. \$450,000, and \$2,550,000 remain to be divided among all the States according to their population.]

STATES.	Federal population, 1830.	Shares in proceeds of public lands.
Maine, -	399,437	\$85,387 48
New Hampshire, -	269,326	57,573 71
Massachusetts, -	610,408	130,487 59
Vermont, -	280,657	59,995 93
Rhode Island, -	97,194	20,777 12
Connecticut, -	297,665	63,631 72
New York, -	1,918,553	410,128 29
New Jersey, -	319,922	68,389 59
Pennsylvania, -	1,348,072	288,176 64
Delaware, -	75,432	15,202 93
Maryland, -	405,843	86,756 89
Virginia, -	1,023,503	218,793 82
North Carolina, -	639,747	136,758 45
South Carolina, -	455,025	97,270 51
Georgia, -	429,811	91,880 52
Alabama, -	262,508	56,116 22
Mississippi, -	110,358	23,591 19
Louisiana, -	171,694	36,702 95
Tennessee, -	625,263	133,662 21
Kentucky, -	621,832	132,928 77
Ohio, -	935,884	200,063 54
Indiana, -	343,031	73,329 59
Illinois, -	157,147	33,593 25
Missouri, -	130,419	27,879 68
	11,928,731	

THURSDAY, JUNE 21.

PATENTS.

The VICE PRESIDENT laid before the Senate a report from the Commissioner of the General Land Office, in obedience to a resolution calling for the number of patents for land which are waiting for the signature of the President, and the cost of each patent.

[The report states the number of patents to be 10,590; and the cost of those which are written in the office at fifty-three cents, and of those written out of the office at thirty-nine cents each.]

On motion of Mr. TIPTON, the Senate then proceeded to the consideration of executive business, [with a view, as he intimated, of acting on the nominations of officers for the newly created regiment of mounted gunmen.]

FRIDAY, JUNE 22.

PENSION DUTIES.

The resolution from the House, transferring the duties imposed by the pension bill from the Secretary of the Treasury to the Secretary of War, was taken up.

Some discussion took place on the necessity for this transfer; and it was stated that the measure was proposed at the suggestion of the head of the Pension Bureau in the War Department, and that the object was to give an opportunity for the formation of a new bureau in that department.

The amendment reported by the Committee on Pensions, giving a discretion to the President to make the transfer, if he should think it necessary, was negatived.

The question was then taken on the third reading of the resolution, and decided as follows:

YEAS.—Messrs. Bibb, Chambers, Dallas, Ellis, Ewing, Forsyth, Frelinghuysen, Hendricks, Hill, Holmes, Kane, King, Marcy, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Sprague, Tazewell, Tipton, Tomlinson, Tyler, Waggaman, White, Wilkins.—28.

NAYS.—Messrs. Bell, Benton, Brown, Clay, Clayton, Foot, Hayne, Knight, Mangum, Miller, Moore, Naclain, Webster.—13.

The resolution was then read a third time, and passed. Mr. HAYNE submitted a resolution to amend the rules of the Senate, so as to make a motion to strike out and insert not a divisible motion, &c.

INTERNAL IMPROVEMENTS.

On motion of Mr. WILKINS, the Senate then proceeded to consider the act making appropriations for certain internal improvements for 1832.

The question pending being on the motion of Mr. FORSYTH to strike out the clause appropriating 30,000 dollars for the improvement of the navigation of Cumberland river,

Mr. CLAY said that he had proposed to make some remarks on this question; but he had not sufficiently recovered his articulation to say more than that he hoped the amendment would be negatived. He said that, as the Cumberland river runs through the States of Tennessee and Kentucky; as Kentucky had received no favors of this kind from the General Government, the Mayville road appropriation having been vetoed; and as the port of Nashville was of the utmost importance, and was situated on this river, which was one of the finest streams of the West, he hoped the Senate would reject the amendment. The nature of the obstruction is so well known, that a previous survey could not be necessary.

Mr. WEBSTER stated that the gentleman from Georgia had put this on the ground of a test question, and that, if this motion prevailed, he would move afterwards to strike out other provisions of the bill. He wished to know what the other provisions were.

Mr. HAYNE suggested other points on which he desired information. What was the amount of the appropriations contained in this bill? Would these appropriations be sufficient to finish the works for which they are required? What was the amount required for new works? He expressed his satisfaction that the question was now fairly and solemnly made. He was of opinion that, if the Cumberland river, a new work not surveyed, was to be cleared by a national appropriation, every outlet and river of the Union could be cleared at the expense of the United States. After that was done, the Government would be called on to make roads from one watercourse to another.

Mr. FORSYTH replied that there were three new works embraced in this bill. There was, first, an appropriation for the Arkansas river of 15,000 dollars. There was, secondly, the appropriation of 30,000 dollars for the Cumberland river; and the third was an appropriation of 20,000 dollars for repairing a road in the Territory of Arkansas. He had thought there were four objects, but he discovered that the fourth (the Savannah river) was not a new work. The appropriations, as the bill stands, amount to 1,100,000 dollars. Some of the objects would require additional appropriations, and some additional ones to a considerable amount. He repeated that it was his object to get a decision that no new works should be embraced in this bill, as there was another bill into which they might be interwoven.

Mr. WEBSTER said the proposition was to strike out

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Internal Improvements.

[SENATE.]

the appropriation for clearing out the obstructions to the navigation of the Cumberland river. As a local object, he had no knowledge of the matter. But he was not prepared to admit the principle that no measure in which there had not been a previous appropriation ought to be embraced in the bill; or that a work should be excluded merely because there had been no survey. He had no objection to the appropriation, therefore, on that score. His vote would be governed by the information he should receive from those who were best acquainted with the matter, as to the importance of the work itself. The gentleman from Tennessee could give this information. This object is connected with two States, and, if the gentlemen from these States differ as to the expediency of the appropriation, it might be a reason for further reflection. He wished to hear from Tennessee on the subject.

Mr. GRUNDY regarded the Cumberland river as next in importance to the Mississippi and the Ohio rivers. The Kentucky river he considered as of trifling importance in comparison with the Cumberland. The Tennessee river was of minor importance. So far as the national importance of the river could govern his vote, he was disposed to yield. He then stated that the obstructions to the Cumberland river were the Dover shoals and the Muscle shoals. The latter, situated forty miles below Nashville, were the most formidable. He then took a view of the importance of Nashville as a port and a commercial depot; and stated that, if any case ought to be taken where no survey had taken place, it ought to be this; and he was prepared to give his vote in favor of the appropriation, whenever the question should be taken.

Mr. WHITE did not exactly concur with his colleague in his estimate of the importance of the Cumberland river. He himself considered several streams in the West as equal or superior in importance.

Mr. GRUNDY explained, and was followed by

Mr. TYLER, who wished to know where the line was to be drawn between a national and a local work. If the criterion was to be that a river or a road ran through two States or one State, whether it was to be a river of one hundred miles or of fifty miles; and whether there was to be a distinction between great national and little national works.

Mr. WEBSTER expressed his sentiments in opposition to the practice of measuring national objects by furlongs, rods, and perches, and of carrying a measuring stick by the side of the streams for which appropriations were asked. He stated that he was once asked why he had voted for a liberal appropriation for the harbor of Mobile. He replied by pointing to a statement of the loss of a Boston vessel, of the value of 30,000 dollars, on the Mobile bar; and thus finding that the interest felt in this improvement was national, and not local. He insisted that the citizens of Massachusetts were as much interested in every nag which was taken out of the Mississippi, and every old tree removed from the Ohio. The State of Delaware was not so much interested in the breakwater at the mouth of her bay, as was the State of Massachusetts; and it being a work of this national character, it was not to be expected that Delaware, or New Jersey, or Pennsylvania, would expend the amount of its construction. He stated that the proposition of a new and grinding tax, of a system of grievous oppression—the march of an army, the sweep of a pestilence, the approach of death, could not be spoken of with more horror than was a proposition to open a road, or make a canal, in this House. As this was a work for the common benefit, it ought to be paid for at the common charge. Having gone so far in support of the system of internal improvement, he was not now disposed to retrace his steps.

After a few words from Mr. HOLMES, Mr. JOHNSTON, Mr. BIBB, and Mr. FORSYTH,

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Mr. MILLER moved to lay the bill on the table; and on this motion the yeas and nays were ordered.

The question was then taken, and decided as follows:

YEAS.—Messrs. Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, King, Mangum, Miller, Moore, Tazewell, Troup, Tyler, White.—15.

NAYS.—Messrs. Bell, Benton, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Kane, Marcy, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silabee, Sprague, Tipton, Tomlinson, Webster, Wilkins.—29.

Some further discussion then took place, in which Mr. WEBSTER, Mr. TAZEWELL, Mr. SMITH, and Mr. HAYNE took part.

The question was then taken on the motion of Mr. FORSYTH to strike out the appropriation, and decided as follows:

YEAS.—Messrs. Bell, Brown, Dickerson, Dudley, Ellis, Foot, Forsyth, Hayne, Hill, King, Knight, Mangum, Marcy, Miller, Moore, Smith, Tazewell, Troup, Tyler, White.—20.

NAYS.—Messrs. Benton, Bibb, Chambers, Clay, Clayton, Dallas, Ewing, Frelinghuysen, Grundy, Hendricks, Holmes, Johnston, Kane, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silabee, Sprague, Tipton, Tomlinson, Webster, Wilkins.—26.

So the amendment was negatived.

Mr. FORSYTH moved to amend the bill by inserting an appropriation of four thousand five hundred dollars for the improvement of the harbor and river of St. Marks, in Florida.

The motion was agreed to.

Mr. WHITE then moved to lay the bill on the table.

Mr. CLAYTON requested the gentleman to withdraw his motion, to afford him an opportunity for a few remarks.

Mr. WHITE withdrew his motion.

Mr. CLAYTON then drew the attention of the Senate to the situation of many of the public works, which were delayed by the very extraordinary hesitation of Congress in passing this bill, and particularly to the strong necessity of immediate action on the subject of an appropriation to continue that most important national work, the Delaware breakwater. This and all similar appropriations had usually heretofore been passed at a much earlier period of the session, and the delay of them until midsummer had now created the most serious embarrassments, both to the people who had been engaged in furnishing stone for the breakwater, and others, and also to the Government itself. Increase of the expense, and great embarrassment in drawing the industry which it had employed since its commencement from new engagements back to the former employment, would be the consequences of this delay. He referred to most pressing solicitations which he had received during the session from various quarters, urging the necessity of this appropriation, and concluded with some remarks on the great national importance and utility of the breakwater, and by urging the passage of the bill without further procrastination. He hoped the gentleman from Tennessee would see the propriety of not renewing his motion to lay it on the table.

Mr. WHITE withdrew his motion.

Mr. CLAY then moved to amend the bill by inserting "For removing obstructions and further improving the navigation of James river, below the city of Richmond, in the State of Virginia, one hundred and twenty thousand dollars."

In offering the amendment, Mr. CLAY adverted to the memorial presented on this subject a few days since, signed by the most respectable, the *élite* of the city of Richmond. A survey had been made by Mr. Crozet.

SENATE.] *Department of State.—Discriminating Duties with Spain.—President's Fac Simile.* [JUNE 23, 25, 1832.]

At the suggestion of Mr. FORSYTH, that the memorial was still before the Committee on Commerce for examination, and that the appropriation could be made in another bill about to be reported,

Mr. CLAY withdrew his amendment.

The bill was then reported to the Senate as amended, and the amendments being concurred in, the question was taken on the third reading of the bill, and decided in the affirmative, as follows:

YEAS.—Messrs. Buckner, Chambers, Clay, Clayton, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Kane, Knight, Naudain, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tipton, Tomlinson, Webster, Wilkins.—26.

NAYS.—Messrs. Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Kane, Mangum, Marcy, Miller, Tazewell, Tyler, White.—13.

SATURDAY, JUNE 23.

DEPARTMENT OF STATE.

On motion of Mr. BIBB, the Senate proceeded to consider the resolution to authorize the Secretary of State to apply the balance which may remain after the completion of the work in the Patent Office to the arrangement of the papers in the State Department.

Mr. BIBB briefly explained that he had information from the Secretary of State that a surplus would remain after the business of the Patent Office was finished. He stated that there was great difficulty now in finding papers. They were tied up in bundles, and put away on shelves. His object was to have them assorted, numbered, and indexed, for the facility of access.

Mr. MANGUM regarded the difficulty as arising altogether from the absence of order and industry in the department.

Mr. FOOT said that the blessed effects of the removals of clerks were made evident by this resolution. He stated that, previous to the commencement of the present administration, he had never found any difficulty or detention in the obtaining of papers; but, after the removal of eight clerks in that single department, it was not to be wondered at. It was owing to the want of order that the papers were not filed and arranged.

After a few words from Mr. JOHNSTON in favor of the resolution,

Mr. WHITE moved to lay the resolution on the table, in order that the Senate might proceed to the consideration of executive business; while the resolution was pending,

The act making appropriations for certain internal improvements for the year 1832 was read a third time.

The question being on its passage, on motion of Mr. HILL, the yeas and nays were ordered.

The question was then put, and decided as follows:

YEAS.—Messrs. Bell, Benton, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Kane, Knight, Naudain, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Tipton, Tomlinson, Webster, Wilkins.—28.

NAYS.—Messrs. Bibb, Ellis, Grundy, Hayne, Hill, King, Mangum, Marcy, Miller, Moore, Poindexter, Tazewell, Tyler, White.—14.

So the bill was passed.

A resolution offered yesterday by Mr. HAYNE, amending the twelfth rule of the Senate, so as to make a motion to strike out and insert indivisible, &c. was considered, and agreed to.

On motion of Mr. WHITE, the Senate then proceeded to the consideration of executive business.

MONDAY, JUNE 25.

DISCRIMINATING DUTIES WITH SPAIN.

A message was received from the President of the United States, communicating a report from the Secretary of State, on the subject of the abolition of the discriminating duties now existing on Spanish vessels. The report was read. It stated that despatches had been received from our minister in Spain, stating that an order had been issued by the Spanish Government abolishing the discriminating duties on American vessels, on condition that a similar abolition should be made by the United States.

Mr. CLAY, at whose instance the report was read, said he had found, as he feared, that this measure did not extend to Cuba, or the other islands of Spain. As the subject was about to be referred, and as, in relation to Cuba, almost the entire carrying trade was confined to Spain, he hoped the attention of the committee would be directed to that point. He was aware that the Secretary stated in his report that negotiations were going on; but he thought that a measure of this kind might be put into the hands of the Executive, to strengthen the pending negotiation on the part of the United States. Some contingent provision as to the carrying trade with Cuba, and the other Spanish possessions, placed in the hands of our minister in Spain, could not but be favorable to the object which he had in view. If no remedy should shortly be applied, Spain would soon monopolize the whole of the carrying trade between the United States and Cuba and the other Spanish islands.

The message was referred to the Committee on Finance.

PRESIDENT'S FAC SIMILE.

On motion of Mr. KING, the Senate proceeded to the consideration of the bill to appoint a recorder for the General Land Office, and to provide the means of signing and issuing the patents for the public lands—the question being on the reconsideration of the vote taken on Mr. FORSYTH's amendment, providing for affixing the fac simile of the President's signature to the patents.

Mr. POINDEXTER said he had rather the motion prevailed. At any rate, if the bill passed as it then was, it would create an anomaly unknown in this or any other Government; it would be clothing a subordinate officer with the highest attribute of sovereignty—the disposing of the public domain. He would oppose the bill on this ground, and also on the ground that there were ten thousand patents already prepared for signature, which the Commissioner of the General Land Office said could be altered, but which, he contended, could not, that must be lost. With a view of obviating these difficulties, Mr. P. submitted an amendment providing that, hereafter, it shall not be necessary for the President to sign the patents for the public lands, but that the Commissioner of the General Land Office shall affix to them the great seal of the United States, and also sign them as commissioner. The great seal, then, said Mr. P., will be the evidence of the title, and the signature of the commissioner will guarantee the purity of the grant.

Mr. HOLMES observed that the power of signing the patents did not arise from any inherent sovereignty in the President, but from the authority given him by law; and we can give, said he, that authority to any officer as well as to the President. The sovereignty was in the United States, and the act of sovereignty in the transfer of the public domain was performed by them through the officer designated by law. This expedient of a fac simile, or a counterfeit, as it might more correctly be termed, he did not much like. The much better way would be to take a responsible officer, and let him put the great seal, together with his own signature, in the patent. Perhaps the difficulty might be got over when we had a President with a shorter name, and then we could get on pretty much in

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Statue of Washington.

[SENATE.]

old way. Suppose, for instance, the President's name in only five letters—H. CLAY—it would not take up so much time to fill up patents with these few letters, and we could not, probably, hear any complaints of the difficulty signing them. But, to be serious, it would be much better to create an officer, and confer on him the power to authenticate the patents, than to take this circuitous way of a fac simile, in order to keep up the idea that the President is the sole representative of the sovereign power of the United States.

Mr. KING observed, if the gentleman from Maine was serious, he must see that it mattered not who the President was, or whether his name was long or short—he must, in order to sign these patents, devote to it time that ought to be occupied with the more important concerns of the country. The Senator from Mississippi had abandoned some of his objections, but proposes to affix the great seal of the United States to the land patents. Why, sir, we have already a seal; not the great seal, to be sure, but a very convenient one, sufficient to authenticate the grant; with this and the signature of the commissioner, countersigned by the recorder, the patent will be complete. I did not admit that there would be any loss on account of the 10,000 patents spoken of by the gentleman from Mississippi. One-half of these were signed, and the others he presumed could be signed before the bill went into operation. The documents showed that, since the commencement of the present session, the President had signed more than 10,000, and that there were 40,000 more to sign. Did any Senator believe that it was necessary for the President himself to sign the patents, in order to give them full validity to the grantees? If this was not so, would it not be better to pass this law to remove the difficulties encountered by the people of the new States in getting their patents? Gentlemen all seem to admit the difficulties under the present system, but could not agree on the mode of meeting them. One wanted a fac simile of the present signature; and another wanted the great seal of the United States. The only effect of this was to delay, while the public business was suffering.

Mr. WEBSTER inquired of the chairman of the committee, [Mr. KING,] what seal was now affixed to the patents. Mr. KING replied, the seal of the General Land Office. Mr. WEBSTER said he hoped the chairman of the committee would not attribute any observations of his to a presumption of more knowledge of the subject than the committee who had charge of it. He entirely agreed with the gentleman that the President ought to be relieved from the labor of signing the patents, and he did not regard the expense necessary to accomplish this object as a matter of so little importance. It ought to run in the name of the grantee—the United States, and be accompanied by a seal; but it could not be the great seal, that was in the custody of the Department of State. He did not know whether the seal of the General Land Office was recognised by law, but this might be done. He would further suggest to the gentleman from Alabama to draw up the form of the patent, and embody it in a bill; and then, by making the seal the great evidence of its authenticity, one signature to the patent would be sufficient.

Mr. ROBINSON was much pleased with the suggestion of the gentleman from Massachusetts, and thought the form of the patent ought to be provided for by law.

Mr. CLAY was satisfied, from his own observation and practical knowledge of the subject, that some change in the mode of issuing land patents was necessary, not only for the personal comfort of the President, but for the dispatch of the public business. Any one who would visit the President in the morning, would find that, instead of being occupied with the great concerns of the country, he was engaged in the tedious labor of signing patents. He

thought the suggestion of the gentleman from Massachusetts entitled to much weight. The State of Virginia, which was the greatest sovereign grantor of land, with the exception of the United States, had the form of her grant for land designated by law; and the State of Kentucky, following her example, had made the same provision.

He did not think with the gentleman from Massachusetts that one signature would be sufficient, and he therefore hoped that the gentleman from Alabama would agree to the insertion of the form of the patent, and retain every thing else in the bill as it then stood.

Mr. KANE did not think it of much consequence by whom the patent was signed. The patent was to furnish the purchaser with the best evidence that he had acquired the legal title to his land. He saw no necessity for inserting in the body of the law what the form of the grant should be; all that was wanted was a certificate of the proper officer of the Government that the individual had acquired his title under the laws of the United States. The patent did not confer the title; that was previously acquired by law; it was only a legal and durable evidence of title.

Mr. POINDEXTER said that the bill ought to go into operation at a day sufficiently remote, to enable the President to complete the signature of the 6,000 patents yet to be signed. He thought with the Senator from Kentucky that the form of the patent ought to be embodied in the law; and, as he had no objection to the reconsideration, he would vote for it, and then move to recommit the bill for the purpose of having the form of the patent inserted.

The question was then taken, and the vote on the adoption of Mr. FORSYTH's amendment reconsidered.

Mr. POINDEXTER then moved to recommit the bill to the Committee on Public Lands, and it was carried in the affirmative.

STATUE OF WASHINGTON.

The Senate then, on motion of Mr. ROBBINS, took up for consideration the joint resolution, (as amended by the Committee on the Library,) authorizing the President to contract for a full length pedestrian statue, in marble, of General Washington, to be placed in the rotundo, with an appropriation of \$5,000.

Mr. FORSYTH inquired the object of this appropriation; if it were contemplated as sufficient for the purpose.

As giving a full view of the subject, Mr. POINDEXTER requested the report of the Library Committee to be read. It detailed the proceedings had in the House of Representatives, where the resolution had originally been adopted, authorizing the employment of Mr. Greenough, the American artist, to execute the work; and contained a copy of a letter from the Department of State, informing Mr. Greenough, now in Italy, thereof, with instructions respecting the same; the head to be modelled after that of Houdon's statue, the rest of the outlines to be left to the artist's own taste, &c.

Mr. FORSYTH could see no occasion for the appropriation which had been introduced into the resolution; it was a departure from the object of the resolution itself, which was merely for the President "to make a contract." It could not be supposed that \$5,000 would be any use, for he believed that a work, such as contemplated, could not be had completed for less than 20 or 25,000 dollars.

Mr. POINDEXTER explained. It was not expected that the appropriation would cover the full cost. It was merely to enable the President to take the preliminary steps in making the contract. The general appropriation bill had originally contained two appropriations, one in regard to this memorial of Washington, the other in regard to Mr. Jefferson. They had both been stricken out on account of their supposed informality, to be introduced as separate measures.

SENATE.]

Privileges of Senate's Officers.—Daughter of T. Jefferson.—Recorder of Patents. [JUNE 26, 27, 1832.]

Mr. MILLER objected to such appropriations, where the specific sum required was not known. In this mode yearly and indefinite grants would be called for to cover the cost till completed, and it was hard to say where it might end.

After some further explanation from Mr. POINDEXTER and Mr. CHAMBERS,

Mr. CLAY said that he strongly hoped the resolution would be allowed to be engrossed for a third reading. Of the many illustrious men to whom their country owed a debt of gratitude, Washington was the only one to whom he would think it prudent to pay the homage now contemplated. An image—a testimonial of this great man, the father of his country, should exist in every part of the Union, as a memorial of his patriotism, and of the services rendered his country; but of all places, it was required in this capital—the centre of the Union—the offspring, the creation, of his mind and of his labors. An appropriation for this individual purpose, at another period of the session, had been introduced in the general measure, and was afterwards struck out, on the understanding of being brought forward in the present mode. But, even since that time, they had an additional motive for this act. Application for the remains of this great man had been made by the representatives of the nation, to bestow on them a national tribute of honor; and this application had met with a refusal. The death of the proprietor of the spot where those remains rested, had but just taken place; and into whose hands they should now fall—into the possession of a friend or stranger, in the event of a sale of the property or otherwise, it was impossible to conjecture; but such being the casualties to which they were liable, it behooved them (the Congress of the United States) the more to adopt means to secure a representative of those relics, that might endure for future ages. The resolution had his hearty concurrence, and he hoped it would pass without objection.

The question being put on the engrossing for a third reading, the yeas and nays were ordered, on the call of Mr. HAYNE, and were as follows:

YEAS.—Messrs. Bell, Benton, Chambers, Clay, Clayton, Dallas, Dudley, Ewing, Foot, Frelinghuysen, Grundy, Holmes, Johnston, Kane, Knight, Marcy, Moore, Naudain, Prentiss, Poindexter, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Webster, Wilkins.—30.

NAYS.—Messrs. Bibb, Brown, Dickerson, Hayne, Hill, Miller, Tazewell, Troup, White.—10.

TUESDAY, JUNE 26.

After transacting some minor business, the Senate proceeded to the consideration of executive business, and continued with closed doors until the adjournment.

WEDNESDAY, JUNE 27.

PRIVILEGES OF THE SENATE'S OFFICERS.

Mr. HOLMES offered the following resolution:

Resolved, That the assistant doorkeeper of the Senate be permitted to attend as a witness before a committee of the House of Representatives, agreeably to his summons.

Mr. HOLMES, in offering this resolution, expressed his belief that the doorkeeper could not render obedience to the summons, which was signed by the Clerk of the House, and bore the seal of the House, without the consent of the Senate.

Mr. GRUNDY had some doubts whether the resolution was justified by any thing in the history of Congress; and asked if the Senator from Maine had looked into the journals to inform himself whether it had been the practice to place the doorkeeper on the same footing with a Senator.

Mr. HOLMES, in reply, stated that the resolution conformed to the practice of the British Parliament; and that

it was justified by the reason of the thing, as the services of the doorkeeper were as necessary to the Senate as those of any of the Senators.

Mr. CLAY differed from the view which had been taken by the Senator from Maine. He did not concur in the idea that the constitutional privileges with which the Senators were invested should be extended to the officers of that body. As to the British Parliament, it was well known that they had similar rules on the subject of privilege, and laws of their own, which could have no reference to Congress. The only thing of any consequence, in his opinion, was, that the Senate should have a knowledge that the doorkeeper was in performance of his duty, in attendance on the House of Representatives, and was not wilfully neglecting any of his duties to the Senate. The Senate had now that knowledge, and he moved to lay the resolution on the table, but withdrew it for a moment; and

Mr. FOOT stated that if the officer of the Senate was not subject to be taken from his duty by the process of any court, so neither could he by any process of the other House.

Mr. FRELINGHUYSEN stated that he was informed by a member of the committee of the other House that the doorkeeper was only required to attend during the recess of the Senate.

On motion of Mr. CLAY, the resolution was then laid on the table.

DAUGHTER OF T. JEFFERSON.

Mr. POINDEXTER moved that the Senate take up the bill for the benefit of Martha Randolph, daughter of Thomas Jefferson, and asked for the yeas and nays on his motion, which were ordered; and, being taken, were as follows:

YEAS.—Messrs. Benton, Chambers, Clay, Dickerson, Dudley, Hendricks, Holmes, Poindexter, Robbins, Robinson, Seymour, Smith, Tipton, White, Wilkins.—15.

NAYS.—Messrs. Bell, Bibb, Brown, Dallas, Ellis, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hayne, Hill, Kane, King, Knight, Mangum, Marcy, Miller, Naudain, Prentiss, Ruggles, Tazewell, Tyler.—23.

RECORDER OF PATENTS.

On motion of Mr. KING, the Senate proceeded to consider the bill to provide for the appointment of a recorder for the General Land Office.

The question being on the amendment reported by the Committee on Public Lands, striking out the section providing for a fac simile, and inserting the form of the patent which the law requires,

Mr. POINDEXTER moved an amendment to the form of the amendment, but withdrew it.

The amendment of the committee was then agreed to.

Mr. KING then moved to amend the bill in the second section, by striking out the word "June," and inserting "August," in order to allow time for the signing of the patents which are already prepared.

The amendment was agreed to, and the bill was reported as amended.

The bill was then ordered to be engrossed, and read a third time.

DAY OF HUMILIATION.

Mr. CLAY laid on the table a resolution, in effect that a joint committee of the two Houses of Congress wait on the President of the United States, and request of him to appoint a day to be observed as a day of general humiliation and prayer to Almighty God that He may, in His mercy, avert from our country the Asiatic scourge which is now traversing and devastating other countries; and that, should it be among the dispensations of His providence to inflict this scourge upon our land, it may please Him, in his mercy, so to meliorate the infliction,

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to render its effects less disastrous among us than they have proved among the nations which it has heretofore visited.

PUBLIC LANDS.

The Senate then proceeded to the special order of the day, being the bill to appropriate, for a limited time, the proceeds of the public lands.

Mr. KING spoke in reply to Mr. CLAY, and in support of the report of the Committee on Public Lands.

The yeas and nays were then ordered, on the motion of Mr. CLAY, on the first amendment of the Committee on Public Lands, which strikes out ten, and inserts fifteen, so as to make the additional allowance to the new States fifteen per cent. instead of ten per cent. of the proceeds.

Mr. CLAY reminded the Senate that this amendment was only a part of the amendment proposed by the Committee on Public Lands, which was to strike out all the bill from the Committee on Manufactures, with the exception of the allowance of fifteen per cent. on the sale of the public lands to the new States.

Mr. HOLMES explained that he had, in the committee, voted for giving fifteen per cent. to the new States, but that was in reference to the bill as it stood. He would not vote for the amendment now that it was proposed to destroy the residue of the bill.

Mr. KANE then made some observations in support of the amendment, in the course of which he indicated the impossibility of getting through a question of this vexed character at the present session.

Mr. CLAY briefly replied, and adverted to the course which the Committee on Public Lands had chalked out to themselves, of moving an amendment to the tariff bill, whenever that should come up, to reduce the price of the public lands. This determination left no other course to the Committee on Manufactures but to push forward this bill. He expressed his hope that the Senator from Illinois, who seemed to be timid as to committing himself on the question at this session, would review his opinions, and finally vote for the bill, should it reach that stage, inasmuch as he believed that the majority of the people of the new States would be found in favor of the principles of the bill. He was willing to sit day after day, and night after night, to give every gentleman who desired to speak an opportunity to do so.

Mr. KANE explained that he had refrained from giving an opinion on the subject of this distribution, until a proper time for the expression of his opinion should arrive.

Mr. HAYNE stated that he should vote against the amendment, being opposed to the principle of distribution; and as this was merely an increased amount of distribution, he did so without committing his views as to his ultimate course.

Mr. POINDEXTER said he should vote for the amendment. He did not concur with all the views of the Senator from Alabama, although he acquiesced in some of them.

Mr. MOORE said that, however just the present proposition, he had ascertained that it would not succeed. He was against the whole bill from the Committee on Manufactures, and wished to have the question taken on a proposition which would have the effect of destroying it at once, and to substitute the bill reported by the Committee on Public Lands. He therefore moved the indefinite postponement of the bill.

Mr. CLAY called for the yeas and nays on the question; which were ordered.

Mr. EWING expressed a wish to address the Senate, but would prefer waiting till another day.

Mr. HAYNE moved that the Senate adjourn, and the motion was agreed to—yeas 20, nays 14.

The Senate then adjourned.

THURSDAY, JUNE 28.

DAY OF HUMILIATION.

The following resolution, offered by Mr. CLAY, was taken up for consideration:

Resolved, By the Senate and House of Representatives of the United States of America in Congress assembled, That a joint committee of both Houses wait on the President of the United States, and request that he recommend a day, to be designated by him, of public humiliation, prayer, and fasting, to be observed by the people of the United States with religious solemnity, and with fervent supplications to Almighty God that He will be graciously pleased to continue His blessings upon our country, and that He will avert from it the Asiatic scourge which has reached our borders; or if, in the dispensations of His providence, we are not to be exempted from the calamity, that, through His bountiful mercy, its severity may be mitigated, and its duration shortened.

Mr. TAZEVELL asked for the yeas and nays on the resolution; which were ordered.

After Mr. T. had called for the yeas and nays, and had remarked that he would not say one word on the subject, Mr. CLAY rose, and observed that he had only one word to express. The resolution had not been submitted without consultation with members of the Senate, whose opinion was entitled to more respect than his own. It was, indeed, first suggested to him by a reverend member of the clergy, and, after deliberate consideration, he [Mr. C.] thought the occasion fit for the recommendation of the religious ceremony which the resolution contemplated. It was the practice of all christian nations, in seasons of general and great calamity, to implore Divine mercy. Of all the pestilential scourges which had afflicted our race, the Asiatic cholera, in some of its characteristics, was the most remarkable. Its range of operation had been more extensive than perhaps any other known or recorded, the smallpox excepted. It had broke out in Asia, and, after desolating some of its fairest portions, penetrated the Northern part of Europe, and, sweeping over a great part of that continent, reached the British channel. It passed over the British isles, where it raged but with mitigated severity. We had hoped—vainly, it seems, hoped—that the wide expanse of the Atlantic Ocean would have been a protecting barrier against its ravages in our far distant land. But it has been introduced into America; and, if it has not actually entered our territory, it now hangs on our borders in its most frightful form.

The progress of the extraordinary scourge is sometimes marked by apparent caprice. It will approach a city or district of country, reconnoitering it, as it were, with a military eye, suddenly fly off to a distance, leaving the inhabitants rejoicing in their escape, and it will then unexpectedly return, and pursue its work of death. It attacks, too, its victims in various ways, despatching some in a few hours, whilst, in regard to others, their excruciating tortures are prolonged a much greater length of time. Hitherto, the skill of medical science, liberal and enlightened as it now is, has been altogether incompetent to provide a sure and effective remedy.

Should the resolution be adopted, said Mr. C., the act of the President, in conformity to its request, will be merely recommendatory. Voluntary as to all, it would be obligatory upon none. There seems to be a peculiar propriety, on the ground of uniformity, in the proposed measure. Already, in different parts of the Union, the clergy of several denominations have, it is believed, had their attention turned to the subject. Different days of prayer and humiliation will be probably recommended. It is desirable that the whole nation, on the same day, shall present its united prayers and supplications to the throne of mercy. And there can be but little doubt that, although there will be nothing coercive in the re-

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commendation of the President, there will be general acquiescence in it. The measure will be grateful to all pious and all moral men, whether members of religious communities or not. In times of national or individual distress, all who suffer, feel an irresistible impulse to appeal to that Being, who alone is able to afford adequate relief.

I should have hesitated to present this resolution, said Mr. C., if it had been unsanctioned by precedent. But, during the late war, a similar resolution was adopted by Congress, at the instance of a member of the House of Representatives from Virginia, and President Madison issued his recommendation accordingly. It is far from my purpose to excite unnecessary alarm. All dangers appear most formidable at a distance. Even the greatest of all terrors, when the awful moment arrives, with a mind fortified by philosophical reflection, and, still more, if it be strengthened by religious hope and belief, is less appalling than it seemed when far off.

A single word, Mr. President, as to myself. I am a member of no religious sect. I am not a professor of religion. I regret that I am not. I wish that I was, and I trust I shall be. But I have, and always have had, a profound respect for christianity, the religion of my fathers, and for its rites, its usages, and its observances. Among these, that which is proposed in the resolution before you has always commanded the respect of the good and devout; and I hope it will obtain the concurrence of the Senate.

Mr. FRELINGHUYSEN said, as it was to be inferred, from the call just made for the yeas and nays, that this resolution would be opposed, he begged leave to refer the attention of the Senate more particularly to the example of the Congress in 1812. A day of humiliation, fasting, and prayer, was then recommended by a joint resolution of the Senate and House of Representatives, because of the war with Great Britain in which the country was at that time involved. It was regarded as one of those seasons of public calamity in which it became a whole people to acknowledge their dependence, and humble themselves before God. So far as I can learn, from the journals of that day, said Mr. F., the resolution was adopted without opposition. Now, sir, if a state of war, in which we had, by voluntary declaration, engaged, was a fit occasion to call forth public expressions of humiliation for our sins, and to invoke the merciful providence of God, how much more appropriately does it become us thus to feel and act, on the approach of a pestilence that, in its ravages over the Old World, has swept many millions of our fellow-men into eternity; and which, in its character and progress through the earth, seems so emphatically to be the instrument of Divine Providence, beyond the influence and control of second causes, and especially selected to accomplish His purposes, and to go and come at His bidding.

I hope, sir, that the present resolution may meet with no serious opposition. It surely becomes us to acknowledge our dependence, and to implore the interposition of God's mercy in this season of alarm. The constitution can present no obstacle, for it is not an exercise of political power. It is far beyond the range of politics. It is an act of piety to God, becoming the whole nation; in which rulers and people are invited and advised to bow together before His throne of grace, and there, feeling ourselves to be in like need, to unite in one common supplication to Him, who has the issues of life and death, that he would be pleased to spare us in the day of his righteous judgment. I trust, sir, that this motion will receive the same decided countenance that was accorded to a similar measure in the late war, and on many occasions during the war of the revolution.

Mr. TAZEWELL said he had but a single word to state in explanation of his vote for withholding his assent to the resolution. In his opinion, Congress had no more power to recommend by joint resolution, than to enact by law,

any matter or thing concerning any religious matter or right whatsoever. He could not, let the pressure of the case be what it might, in conformity to the oath which bound him here, give his vote to sustain this principle.

He had another argument to support his opposition. He did not concur in the opinion that a majority of the people apprehended such an extent of mischief as seemed to be apprehended by gentlemen here. The disease had not yet made its appearance in our country, and there seemed to him to be strong reasons to believe it will not reach us, except in the persons of those unfortunate people who bring it with them from a distant country. It would probably rage, and prove extensively fatal among emigrants, being a disease which was engendered by the filth which attends squalid poverty; and, until our situation shall be so changed as to reduce us to similar poverty, there was no reason to fear it.

Entertaining these opinions, he had no desire to sanction any act the tendency of which would be to add to the existing excitement on the subject, interrupting the ordinary course of business, and throwing every thing into a state of confusion.

The question was then taken on agreeing to the resolution, and decided in the affirmative, as follows:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Grundy, Hendricks, Holmes, Johnston, Kane, Knight, Marcy, Naudain, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Waggonman, Webster, Wilkins.—30.

NAYS.—Messrs. Benton, Brown, Ellis, Hayne, Hill, King, Mangum, Miller, Smith, Tazewell, Troup, Tyles, White.—13.

PUBLIC LANDS.

The Senate then resumed the bill to appropriate, for a limited time, the proceeds of the public lands—the question being on the motion for indefinite postponement.

Mr. EWING said that the proposition under consideration had been presented in a manner somewhat peculiar, and certainly such as to place it in a strong and imposing light before the public, if light was to be elicited by investigation.

It was first, said he, referred to the Committee on Manufactures, a member of which (my honorable friend from Kentucky) presented this bill, accompanied with a report, as I thought, luminous and comprehensive in its details, strong in its conception, direct in its language, cogent in its reasoning, and statesmanlike and liberal in its views. The bill, however, was again referred, on motion of the Senator from Alabama, [Mr. KING,] to the committee of which he is chairman, for the purpose of having corrected many very gross errors which that honorable gentleman thought he discovered in the principles of the bill, and further enable him to take, as he modestly assured us he would do, an enlarged and liberal view of a subject which had been looked at in a narrow and somewhat illiberal spirit.

Well, sir, this reference was bad, and the report which is before me, containing a review and criticism of the report of the Committee on Manufactures, was the result. This report, says the honorable chairman of the Committee on Public Lands, who presented it, was conceived in no hostile spirit, but undertaken and executed solely with a view to set in a true point of light the errors in the report of the other committee, which were very numerous and very glaring, both in fact and argument, and to disabuse the community which that had a tendency to lead astray. Under these circumstances, and with these assurances, we certainly had a right to expect from the chairman of the Committee on Public Lands, to a reasonable degree at least, accuracy in his facts, and soundness in his reasoning. But the paper which he has produced is a

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regular one, and merits examination. It finds, in the first place, that the principles of the bill (which is before you) are erroneous, for two reasons: and first, "because it refuses to admit the public lands, which are one of the subjects of revenue, into the list of articles on which the retraction of revenue, consequent upon the extinction of the public debt, is about to be made."

Now, sir, let us see where the error in law and fact lies: whether it be with the reviewing committee or with the reviewed. The state of the question is this: be the Committee on Manufactures consider the public lands as the property of the United States, vested in them in trust for the common benefit, and that the faith of the nation is pledged for the honest execution of that trust, *bona fide* for the common benefit of all. On this doctrine the Committee on Public Lands have pronounced their decisive condemnation, and assume on their part that the public domain is held as an object of revenue merely, and to be resorted to as other objects of taxation, for the purpose of meeting the wants of the General Government; and that, when those wants diminish, the price of the land should be reduced; when they cease, it should be given away to individuals, or the State in which it lies. This is the first distinct point on which an issue is made between the committees in their respective projects; and I beg the patience of the Senate while I briefly consider the question.

The public lands are derived from various sources; but it is not necessary to examine them separately, as both reports agree in this, that they are all the property of the United States, and all subject to the same obligations. Whatever, therefore, is true of any one large division of land at territory, will be admitted as true of all. I will test the question by an examination of our rights and duties with regard to the land lying in the old territory north-west of the river Ohio. The right of the Union to this extensive tract of land originates in a grant from the State of Virginia, which, among other things, provides "that the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the aforementioned purposes, or disposed of in bounties to officers and soldiers of the American army, shall be considered a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever."

This grant, sir, which, being accepted, became a compact, was made to the old confederation of States prior to the adoption of the constitution, but is assumed by the sixth section of the sixth article of the constitution, which provides that "all debts contracted, and engagements entered into, before the adoption of this constitution, shall be valid against the United States, under this constitution, under the confederation."

This land, then, by the terms of the grant, is made a fund for the use of all the States. The United States the trustee for the common benefit; and, as such, is especially enjoined to "dispose of it faithfully and *bona fide*" for that purpose, and for no other purpose whatsoever." At the time of the grant, the States were indebted to a large amount; but no pledge is made of the land for the payment of the debt. An appropriation to that use comes within the spirit of the trust. A literal compliance with the terms of the trust would have required at all times a sale of the lands, and a distribution of the proceeds. It was never specially pledged for the purposes of revenue. The proceeds, however, may be fairly applied to purposes of revenue, because, applied in that way, it is in effect applied equally for the benefit of all the States. It is neither revenue nor the payment of the public debt

can be for a moment claimed as the sole or leading object of the grant. If the debt were paid, and no revenue required for the purposes of Government, the obligation on the Union to execute the trust would still remain perfect. We must *bona fide* dispose of it for the benefit of all the States, "and for no other purpose whatever."

Now, sir, if the trust be not dependent upon the wants of the General Government, if that do not appear clearly to have been the object of the grant, and that from a fair interpretation of the instrument itself, those wants cannot at all influence us in the disposition of the trust estate "*bona fide*" for the objects of that trust actually expressed.

In this first particular in which the Committee on Public Lands have passed their "decisive condemnation" upon the bill from the Committee on Manufactures, the condemning committee have fallen into an error, very gross and palpable, and indeed somewhat extraordinary, considering the relation in which they stand to this subject generally, and more especially the attitude which they voluntarily assumed toward another committee of the Senate.

The second particular in which the Committee on Public Lands finds "this bill to be erroneous," is "because it changes the character of the relationship (and that most injuriously to the new States) between those States and the Federal Government, substituting an individual, pecuniary State interest in the soil, instead of a general congressional superintendence over its disposition, and leaving the power of legislation over the soil in the hands of those who are to divide the money they can make out of it." (p. 1.)

Sir, is this, or any part of it, true in fact or in law? Does the bill before you change, or propose to change, at all the relationship between the new States and the Federal Government, and, if so, wherein? The lands are now sold by the General Government, and the proceeds applied to the use of the States, in the payment of their joint debts. The bill proposes to sell the lands in the same manner, and by the same authority, and, the debt being paid, to hand over the money directly to the *custuique* trust, to be applied, in another manner, for their benefit. There is no change proposed in relationship, management, or interest. The bill gives no State any power of legislation over the soil which it does not now possess.

So much, sir, for the second error in principle which the honorable chairman of the Committee on Public Lands has detected in this bill.

The report proceeds to say that "the details of the bill are obviously erroneous, because they make no distinction in the rate of distribution between States which did, or did not, cede vacant lands to the General Government."

In answer to this, I ask the Senate to refer once more to the same clause in the deed of cession creating the trust. "The land," says the grantor, "shall be a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure;" and if, sir, we hold that nations are bound by the rules of morality and justice, if the faith of contracts is to be at all regarded by them, then is the report of my honorable friend right and just in the point in which it is here assailed, and the chairman of the reviewing committee has erred most strangely, especially when we consider the spirit of candor in which he assures us he entered upon this investigation, and the extent of knowledge to which he lays claim upon this subject.

The third particular in which the chairman of the reviewing committee finds the bill to be erroneous, is this: that it makes no distinction between States "which have or have not received grants of land or appropriations of money for internal improvement."

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If this clause in the report were in itself at all ambiguous, the exposition of the chairman of the committee who reported it would remove the doubt. It refers especially to the grant made by Congress to Ohio to aid in the construction of her grand canal; and the principle embodied in the objection goes to this, that the value of that grant ought to be deducted from the share of that State before she receives her dividend. I shall offer a few suggestions on this point, and then freely submit to any unprejudiced mind the justice of this proposition.

Sir, when this grant of 500,000 acres of land was made to the State of Ohio, to aid in the construction of her grand canal, that great work, highly national in its character, one in which all portions of the Union were and are interested, had been commenced, and was advanced to that stage of forwardness which rendered its completion certain. The State which had undertaken it was in her infancy—a new community—and, though rich in her fertile fields, and hardy, industrious, and enterprising people, she was without that accumulated wealth which has enabled other States and nations to achieve like enterprises. To effect the object, a resort to loans was necessary, for the payment of which the real estate, the land of her citizens, was the principal pledge: the money necessary to keep down the interest was and is raised chiefly by a tax on land; and the farmer, who bore the burden, was to be indemnified by the increased value which the work, when completed, would give to his land. The land within the State amounts to about twenty-five millions of acres; and of this nearly seven millions (more than one-fourth of the whole) belonged to the United States. The land of the United States was freed from State taxation, for the ordinary purposes of Government, by a special compact; but the spirit of this compact did not extend to an extraordinary expenditure like this, the tendency of which is at once greatly to enhance the value of the subject. The United States, therefore, as a landholder, ought, (it was believed,) in justice, to bear a reasonable proportion of the common burden incurred for the common benefit of landholders in that State. In her capacity of landed proprietor, the United States was interested to about one-fourth of the whole amount of the expenditure; the donation which she finally made amounted to much less than one-eighth of that amount. In this single point of view, therefore, the United States did nothing more than justice to Ohio; and it would now be both ungenerous and unjust to charge this donation (so called) upon the distributive share of that State.

Sir, there is yet a further benefit resulting to the United States, as a land proprietor, from the Ohio canal, the contribution to which is so much grudged by the honorable chairman of the Committee on Public Lands. The vast bulk of the national domain lies upon the upper Mississippi and Missouri, and their branches; this canal connects the navigable waters of those rivers with the Northern lakes, and through them to the Northern ports on the Atlantic, opening new and important facilities to emigration, and giving a new and steady market to the products of that vast region. That it thus advances the sales and increases the value of all this portion of the public lands, is unquestionable; the extent and value of this increase is beyond computation.

But, sir, in making this donation, Congress did not place it solely upon the ground to which I have adverted, nor did they profess to give this land as a gratuity. They looked, as they ought, to the probable wants of our whole country; and, in case of a foreign war with a powerful maritime nation, they could not doubt, nor could any man now doubt, that the free use of the canal, which is reserved to the Union as a condition of this grant, may more than repay, in a single year, the whole value of the grant itself.

But, sir, on what ground is this question placed by the chairman of the Committee on Public Lands? Does he repudiate this bill because it gives to the States in which the public lands lie, ten per cent. on the amount of the sales within their limits? No, sir; he holds this bonus too small, and proposes to amend the bill by raising it to fifteen per cent. Now, on what principle is this proposed? Surely, because the new States are entitled, for the purposes of improvement, to the amount of fifteen per cent. on their sales, and that it is an act of justice, or at least justifiable liberality, to give it them. But if it be just and proper to give to these States that per centum on the sales within their limits at this time, it has always been so: for the tenure in those lands, and the relation of the Government and of the States toward them, has never changed, and the principles of right and justice are immutable. It would, therefore, have been right to give, in donations of land or money, fifteen per cent. of all the sales within the State of Ohio, to that State, to aid her in the construction of works of internal improvement; and a donation (if it be purely such) which does not extend beyond that sum, should not, upon the principles of the proposed amendment, be held up as a charge against the State. Now, exclusive of the debts of the Union, which have been paid by the lands in Ohio in bounties, there has been actually received into the treasury, from the sale of lands within that State, about seventeen millions of dollars; the proposed per centum on which would amount to two million five hundred and fifty thousand dollars, which Ohio ought to have received, according to the honorable chairman's own showing, instead of the five hundred thousand acres of land with which he proposes to charge her.

Sir, I will pursue this branch of the inquiry no further; but I cannot forbear the remark, that it struck me as singular, indeed, that an objection of this kind could ever have found a place in the report of a committee of this body, whose only object was the search of truth and the exposure of error, and who advanced to the inquiry, as they doubtless did, without prejudice or partiality towards any State or any individual.

The fourth objection to the details of the bill is, that it makes no distinction "between those [States] which have or have not a black population to be colonized in Africa." This appears on the first page of the report, grouped with the two which I have last examined; and if it mean any thing, I understand it, in effect, to affirm that those States which have a black population to be colonized in Africa, ought to have a larger dividend, in proportion to their population, than those which have none; and that this bill is "obviously erroneous," because it does not give them more. The reasons which I have urged, in answer to the first of the three exceptions to the details of the bill, are alike decisive as to this. It would have been a violation of the trust reposed in the United States by the deed of cession, to have made the distinction here claimed in behalf of the slaveholding States. No wise statesman, no just man, could recommend it; and surely if this clause in the grant had not wholly escaped the recollection of the chairman of the Committee on Public Lands, he could never have seriously urged its omission as an objection to the bill.

But, sir, permit me to call your attention, for one moment, to the consistency of the report of the reviewing committee. On page 1st, they say that the bill is "obviously erroneous," because it makes no distinction between those States which have, and those which have not, a black population to be colonized in Africa. On page 16, they deliver a grave and monitory lecture on the subject of colonization, declare it a delicate question for Congress to touch, and add, that "the harmony of the States, and the durability of the confederacy, interdict the legislation of the Federal Legislature on the subject." Now these two clauses make rather an odd appearance when placed

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in juxtaposition with each other, especially in a most candid report, the sole object of which is the detection and correction of great and dangerous errors. But, so skilful is the honorable Senator who presented this report in the detection of errors, that he can find them every where, on every side of every proposition; and such the subtlety of his logic, that he can expose them, too, though they lurk unseen by an ordinary vision; go where you will, reason as you may, there is no escaping him—like Butler's logical knight-errant,

On either side he can dispute,
Confute, change sides, and still confute.

On the second page of their report, the reviewing committee examine the account current of the public domain, as stated by my honorable friend from Kentucky, and find it, also, very erroneous. Instead of being in debt ten millions, or upwards, they show that it has overpaid, by many millions, all costs and charges, leaving on hand many hundred millions of acres of land undisposed of. But, at page 6, they tell us that "the administration of the public lands is an expensive branch, and an unprofitable source of revenue; and a cessation from the agency, and a release from the expense, would form a respectable item in the plan of retrenchment," &c. Thus, in one place, the land has yielded a fund much larger than represented by the gentleman from Kentucky; in another, it yields much less, and is, in truth, an expense and burden to the Government. Sir, the state of facts in the hands of the honorable chairman of the Committee on Public Lands changes, with admirable facility, to suit the argument which it is used to overthrow or advance.

But time presses, and I can give but a passing notice to the many matters touched upon in this report. In that presented by the honorable Senator from Kentucky, it is said that the present land system has been long tried, and that it works well; and the rapid increase of population in the Western States, especially in Ohio, the eldest of those States, and the one in which the experiment has been the most fully tried, is presented as an example. In this position, and in the illustration also, the reviewing committee detect other and further errors. "The truth is, (say they, page 11,) Ohio owes at least two-thirds of her present greatness to settlements on Virginia military bounties, on lands sold before the adoption of the present system, at the easy rate of sixty-six and two-third cents per acre, payable in revolutionary certificates; on the Western reserve, sold by Connecticut to individuals, at a few cents per acre; on donations to settlers, to Nova Scotia and Canadian refugees, and for schools and other purposes; and on the public lands, where a multitude of poor people are seated without titles."

Sir, to examine specially, and assign its true merit to this long array of causes on which this report rests the "present greatness" of the State of Ohio, would occupy more time than I wish to devote to it, and much more than your patience would allow. Some leading items only will I notice. And, first, the Virginia military bounties. Their location in the State of Ohio is assigned as one of the great causes of her prosperity; or, in the opinion of the Committee on Public Lands, if that tract of country had been surveyed and sold by the United States, the settlement of the State would have been thereby retarded; or, in other words, this tract of country would not have been as well peopled as it now is. Their position must be true to this extent, or the argument of the reviewing committee is fallacious. But how is the fact?

It is idle to suppose that the officers and soldiers of Virginia, the recipients of this bounty, have settled on the land set off to them, and thus peopled the country; this has not occurred in one case in a thousand. That they sold their warrants at a cheap rate, is true; but the purchasers were not the actual settlers and tillers of the soil. The proprietors of warrants sold to speculators before or

after location—single individuals, purchasing several hundreds of thousands of acres, and selling again at rates seldom below, and often much above, the minimum price of the public lands; consequently the settlement of that portion of the country was much retarded, and lingered far behind that of the adjacent lands of a good quality east of the Scioto or west of the Little Miami rivers. But there were other causes besides merely price, which delayed the settlement of the Virginia military district. It often happened that choice tracts of land, inviting to the farmer, could not be purchased upon any terms. Sometimes it belonged to infant heirs; or was divided, in the course of descents, into minute portions, the property of persons separated from each other, and ignorant of their rights; and thus was, in effect, shut out from sale, and consequently from settlement. And, moreover, cases of defective titles, consequent upon interfering claims, as well as the state of things to which I have just referred, formed a most serious obstacle to the sale and settlement of those lands. These are among the causes which produced a well known effect; that part of Ohio did, in fact, settle less rapidly than the lands on either side of it of like quality, which was sold by the Government. So far, therefore, from owing her greatness to that circumstance, Ohio has been retarded in her advancement by the location of those lands within her borders.

The next circumstance which, according to this report, aided to achieve the greatness of Ohio, was the sale of lands "before the adoption of the present system, at the easy rate of sixty-six and two-third cents per acre, payable in certificates."

I must here take leave, once more, to call the attention of the Senate to the consistency of the facts and opinions advanced by the Committee on Public Lands, as presented in this report. They give us the value of the public lands in the several new States and Territories, in the gross, and average them at between twenty and fifty cents per acre; even the fine lands in Illinois, than which the world affords none better, would range, as they have it, below fifty cents, and this, too, land which is bordering on flourishing settlements, and is surveyed and ready for market. But companies who formed the first settlements in Ohio purchased at the easy rate of sixty-six and two-third cents per acre.

Sir, to enable the Senate to form an estimate of the justness of this comparison, and the consequent correctness of the report in this particular, I must call your attention for a moment to the actual state of the country at the time the two large purchases referred to were made. That I may consume as little of your time as possible, I will refer specially to but one, and that the larger, and, by a short time, the earlier purchases; but all that I may say of one, is, substantially, applicable to both, except that the Miami purchase covered a rich tract of country, while that of the Ohio Company was unfortunately fixed upon a less fertile spot.

The Ohio Company effected their purchase in the summer of 1787. At this time we were yet recent from the war with England which gave us independence. Her troops and garrisons were not withdrawn from our territories; she still held possession of Detroit, and some small forts on the southern shore of Lake Erie, by means of which, and her traders, she held control over the Indians, and incited them to hostilities. On the one side our frontier settlements had pushed westward as far as Fort Pitt and Wheeling, but it was in weak and scattered detachments, constantly menaced with Indian massacre, and venturing but a little way from the forts by which they were protected. No wheeled carriage had then, I believe, ever crossed, or could cross, the Alleghany mountain; the families and the household goods of the emigrants, and all the comforts, and even necessities of life, which they did not wholly forego, and which their woods and fields did not furnish, were transported on horseback from Cham-

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bersburg and Fort Cumberland; and there are spots in the gorges of the mountain, the names of which attest that even this difficult and adventurous traffic was not carried on in safety. Such was, briefly, the situation of the country when the Ohio Company purchased of the United States 1,500,000 acres of land, in a single body, one hundred miles beyond the furthest outposts of our settlement, in a hilly and comparatively barren region, and themselves, by their compact, bound, not only to survey their own lands, but one-twelfth part of the whole, which was reserved by Congress, in the centre of each township, for their own future sale. This purchase, at the time, and under the circumstances I have mentioned, was made, say the reviewing committee, "at the easy rate of sixty-six and two-thirds cents the acre," while, in the next page of their report, they show, or attempt to show, that the average value of lands in the best and most rapidly populating districts of country in the Union are now worth less than fifty cents per acre. No one, I think, will longer wonder that the bill reported by my honorable friend from Kentucky has received the decisive condemnation of this committee. For, sir, though the gentlemen composing its majority did, doubtless, give the subject of the public lands the singular reference to the Committee on Manufactures, for sound reasons, and from the purest motives, without any purpose of involving any individual in difficulty or embarrassment; and although the second reference to themselves of the subject which they had before thus strangely, and which had been examined thus ably, was, doubtless, done from a high sense of public duty alone; and although, doubtless, as the honorable chairman of the reviewing committee observed, he has done nothing more than to correct (what appeared to him) palpable errors, in fact and argument, in the report of the first committee, and this, too, in no unfriendly spirit; yet, the extraordinary faculty which he possesses of marshalling his facts, the discipline which he has taught them, so that, at his bidding, they will face either way, and overwhelm a proposition which he may be disposed to prove wrong; and his principles of comparison, as evinced in the instance to which I have last referred, so different from that of other men, and so wholly inscrutable to an every day intellect; would lead us, on the whole, to conclude that no view which could have been taken of this subject by the Committee on Manufactures, unless aided by inspiration, could have met any thing less than his "decisive condemnation."

One other item in the enumeration of the causes of the "greatness of Ohio," is the "multitude" of poor people seated on public lands, without titles.—p. 11. Now, this is an entire assumption; the fact is otherwise; there are not now, nor have there ever been, multitudes (in the sense in which the term is used in this report) of poor people seated on the public lands in that State, nor any number at all considerable, compared with the actual population. Ohio has derived no addition to her "greatness" from any such source; there have been, and still are, some instances of individuals settling on the public land there, as well as elsewhere in the new States; but those of them who wished to do so, have always been able, in a short time, to purchase and become the proprietors of their homes; others, whose tastes and habits led them to prefer it, pushed onward in advance of settlement and civilization, and no device to which you could resort—no lure which you could hold out to them—would tempt these men to ever become and continue freeholders. A reduction of the price, or even a gift of the land, would not do it; it is already, and has long been, in the power of any man who deserved it, to be the owner of a freehold, by just a sufficient effort to induce him to prize his possessions when obtained. So much, sir, for the general assertion contained in the report; now for the proof on which it is supposed that assertion rests.

In the same page (11) the committee tells us that, in 1828, there were in the new States an aggregate of one hundred and forty thousand men who were non-freeholders; men, of course, arrived at the age of twenty-one years and upwards. The population of those States is, in the same paper, estimated at two million one hundred thousand souls; from which statistical facts, a state of poverty and vassalage is inferred, and one-third of all the inhabitants are pronounced "tenants to landholders, or trespassers on the public lands." This proposition is, it must be confessed, somewhat startling; but let us look for a moment into the organization of society in the new States, the habits, customs, and pursuits of the people, and we shall come to a conclusion very different from that which is arrived at by the reviewing committee.

It will be seen, by reference to the census returns of 1830, that there were in the new States referred to considerably more than two hundred and eighty thousand men between the ages of twenty-one and thirty years. Not more than one-half this number, upon a fair average, are married and settled in life, or would be so, if lands and houses were given to them for the asking. In that portion of our country, the average age of marriage, for young men, is about twenty-five or twenty-six. Until that period of life, they either remain with their parents, and assist them upon their farms, or engage in some enterprise, by way of trying their fortunes, and seeing how the world looks beyond their immediate precincts; and the honorable chairman, who, in this report, and the speech with which he backed it, has so much deplored their condition, could not, unless we were to chain them to the soil, repress this outbreking of curiosity and enterprise.

Admit me right in this, (and I think no one who is familiar with the people of the Western States will deny that I am so,) we have accounted at once for the one hundred and forty thousand non-freeholders, without the introduction into our estimate of a single vassal, tenant, or trespasser. But, then, there are, moreover, a variety of the mechanic arts, which are carried on, to a considerable extent in the Western States, especially in our principal towns; and although the proprietor of the workshop be himself a freeholder, he must have his journeymen who are not; the merchant must have his clerks; then there are those who navigate our steam and canal boats; wagoners, stage drivers, hunters and traders in the Northwest, and to Santa Fe; and those who dig lead in Missouri, and at Galena, with a long list of other occupations, essential in every civilized community, which require no freehold. On the whole, it is a matter of surprise that there is such a small number of non-freeholders in so large a population. There are, it is true, tenants who cultivate lands not their own, but it is from choice, not necessity; and it would be no improvement in the condition of society to change that state of things. In the section of country which the honorable chairman of the Committee on Public Lands so ably represents, it is easy for every man to cultivate his own lands with the labor of his own slaves; with us it is different, and the owner of land must resort to free labor, for which he pays a full and fair equivalent; and the condition of a tenant, or even a laborer, let me tell the honorable gentleman, is, with us, entirely compatible with the most perfect freedom and respectability. Let him, therefore, feel no horror at, or even sympathy for, the condition of our people, who are personally and individually among the most independent and happy upon earth. As to trespassers residing on the public lands, as far as I am informed, we have none of them.

So much for the condition of that portion of the people for which the honorable Senator professes, and, doubtless, feels, such deep and unfeigned sympathy. I will now say something of the effect which would be produced upon the country by the adoption of the scheme proposed

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by the Committee on Public Lands; and I am the more especially called upon to do this, as my State, it seems, has fallen under the ban of the honorable Senator's displeasure, for opposing this, and, perhaps, others of his favorite measures. "Ohio (says the honorable Senator) is fixed and determined in many things not much to her credit for liberality." Now this, as a matter of course, is one thing of the "many," and probably the "heaviest and the worst;" and as I am extremely anxious to relieve my State, as far as may be, from the weight of the honorable Senator's displeasure, I will try, in this matter at least, to show that we have reason and justice upon the side of our supposed ill berality.

The State of Ohio is, with inconsiderable exceptions, carved out of the national domain; it is a small part of an immense tract of land owned by the great proprietor. This land was purchased by her citizens principally at the price of two dollars per acre, averaging, at least, one dollar and seventy-five cents; and four-fifths of the lands within the bounds of the State are now the property of the State, or its citizens. The report of the committee estimates the amount at something more than twenty-two millions of acres; which estimate, I presume, is nearly correct. There are now more than one hundred millions of acres of the public lands in market, which have been in market five years and upwards, most of them contiguous to that State; and now the proposition is to reduce, at once, all this immense amount of land to fifty cents per acre. And what would be its effect? The value of a farm is composed of two ingredients: the price at which it could be purchased in an unimproved state, and the value of the improvements which the industry of man has placed upon it; something always to be added for the general improvement of a country in which wild as well as cultivated lands partake. The United States being the principal landed proprietor, and having more wild lands for sale than will supply all the purchasers for ages to come, the price of uncultivated lands is completely in their power; it may, at their bidding, be sunk into nothing; therefore, the first ingredient entering into the value of lands in Ohio, belonging to the State and its citizens, is the present minimum price of wild lands, one dollar and twenty-five cents per acre; and this part of its value, equal to about twenty-eight millions of dollars, it is in the power of Congress, by legislation, to retain as it now is, or, in whole, or in part, to destroy it. Suppose the reduction proposed by the Committee on Public Lands, to fifty cents for all lands which have been five years in the market, should take place, it strikes off, at once, from the lands of that State seventy-five cents per acre, equal to about sixteen million five hundred thousand dollars of its present aggregate value, of which the direct loss to the State would be about four hundred and fifty thousand dollars, the residue falling upon individuals. Now, this, sir, is more than I am willing to surrender in behalf of Ohio, even though the sacrifice should remove entirely from the mind of the honorable Senator from Alabama his unfavorable opinion of her liberality.

But, sir, a valuation of the kind proposed would be no less unjust to the landholders in the newer States of Indiana and Illinois, than to Ohio; and were I a representative from either of those States, I would, as I now do, oppose it to the utmost. Take a single case, and it will cover all in its principle: Eight emigrants purchased six months ago their quarter section of land each, upon the frontier settlements in Indiana or Illinois, and paid for it all the cash they had to part with, at one dollar and twenty-five cents per acre, making sixteen hundred dollars. Suppose they had just put up their cabins, and are preparing for a crop; this day you reduce the public lands all around them to fifty cents per acre; is not their property—their lands—reduced at once to the same value? And do you not take from them, by a single act of legisla-

tion, nine hundred and forty dollars of the sixteen hundred dollars in value of their lands? Surely. And for what purpose do you do this? That a few vagrant individuals, who would rather hunt buffaloes, and trap beavers and muskrats, and maraud upon the Indians, than cultivate lands, may be enabled to become freeholders; men who would not own and cultivate lands if they might; nay, who could not be forced to do it, unless fettered to the soil. Sir, it will not do. These violent changes in the value of private property, especially of landed estates, bring misery and ruin in their train: they should be avoided, whenever it is possible, by a wise and beneficent Government; but it is worse than madness in a Legislature to voluntarily inflict them upon a people.

It would seem as if, in the opinion of the honorable chairman of the Committee on Public Lands, the very acme of national prosperity consists in emigration, and that all legislation should be aimed and directed to the encouragement of that sole object; and more especially that, for the benefit of the West, all other occupations, in other portions of the Union, should be discouraged or destroyed, that the inhabitants may be driven or allured into emigration. Hence, sir, the heavy anathemas pronounced against the report of Mr. Rush, when at the head of the treasury, in which he urges the danger of holding out new inducements to migration, lest it should draw off that portion of our population now engaged in manufactures, and make them agriculturists.

Now, sir, I, as a Western man, concur in the principles contained in that branch of Mr. Rush's report; no matter how much they have been the subject of misrepresentation and abuse, they contain sound political and practical wisdom, and I am willing to endorse for, and stand prepared to sustain them; but be it not forgotten that no idea is held forth of discouraging or checking the natural regular current of emigration; this was, according to his views, to remain unaltered and undisturbed, except as new fields for the enterprise and industry of our citizens might direct them to other objects.

For the good of our country, our whole country, and all and each portion of our country, new and old, emigration has been, and still is, rapid enough; it requires no new inducements; and except the continued improvement in the facilities of mutual intercourse, nothing to encourage, nothing to hasten it. So far as the West is concerned, certainly it requires nothing more. We are, there, essentially, an agricultural people; the products of the earth are raised in superabundance, and a market is all that is wanting to give us independence, and even wealth. It would be madness in us, then, to desire that the workshops of the East, which purchase our produce, and supply us with their fabrics, should be broken up, and that the men and capital which they employ should be induced, by bounties from the Government, to transfer themselves to our neighborhood, and become our rivals in agriculture. It is better for us that they should remain where they are, and prosper, while they advance our prosperity as well as theirs, than that they should be transferred to our borders, at the expense and sacrifice of both.

Sir, there is still one feature of this report which ought not to pass unnoticed. It proposes, it is true, that the present system of sales be preserved; that the United States still retain the care and superintendence of the property; and that the price only of the lands be reduced; but the whole body of the report itself, its assumed facts and strained deductions, all tend to a different result—an abandonment of the lands to the States in which they lie, or their gift to such as are willing to receive them.

It is said (page 5) that they "are an inconvenient burden, which ought to be got rid of without delay;" "that they should receive a new destination for the relief of the States in which they lie;" "that they should be

given to settlers, or abandoned to the States in which they lie;" "that the speedy extinction of the federal title within the States is necessary for their independence," &c.; but I am weary of citation. Let gentlemen look over the several propositions laid down by the reviewing committee in pages 5 and 6 of their report, and they will see at once to what it tends; and no man who looks for consistency, order, and so much of logic as would give a conclusion bearing some relation to the premises, but must be surprised at the result of this singular paper. It seems as if the body of the edifice had been raised by one architect; and another, without knowledge of the design of the builder, or examining his work, had fashioned the dome. It is a human head upon the neck of a horse.

Sir, I cannot part with this subject without saying something of the project reported by my honorable friend from Kentucky, and which is embodied in this bill. He proposes the distribution of the proceeds of the public lands among the several States, to be by them applied to internal improvement; the payment of debts contracted for internal improvement; the colonization of free people of color, and education; objects national in their character, and dear to all who value the prosperity of our country, and the improvement and happiness of the human race. Doubts, it is true, have been suggested, of the constitutionality of the measure, but I humbly conceive, when examined, those doubts will be dissipated.

All the lands of the United States are placed upon the same footing by the Committee on Public Lands, and the rights of the nation over each and every part of it are held to be the same. In this the two committees agree entirely. We may, therefore, hold it as a conceded point. I will examine our rights over but one portion of it, and that, at present, by far the most important—that lying between the Ohio, the Mississippi, and the lakes, formerly known as the territory northwest of the river Ohio. And, sir, as it is a question of strict law, you will excuse me the repetition which it necessarily involves.

We hold these lands by virtue of a deed of cession from the State of Virginia, to which I will once again refer. This deed, after designating certain trusts to which a part of it was to be applied, provides:

"That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other purpose whatsoever."

This cession was made and accepted before the adoption of the federal constitution; it has, therefore, no relation to that instrument; but the constitution (art. 6th) has relation to the deed, and one of the contracts entered into and binding on the national faith. This places the General Government in the situation of a trustee of this fund, which it must dispose of *bona fide* for the common benefit. Now, sir, while the nation, which represents all the States collectively, was indebted, its debt being the debt of all, it was a fair and legitimate execution of the trust, to sell the lands, and apply the proceeds to the payment of the debt; so, also, if its proceeds be necessary for the current expenses of the Government. This no one doubts, as it is disposing of the property *bona fide* for the use and benefit of all the States, and in the proportions stipulated. But what is to be done when the debt is paid, and the fund is not needed for the purposes of the General Government?

Give it away, cast it off as an inconvenient burden, say the Committee on Public Lands. Dispose of it as hereto

fore, and distribute the proceeds justly, according to the intent and spirit of the trust under which you hold it, say the Committee on Manufactures.

The compact which the acceptance of the deed of cession carried with it, I hold to be imperative and perpetual. In all future time, and under all circumstances, until the sales are completed, the lands remain a common fund. They must be disposed of by Congress, *bona fide* for the use and benefit of such of the States as shall be members of the federal alliance at the time of their sale or disposition. But must the fund necessarily be held and applied by Congress to the future exigencies of the General Government? I do not ask if it may, but must it? The paragraphs already dwelt upon carry with them no such obligation; but there is another member of the clause, which clearly implies distribution. "This fund, for the common benefit, shall be *bona fide* disposed of for the use and benefit of all the States, "according to their usual respective proportions in the general charge and expenditure." If the object had been to apply this only to the accruing charges which revenue, properly so called, is designed to meet, this last cited clause would have found no place here. But it clearly contemplates distribution, and is placed upon the basis of a profit and loss account between individual partners. In the proportion that States contribute to support the expenses of Government, in that proportion shall they receive the proceeds of sale of common property. It seems to me, therefore, a clear case of constitutional right, if not of obligation, that these lands and their proceeds be applied in the manner proposed by this bill. This mode is as just, and it is expedient alike for the benefit of all the States, old and new. The treasury of the United States is now full to overflowing, and for none of the purposes of Government is this fund necessary or useful to the nation as a whole. But the States have, by their general compact, divested themselves of the first and greatest resource of revenue—that of imposts on commerce; many of them, having no other resource, support their Government by hard, direct taxation upon land, which, less than any other species of property, can bear taxation. Thus, they labor under great, and, indeed, almost insurmountable difficulties, in raising funds for those expenditures necessary for the internal improvement of their country, and the education of the rising generation. The distribution of the proceeds of these lands would remove all this evil. Those States which have borrowed and expended large sums in improvements of a permanent and national character would be relieved from the debt with which they are burdened, and to the rest it would furnish a fund sufficient to keep up those improvements in an even pace with the progress of population. And, moreover, it would place in the hands of the States a fund which, well applied, would furnish the means of education to all the rising generations which are to succeed us.

To those States, or the representatives of those States, which have set up claims of right to the public lands, let me say that their claims are wholly unfounded in any principle of justice, and their hopes, based upon them, are vain and illusory. This bill provides that ten per cent. upon the sales in their limits shall be first applied to their benefit before the fund is distributed. This cannot be claimed by them on any principle contained in the compact, but is right and just, because the improvements to which it is to be applied enhance the value of the other lands of the United States yet unsold within its borders; and although some may think that, on this ground, a much larger per centum ought to be allowed, yet it is surely better to close now with this, than this much may be realized upon the current heavy sales, than to negotiate for years, even if a larger dividend could be obtained hereafter. The proffered advantage is yearly diminishing in value, while you hesitate about its acceptance.

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On the whole, sir, I look upon this bill as one of the most important among the many important measures that have been presented to our consideration within the present session; and I most heartily concur in the principles advanced in the report of my honorable friend from Kentucky, and earnestly hope that the bill, with which it was accompanied, and which is now before you, may receive the sanction of the Senate.

Mr. BENTON said, the Senator from Kentucky [Mr. CLAY] had indulged himself in a strain of studied personality, of which he [Mr. B.] had been the particular and elected object. Mr. B. did not sufficiently admire that rein of speaking, to be seduced by example, or provoked by injustice, to engage in it; but he owed it, if not to himself, at least to others who had been comprehended in the same train of remarks, to notice these personalities, so far at least as to expose their injustice and repel their application. Mr. B. placed no value on the saving clause—a mere personality—so frequently repeated by the Senator from Kentucky, that his expressions had no application to persons present. Such saving clauses, when contradicted by the fact, had better be omitted; when not contradicted by the fact, they had as well be omitted; for the number of persons was always small in any audience who could admire the chivalry which passes by persons present to attack the absent. But the personalities in question applied to all who had advocated a reduction of the price of the public land; and, among those who had advocated that reduction, were the Legislatures of Missouri, Illinois, Indiana, Alabama, Mississippi, and Louisiana, and an immense majority of the inhabitants of these six States. The term demagogue, and other epithets so copiously lavished, applied to all these Legislatures, and to all these inhabitants. They applied to him [Mr. B.] also, notwithstanding the formality of the saving clause; and he had no desire to be exempted by such formality from the wholesale denunciation which was lavished upon his friends and constituents.

The Senator from Kentucky has carried his license of invention so far as to point me out to the Senate as the author of a claim, in behalf of some of the States, to the whole of the public lands within their respective limits. This imputed authorship happens to have no foundation but in the assertion of that Senator. I never put up such a claim; I never defended such a claim; and I have discountenanced it just so often as I have ever expressed a sentiment on the point. That Senator also pointed me out as a performer in a duet—a singer in a song in two parts—carried on from the opposite banks of the Mississippi, in which a late Governor of Illinois (Mr. Edwards) was the other supposed performer. A studied and prepared effort was made to entertain the Senate and the audience, in the recitation of this supposed song; but the song happened to be sung nowhere but on this floor; and not by two persons, but by one person. It was a solo, and not a duet; and solo in every sense of the phrase; the words, the music, and the performance being all by the same hand; and sung to an audience collected, according to the stage rules, through an invitation in the newspapers, and a puff on the performer.

The Senator from Kentucky had entertained the Senate with an anecdote; it was the story of a swindler in his own State, who had obtained pre-emption rights in the names of his negroes. All anecdotes, introduced into a speech, are supposed to have point and application, and tend to illustrate the argument of the speaker. It would be unbecoming to suppose that this negro anecdote, thus introduced in a grave debate, and upon this dignified theatre, can be destitute of point or application. It must mean something; and no other meaning is apparent than that pre-emption rights are not to be allowed in the slave States, lest the slaveholders should set up false claims in the names of their negroes, and thus defraud the Government out of its land.

The Senator from Kentucky, besides his song and anecdote, had also bespangled his speech with a variety of metaphors; some of which did not seem to be drawn from those shady walks of the academy, where Plato, Aristotle, Quintilian, and Cicero were accustomed to draw their rhetorical decorations. He gave us the metaphor of the whole hog and the bacon ham; rather a swinish figure, it must be admitted, and smelling strong of the barbacue school. He gave us also the figure of the blanket pulled off of the old States by the young States. This was certainly a woolly metaphor, and possibly owed its conception to the crowd of sheep memorials which were pressed upon the Senate in the progress of the tariff debate. The metaphor of the refuse lands and the refuse maidens was doubtless a compliment to the ladies present, who had so punctually attended about one o'clock, according to the notification in the National Intelligencer; though it is difficult to perceive the congruity of the figure, or to comprehend how unmarried ladies could be complimented in a comparison with unsold lands which had been auctioneered without finding a bidder.

The Senator from Kentucky indulged in other sentiments, which we would gladly understand as mere rhetorical flourishes, but whose claim to a literal meaning, and deliberate sense, is too clearly expressed to be misunderstood. The knee deep in blood, to which Kentucky was to fight before she would see the new States receive a cession of the vacant lands, was no idle flourish of the orator. He showed too plainly that the bloody sentiment, dreadful as it was, was a deliberate sentiment with him. But decided as that Senator evidently was, in his own purpose, thus to fight, it is to be hoped that he was mistaken in the sentiment of his State. It cannot be believed that Kentucky would fight the young States in that ferocious manner. It cannot be believed that she would fight them to the knees in blood; nor even ankle deep in blood; in fact, it was impossible to believe that she would fight them at all. The people of Kentucky have their inheritance in the public lands without fighting for them. They go and settle them, and become the friends and brethren, instead of the slayers, of the inhabitants of the new States.

The levy of a billion of dollars is no metaphor. The Senator from Kentucky repeats his wish for that terrific levy, and coolly calculates the enormous dividends which the old States will derive from it. The endless continuation of the sales of the public lands is no metaphor. The Senator repeats his hope for their long duration, and fixes upon the period of three hundred years when they will still be unfinished; when Congress will still be occupied with fixing their price, and collecting enormous sums from them. The high value set upon these lands is no metaphor. The Senator insists that the price ought rather to be raised than lowered, and seems to take credit to himself for not moving to raise the price. The claim of the old States to an equal right with the new ones in all these lands, is no metaphor. It is said they were bought by the blood and treasure of all; as if the Indian wars which have desolated the West—the war now raging on the North-western frontier—fell upon the inhabitants of the old States, and not upon those of the new States. These things, asserted and maintained by the Senator from Kentucky, and so injurious to the young States, are none of them figures of rhetoric; they are sentiments upon which he acts, and exerts all his powers to induce others to act upon them also.

The Senator from Kentucky, pursuing his vein of personality, was pleased to designate me as an author of the report of the Committee on Public Lands, and to disparage the report, and the presumed author, on that account. I presume the contents of the report, and not the writer, is the proper subject of remark here. Be the writer of it whom he may, the Senator from Kentucky owes him thanks for his forbearance; for never was so frail an infant so gently

handled as the report of the Committee on Manufactures has been. To convince the Senator of this fact, I will read two passages from the first page of the report, and show what mistakes, committed by him, were left untouched and uncorrected through the indulgent forbearance of the Committee on Public Lands.

Mr. B. then read the first sentence in the report from the Committee on Manufactures, in which it was recited that the committee had been instructed by the Senate to inquire into the expediency of reducing the price of the public lands, and of ceding them to the several States in which they lie, on reasonable terms. This recital is correct. The instructions given to that committee by the Senate are correctly stated. And what was the conduct of the committee? Did it obey the instruction? Did it conform to the sense of the Senate? Did it report a bill either for reducing the price of the lands, or ceding them to the States? It did neither! It disregarded the instruction. It set aside the command of the Senate. It substituted its own will for the authority of the Senate; and brought in a bill, neither to reduce the price of the lands, nor to cede them to the States, but to keep up the price, and divide the proceeds of the sales among all the States. The Committee on Public Lands made no remark on this disobedience. They passed it over in silence. They were sensible that the Senate itself had expressed its own disapprobation of that disobedience in doing what had never been done before—in referring the bill of the Manufacturing Committee, without previous discussion, to the Committee on Public Lands to report upon the subject conformably to the expressed sense of the Senate.

Mr. B. then read the second paragraph of the report from the Committee on Manufactures, which, after citing the cessions of Virginia and Georgia, complimented other States for their magnanimity and patriotism in giving up their lands also. Was this correct? Was it historically true? The Connecticut claim in Ohio; was that given up? or, rather, was not a deed of conveyance exacted for it from the Federal Government? The Massachusetts claim in the then province of Maine; was that given up? Let Massachusetts herself respond. Here is the protest of her Legislature, adopted a few months ago, reciting that she had then owned large tracts of vacant land in Maine, and declaring all acts between the Federal Government and Great Britain to be null and void, by which she should be deprived of any part of that land. Here, then, is the assertion of the Massachusetts Legislature in opposition to the Manufacturing Committee's report. She declares that she now owns large bodies of vacant lands; lands which she never did cede to the Federal Government; which she will not now cede to it; nor permit any part of it to be pared off in settling the boundary line with Great Britain. She nullifies the act of the Federal Government; and that not a mere act of Congress, but a case of national law—the supreme law of the land—a treaty with a foreign Power, at the risk of war with that Power. This is nullification in earnest. It was doing the think like master workmen. The South Carolinians were nothing but apprentices. They were fumbler and bunglers at nullification. They did nothing but talk and threaten: Massachusetts economized words, and went to acts. She did the thing at once: a word and a blow, and the blow first; and what effect that blow might have had upon the secret deliberations of the Senate on the boundary question, it did not become any one to say in open session. Let the South Carolinians take a lesson from Massachusetts, or surrender their pretensions to the character of nullifiers. But this is an episode. I have referred to the Massachusetts protest to correct a great historical blunder in the report of the Committee on Manufactures, and to establish the claim of the author of the Public Land Committee's report to the thanks of the writer for forbearing to expose it.

The Senator from Kentucky, among other amiable personalities, was polite enough to say that the report of the Committee on Public Lands would have been better if it had had less of my labor in it. And what would have been the report, of which that Senator was the writer, if it had had nothing in it but what was fresh from his own invention? Every argument it contained was an old acquaintance in this chamber—familiar to our own ears in all the debates upon the graduation bill—speculators to buy up all the public lands—destruction of the present land system—splendid growth of the new States, and of Ohio in particular, under the influence of the present system—injury to former purchasers of public lands—fall in the value of all lands, public and private—emigration from the old States—the land revenue paid by the old States—too rapid growth of the new States—comparative growth of old and new States—cessation of all sales, under the expectation of reducing prices. These are the topics which figure in the Senator's report; and all these topics had already figured for six years in this chamber, before he entered it. The old opponents of the graduation bill had used them all up; yet the Committee on Public Lands made no allusion to the antiquity of the gentleman's arguments. They received the resuscitated carcasses of these old arguments as if they had been something fresh and new. They answered them gravely, and civilly, and without allusion to their former acquaintance; and no allusion would have been made to it now, had it not been for the Senator's polite disparagement of the report from the Committee on Public Lands, under the assumption that it contained too much of my composition.

The Senator from Kentucky proclaimed his intention to answer the report of the Land Committee; and how did he comply with that proclamation? By avoiding every essential argument of the report, catching at detached expressions, and piddling at verbal criticism! He avoided all notice of the objection to the principle of his bill, which makes the new States the private property of the old ones. He paid no attention to the memorials of six States, praying for a reduction of the price of the public lands. He shut his eyes upon the fact that the first choice of new lands were now selling, in the State of Maine, at a maximum of sixty cents per acre, and thence down to three and a half cents. He never once alluded to the official reports from the registers and receivers of the public lands, which described the quality of these refuse lands, and fixed their values at from five to fifty cents per acre. He was blind to the marshal's returns, which exhibited about one-third of the taxable inhabitants of the new States as being non-freeholders. He omitted to notice the glaring injustice of putting Massachusetts and Connecticut on a level with Virginia and Georgia in their interest in the public lands. He made no answer to the allegation that the old States would raise the price of the lands, and send agents to bid against purchasers, and to prosecute for trespasses, as soon as they could consider them as their own. He paid no attention to the obvious objection which displayed the injustice of making no distinction between the States which had, or had not, received donations in money, or land, for objects of internal improvement. He was deaf to the allegation that these lands had been granted for revenue, and that it was due to the donors, after taxing them upon other articles to raise revenue, to give them the benefit of these lands in alleviating the burden of future taxes for revenue. He was silent as the dead to the argument that these lands were granted to be disposed of, and not to be kept for three hundred years. He paid no attention to the argument that the new States were entitled to a reduction of the revenue on the articles chiefly used by themselves. He paid no attention to the fact that his report and bill were at war with each other; that his report was for dividing the nett proceeds of the sales, and his bill for dividing the

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as proceeds; thereby making a difference of a million dollars in the sum to be divided. He fought shy upon quotation from Burke; commented upon an immature part, and left unnoticed the whole stress and point of quotation, which asserted that the true mode of deriving revenue from land was from its cultivation, and from its sale. He paid no attention to the verification of this sentiment in the United States, where the sale of public lands has produced but thirty-eight millions gross revenue, while the cultivation of the lands, through medium of custom-house revenue, had produced five hundred and fifty-six millions of nett revenue. He would notice the example of England, and all other countries are now making donations of land to their citizens, in many instances, giving them assistance in cultivation. He said nothing about the injustice of demanding the same price for all sorts of land—nothing about the justice of requiring one dollar and twenty-five cents per acre for land worth twenty-five or fifty cents. The Senator from Kentucky omitted all these essential points, and, by omission, gave a fine exemplification of the rule of rhetoricians, which recommends all those arguments be passed over in silence, which cannot be met and answered.

The Senator from Kentucky, in skipping all the arguments of the Committee on Public Lands, has been equally true to the use of arguments on his own side. Song, simile, metaphor; many exhibitions and flourishes to entertain the ladies and by-standers; but very few arguments to enlighten the Senate. The cash argument was the only one which he condescended to use. The table of dividends was the Alpha and Omega of his argument, that table was constructed upon a principle of error, which exhibits to each State about four or five times more than it would ever get. Instead of an average of a few years, which would give a million and three-quarters in place of three millions, for the gross receipts from public lands, instead of the nett proceeds, which would amount about a million to be deducted for expenses in administering the public lands, buying them for Indians, paying the annuities incurred on account of them, and defraying the removal of the Indians; instead of the remainder which these deductions would leave, and which some years would be nothing, and in other years perhaps half a million of dollars, the Senator from Kentucky gave the gross proceeds of the last year, swelled, as it is, with payments due for lands sold before the year 1800, with military and forfeited land scrip, and constructs a table upon that fallacious sum, and then exhibits to the States these large and seductive dividends. But this argument will do upon paper alone. An amendment to fine the distribution to the nett proceeds will detect its value, and leave those empty handed who supposed they would become rich on the spoils of the new States.

Still, this cash argument is the only one the Senator from Kentucky has condescended to use; and let us see what he has used it. He assigns to the States north of the Potomac about one million two hundred and sixty thousand dollars, and to the States south of the Potomac about five hundred and fifty thousand dollars! Thus, the States which surrendered their lands to the Federal Government, are to receive about seven hundred thousand dollars less than those who refused to surrender, and which should now involve the country in a foreign war before they would give up an acre to settle a disputed boundary. Again: the Southern States send emigrants to the new States; the Northern States send but few, and mean to employ those few to work in their factories. The Southern States, then, through their emigration, and the new States, are to furnish the whole sum which is thus to be unequally divided. The whole is to come from the South and West, and twice the largest share is to pour into the Northeast; thus opening another current, another

inland gulf stream, parallel to the tariff stream, the pension stream, the internal improvement stream, and the United States' Bank stream, which are now sweeping the wealth of the South and West into the Northeastern cities.

The Senator from Kentucky carries his confidence in the money argument so far as to believe that the new States themselves will be captivated by it; that they will fall in love with the fallacious dividends which he has held out to them, and consent to sell themselves to the old States for a small share of their own spoils. A large table of dividends is displayed before them; but it is all deception and illusion. The dividends will be reduced to insignificance when the expenses of the land system are deducted from the gross receipts; and, even if it stood at the sums carried out in his table, every new State would save more infinitely by a reduction of the price of the land than by receiving a share of her own money. The saving upon the sales of last year, to be effected by a reduction of the price according to the plan recommended by the Land Committee, would be, in Ohio, \$214,000; in Indiana, \$347,000; in Illinois, \$213,000; in Missouri, \$187,000; in Alabama, \$447,000; in Mississippi, \$103,000; and in Louisiana, \$43,000.

But it is not by tables, constructed beforehand, that the loss of the new States can be ascertained from such a bill as this. If it passes, their doom is sealed. They become the private property of the old States. To make money out of them will be the only consideration. Every art that ingenuity and avarice can invent, will be put in requisition to swell the amount for distribution. Instead of being reduced, the price of the lands will probably be raised again to the old minimum of two dollars. Instead of preferences to settlers and occupants, they will have to bid for their own labor against the agents of the paramount States who will be sent to superintend the sales, and see that every tract is screwed up to the highest point. The Senator from Kentucky [Mr. CLAY] thinks the price ought to be raised, but he will not move to raise it. Can he go security for his coadjutors? Will they not do it? Those who are to divide the spoil are to make the spoil. They can make it what they please, and certainly will please to make it as great as possible. Nor is it in the price only that the new States may be oppressed and harassed. Innumerable arts may be resorted to in order to enhance the product derivable from the lands. Here is an act passed in the State of Maine, in the year 1828, for the sale of rotten timber and growing grass, and the prosecution of trespassers, which act can be, will soon be, applied to the new States if this scheme of distribution succeeds. Listen to it:

"That it shall be the duty of the land agent to sell at public auction, or private sale, all grass growing on the public lands from year to year; to take suitable measures for the preservation of grass and timber standing and growing thereon; and to prosecute in behalf of the State for all trespasses which have been, or may be, committed thereon; and to seize and to sell at public auction all kinds of timber and grass cut by trespassers. And the said agent is hereby authorized to sell timber on the public lands where the same is decaying, and in his opinion it is for the public interest to do so!" This is now a law of Maine; this is a law made by those who are now aiming at the ownership of all our lands. If they succeed, will they be more generous to the people of the New States than to their own citizens? On the contrary, will they not be a thousand times harder? Rotten timber and prairie grass will then be an object of revenue. All cattle and horses will have to be confined on the owner's land, or taken up and sold for the trespass if they stray on the public lands. Agents sent from the old States, and stationed in every township, would watch, not only the farmers and their slaves, but their cattle, their horses, and their hogs, to sue them for trespasses.

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[JUNE 28, 1832.]

This bill has been called a system for settling the business of internal improvement; and under that assumption the bill for granting a township of land to the French college at St. Louis, and the bill to grant half a million of acres to the States of Missouri, Mississippi, and Louisiana, had been laid upon the table. They were laid by to await the establishment of this system, as it is called; but when the internal improvement bills were up to expend a million or so in money, in the Northeast, no motion was made to lay them down. The word system was not then pronounced; this bill for adjusting the business of internal improvement was not once alluded to. All passed without hesitation or question. System, indeed! It is none, and cannot be. It does not even profess to bind a future Congress, and could not if it would. It does not even profess to abstain from future appropriations, and could not prevent them if it tried. Future Congresses will do as they please. Future majorities will do as they please. Unequal appropriations will go on as freely as ever; the only difference will be, that the land revenue will be thrown to that object, in addition to all the expenditures which would otherwise have been made. In one respect only it may be considered as a system, and that a most disastrous one; a system of setting aside the proceeds of particular branches of the revenue, to answer specific purposes, and thus getting clear of surplus revenue without reducing taxes! Land revenue is the branch now to be set aside; the revenue from woollens, cottons, iron, salt, &c. &c., may follow next year. There is no end to that system when once begun. It is now commenced on the weakest part of the Union, because they are the weakest, and the least able to defend themselves. The South is to be tempted into it by a share of the Western spoils: and next year the West is to be tempted into the continuation of the system, by getting a share of the Southern spoils. Thus a revenue of any amount, twenty-five or thirty millions, may be kept up, by dexterously playing off the South against the West, and the West against the South, and making them alternately co-operate with the Northeast in plundering each other.

It is not a system for the settlement of the internal improvement question. Its object is very different from that. It is a tariff bill; it is an ultra tariff measure; the strongest and the boldest which has been attempted at this session. Tariff is stamped upon its face; tariff is emblazoned upon its borders; tariff is proclaimed in all its features. In the first place, it is intended, by diverting the land revenue from the support of the Government, to create a vacuum in the treasury, which must be filled up by duties on imported goods. In the next place, it is intended, by keeping up the price of the public lands, to prevent the emigration of laboring people from the manufacturing States, and retain them where they were born, to work in the factories. This is the true character of the bill; a tariff bill; a land tariff bill; conceived according to the plan of Mr. Rush, in 1828, and the memorial of the New York Tariff Convention in November of the last year. The Committee on Public Lands charged this design upon this bill; they quoted Mr. Rush, and the memorial of the New York Tariff Convention, to prove that character upon it; and their charge has not been met. A feeble attempt at the vindication of Mr. Rush has fixed the design more firmly upon him. The Senator from Kentucky [Mr. CLAY] informs the Senate that he suggested to Mr. Rush, before his report was communicated to Congress, that it might be misunderstood, and that he had better omit what related to the public lands and the manufactures. He suggested to him that it might be misunderstood! Yes, misunderstood! and that very phrase proves that it was understood! that the Senator from Kentucky understood it at the first blush precisely as every body else has understood it ever since. But the memorial of the New York Convention, which has been printed and laid upon our tables, that

also is quoted by the Public Land Committee, and no notice is taken of it by the Senator from Kentucky, nor by the Senator from Ohio, [Mr. EWING.] Why do they omit to notice that memorial? Because it is full and plain, express and explicit, up to the mark, and direct and open in favor of preventing emigration to the West for the purpose of detaining the laboring population to work in the factories. There is no room for dispute about it, and therefore, the Senators who undertake to answer the report of the Land Committee, prudently pass by that memorial, and the unanswerable argument founded upon it, although referred to in the body of the report, and quoted verbatim in the appendix. The fact is clear; the conclusion irresistible; the character undeniable, that this land bill is a tariff measure; and that the new States are to be oppressed in the price of the public lands, for the purpose of preventing emigration, and of supplying laborers to the factories.

The bill is certainly adroitly drawn; it is calculated upon a wide-spread scheme, and universal design to attract all interests to engage in the oppression of the West. The proceeds of the sales of the public lands are to be divided among all the States, and for all sorts of purposes—to pay old debts for roads and canals, or to make new roads and canals with ready money—to promote education—and to colonize free negroes on the coast of Africa. Certainly these multiplied objects must enlist a great multitude against the new States, and excite their cupidity to the highest degree to get hold of the public domain for their respective objects. One of these objects, from the efforts which have been made to recommend it to public favor, and the profound ignorance which pervades the public mind with respect to its feasibility, demands a word of elucidation; I speak of the colonization scheme; for the prosecution of which this bill commits the federal domain, and the political powers of this Federal Government. A more visionary, a more chimerical, and a more impracticable project never entered the head of man, than this scheme; and this I will demonstrate by facts and reasons which no candid man can permit himself to dispute.

Two distinct views of the project demonstrate this impossibility: first, the experience of Great Britain; secondly, the authentic reports of our own Colonization Society. Each view is conclusive; either, taken separately, put an end to hope; both, taken together, condemn it irrevocably. All the world knows something, but few know the real history of the British attempt at African colonization. The expense in money and in lives, and the total failure of the undertaking, are but slightly known. The moneyed expense has been prodigious. The chief justice of Sierra Leone, Mr. Jeffcott, in a charge to a grand jury in the capital of the colony, in June, 1830, stated the expense for the last ten years to amount to £7,000,000 sterling, (about 33 millions of dollars; that the number of Africans brought in during that period was between 18 and 19,000; and that the expense of each had been about £300 sterling, (near 1,500 dollars;) and that the total population of the colony was then but little upwards of 20,000 souls. This gives an idea of the expense in money. But a more dreadful account of expenditure is still to be opened. It is the expense of human life! Every Governor sent to the colony had perished under the climate, one only excepted, and he had perished under the knives of the native negroes. The soldiers and sailors sent there were swept off in crowds. No seasoning in any other part of the world could prepare them for the horrors of this African climate. Troops from the West Indies, from the Cape of Good Hope, the East Indies, all shared the same fate. The only difference was, that the drunkards died the first season, and the sober ones the second or third. This waste of life and money induced the British Parliament, in 1826, to open a commission to examine into the state of the colony; the result was a determination to contract their

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establishments, to withdraw most of their troops, and to surrender all hope of success.

The last annual report of the American Colonization Society proves and establishes the inability of their efforts. Look at their own statements. At page 41, it is stated, and correctly stated, that the annual increase of the black population is from 75 to 80,000 souls, and that it will require this number to be annually carried off to check the growth of that population among us. At page 10, it is stated, and correctly stated, that the arrival of 1,000 emigrant negroes in any one year would be the ruin of the colony! that even that small number of new comers would make a revolution, and require an armed force to keep the peace among them. Here, then, are two facts, which put an end to the illusions of this scheme. Seventy-five thousand per annum must go, before the increase of the blacks is checked at home—before we can feel any national advantage from it; and the arrival of 1,000 would destroy the colony, and put an end to the project! Can argument, or commentary, add to the force of these two facts, presented by the managers of the Society themselves in their last annual report?

Individuals may give their money: benevolent persons may follow the impulse of their feelings in bestowing their charity upon this project. Their money is their own, and they may do what they please with it. But can legislators and statesmen follow the same impulses, and act in the same manner, with respect to the revenues of the people? Can they commit this Government upon a scheme of African colonization, without counting the cost in life and money, and asking themselves if the success is to justify the expenditure? The total English expense in the fifty years of her experiment cannot have been less than eighty or ninety millions of dollars. The destruction of life has been appalling. The description of Edmund Burke has been realized, that it was a region where the gates of death stood open day and night for the reception of its victims. Governors and judges, soldiers and mariners, all go. Our colony is on the same ground. It is not only within the chartered, but within the settled limits of the British colony; the mortality must be the same when our establishments equal theirs. If this scheme is followed up, and this Federal Government becomes committed to that scheme, a territorial government must be sent to Africa. A detachment of the army and of the navy must be sent there, and courts armed with strong criminal jurisdiction. If left to themselves, the colony will be in civil war before it reaches 20,000 souls. Violence prevails all over the world. The second man that was born killed the first. Murders, seditions, revolutions, go on every where. Can it be expected that this medley of negroes, part from America, part from Africa, some full blood, some half blood, will realize the visionary speculation of human perfectibility, and be kept in order by moral restraints, and the mild punishment of interdiction from the use of fire and water in Africa? For the Roman punishment by exile is the highest now known in our colony. No! these restraints will soon fail. They will fail as they did in the British colony before it reached 20,000, and require all the machinery of a strong Government to keep the negroes in peace. Who is prepared to establish that Government in Africa? To spread our constitution across the Atlantic, and beneath the equator, and stretch it over a race for which it was not made? Who is prepared to expend a hundred millions of money in this attempt, and to send the sons of our farmers—the soldiers and mariners of the republic—to perish on that pestilential coast? Those who are not prepared for these things should stop at once, and refuse to commit their Government upon a project which must involve all these consequences, and, after involving them, must end as the British attempt at colonization has ended, in demonstrating its total impracticability.

As a Western man, as a citizen of one of the new States,

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I must protest against the application of the public lands to this object. It is several years since things have been taking that turn. Mr. KING, of New York, the most conspicuous author of the Missouri question, first proposed it in the Senate. His resolution was submitted in 1824, but led to no result. The Senator from Kentucky [Mr. CLAY] now moves it in a more formal and determined manner. The managers of the Society have themselves looked to it, and have curiously mixed up a calculation of wordly gain, a question of profit in a moneyed point of view, with this devotion of the public lands to their favorite object. At page 23 of their last annual report, after claiming an appropriation of the public lands, they go on to add, that it should not be forgotten that, whatever appropriations should be made by the Government to this object, the greater part would be expended in giving employment to our shipping and to citizens of the United States. Thus philanthropy and wordly gain are to go hand in hand; the shipping interest and those employed in conducting the scheme are to get the greater part of whatever is expended. The public lands of the West are to fall into the current which is sweeping off every thing else. Farmers of the West are to be required to furnish annually millions—compelled to pay infinitely more for refuse land than citizens of Maine pay for first choices, to furnish money to enrich the shippers, as well as to buy lands to be given as a donation to the negroes carried to Africa; and all this in addition to furnishing as much as will defray the expenses of the State Governments in all the old States.

Mr. B. concluded with showing that the question was now between the plans of the two committees—the Committee on Manufactures, which was for keeping up the price of the lands; and the Committee on Public Lands, who were for reducing the price to one dollar per acre for fresh lands, and fifty cents per acre for such as had been in market five years, with a right of preference to actual settlers; and he called upon all the friends of the West to stand forward and show their friendship on this occasion, by voting down the plan of the Manufacturing Committee, and sustaining that of the Public Land Committee.

FRIDAY, JUNE 29.

THE TARIFF.

The bill from the House, to alter and amend the several acts imposing duties on imports, was read twice, referred to the Committee on Manufactures, and ordered to be printed.

Mr. POINDEXTER moved to print an additional number of copies of the bill, for the purpose of extending information of its details through the country.

The proposition was opposed, on the ground that the printing of the extra number of copies would be to circulate erroneous information, as the bill would probably be amended in its progress through the Senate.

The motion was negatived, as also was a motion by Mr. MARCY to print 300 extra copies.

Mr. GRUNDY then offered a resolution requiring the Secretary of the Senate to prepare a statement of the duties imposed by existing laws, and those imposed by the bill which had now passed the House of Representatives.

Mr. TYLER suggested that an estimate of the amount of revenue which would be cut off by the new bill be embraced in the statement.

Mr. GRUNDY suggested that this information could only be obtained from the Treasury Department. The information called for by his resolution would be necessary to enable the Senate to act on the bill. He presumed the Committee on Manufactures would be able to report the bill on Monday or Tuesday.

Mr. CLAY moved to amend the resolution, by calling

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for a statement also of the rates of duties imposed by the two bills reported by the Committee on Manufactures of the Senate.

The amendment was accepted by Mr. GRUNDY as a modification of his resolution, and the resolution, as modified, was then agreed to.

DEATH OF Mr. MITCHELL.

A message was received from the House of Representatives, by Mr. Clarke, the Clerk of the House, announcing the death of GEORGE E. MITCHELL, one of the Representatives from the State of Maryland, of that House, and that his funeral would take place at 5 o'clock P. M.

On motion of Mr. CHAMBERS, the Senate then came to the following resolution:

Resolved, That the Senate will attend the funeral of the Hon. G. E. MITCHELL, one of the Representatives from the State of Maryland, this day at 5 o'clock P. M., and, as a tribute of respect for the memory of the deceased, that the Senators will go into mourning, by wearing crape on the left arm for thirty days.

On motion of Mr. CHAMBERS,
The Senate then adjourned.

SATURDAY, JUNE 30.

PORTRAIT OF WASHINGTON.

On motion of Mr. FRELINGHUYSEN, the Senate took up the resolution for the purchase of the original portrait of George Washington, by Rembrandt Peale.

Mr. F. moved to fill the blank with 2,000 dollars. He founded his motion, first, on the accuracy of the likeness, and, secondly, on the nature of the subject itself. He stated the opinions of Judge Marshall, Judge Washington, and other distinguished men, as to the accuracy of the resemblance. He considered this work as a conception of taste and genius, and the value of these efforts of genius, in dollars and cents, must depend upon the taste of those who purchase. He had no doubt that many painters could be found who would paint a portrait of Washington for 250 dollars; but this was the work which it would be most becoming the dignity and taste of the Senate to possess—the portrait of Peale. It was not the price of the canvas or the oil which was to be considered, but the value of the immortal mind which was portrayed by the painter.

Mr. SMITH stated that Stewart received only 1,000 dollars for his best portraits; and he would have no objection to give 1,000 dollars for this. Stewart had engaged to make him a copy for 600 dollars, but it could not be obtained from him.

Mr. WEBSTER said that he had taken his idea of Washington from the portraits of Stewart. He admitted the merits of his picture, and said that if it was to be regarded as an original, which he supposed it was, the price ought not to be in the way. An original head of Washington, by Stewart, was lately sold for 1,500 dollars, and the purchaser would not listen to an offer of 5,000 for it. In England, if its character were as high as it is here, it would fetch a much higher price.

Mr. WHITE thought that if it were the intention of the Senate to own the portrait, they should not cavil about the price. No private gentleman would think of giving less. His acquaintance with the original of the likeness had been but slight, but it was his impression that it was vastly superior to any other he had ever seen.

Mr. FRELINGHUYSEN then moved to amend the resolution, by adding a provision that the portrait be hung in a conspicuous part of the Senate chamber, under the direction of the President of the Senate, and that the expenses thereof be paid out of the contingent fund; which was agreed to.

The words "of New York" were then stricken out, on motion of Mr. MARCY, who stated that Mr. Peale was not of New York.

The resolution was then ordered to be engrossed, and read a third time.

HARBOR BILL.

The Senate then proceeded to consider the amendment made by the House to the harbor bill, disagreeing to an amendment of the Senate relative to the bridge over the Wabash river, at Terre Haute, (Indiana,) and the Senate receded from their amendment.

[Whilst this amendment was undecided, Mr. TIPTON, of Indiana, said, the House of Representatives having disagreed to the amendment, he wished the Senate to recede from it. He said he should be very glad to see the bridge constructed, provided this could be done without interrupting the navigation of the river. A portion of his constituents were anxious to have an appropriation for this bridge: another portion of them, and, he thought, a smaller one, were opposed to it, fearing that it would injure the navigation of the Wabash; but the provision of the bill which the House had stricken out, protected the navigation of this river. It was not his design to speak of the action of the House, nor of the motives of those who produced that action; nor would he give a history of this bridge in the Senate, and in the other House; he would, however, remark, that it had twice passed the Senate, first in a separate bill, containing an appropriation for the Cumberland road, and latterly in the form of an amendment to the harbor bill, the one now before the Senate. He was opposed to endangering the passage of this bill at this late period of the session. It contained a provision for continuing the Cumberland road in his State, and for other important works of internal improvement, and he hoped that the Senate would recede for this time, and let the bill pass.]

PUBLIC LANDS.

The Senate then resumed the consideration of the bill to appropriate, for a limited time, the proceeds of the public lands.

The question pending being on the motion of Mr. MOORE indefinitely to postpone the bill,

Mr. BENTON resumed his remarks in continuation, against the general features of the measure, as unjust to the new States. He contended that, by the distribution proposed of the proceeds among the several States, Indiana, though she paid as much as Ohio, would only receive half the amount as her share of the sales; in like manner, Illinois, one-fourth; Missouri, one-fifth; and Alabama and Mississippi, in no proportion to the money paid by them severally. That it was also unjust to the old States, and to the people of the Union generally, as it would keep up the price of the public lands above their value; and that it was a plan much less beneficial than that recommended by the Committee on Public Lands, which would make a reduction in the price of one-half. He adverted to the modes proposed by the bill under consideration, for the application of the proceeds by the States to various purposes. That for the purpose of the African colonization, he contended, was visionary, chimerical, and totally impracticable; instancing the failure of an attempt by the British to establish a colony at Cape Coast Castle, Sierra Leone—its total failure, from the mortality of the climate, &c. Their plan of colonization at Liberia would in the end also result in failure from various causes, and in the interim could only serve to enrich the shipping interest, and to keep up the price of the public domain for this and other purposes. In conclusion, he denounced it as radically wrong and unjust.

Mr. MOORE said he would occupy a few minutes of the time of the Senate, in assigning the reasons which influenced him in submitting the proposition now pending, and which inclined him to the support of the bill reported by the Committee on Public Lands.

I consider, sir, said Mr. M., that this is a measure of the

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Public Lands.

[SENATE.]

very last importance: this bill, together with the report which accompanied it, has been drawn with great care, and contains, apparently, much plausible argument and sound reasoning; and both have been supported by forcible and eloquent speeches by the honorable Senator from Kentucky, [Mr. CLAY,] and the honorable Senator from Ohio, [Mr. EWING.] But, sir, I must be permitted to say that the provisions contained in this bill, and the views taken by the report accompanying it, (though very imposing,) are utterly adverse to the interests of the new States. I cannot give my sanction to this bill, because it not only fails to dispense equal justice to the new States, but contains provisions which carry certain ruin and destruction to their most valuable interests. It is true the provision which proposes to give the new States ten per cent. of the proceeds of the public lands for five years, assumes the appearance of liberality; but it is equally true that this is a gilded pill, which, if taken, will prove the most fatal poison. For, let it be understood that this proposition is connected with the one which gives to all the States their proportion of the proceeds of the public lands, according to their federal representation; now, adopt this provision, and the fate of the new States will be sealed forever; their interest may then be said to be in the hands of "hard taskmasters," truly. Can any person be ignorant of the fact that then it will be the interest of the old States to oppose every proposition for a reduction of the price, or pre-emption rights, and every application for relief, of any character whatever, in order that they may be enabled to realize the greatest possible speculation? And, in that event, the honorable Senator from Kentucky [Mr. CLAY] will be relieved from bestowing any further encomiums upon the very liberal enactments in favor of the new States; for I would venture the assertion, that acts of that character would never, thereafter, grace your statute books. But, in that event, what States will be the greatest beneficiaries, let me ask? The same, sir, which derive the greatest benefit from the tariff and pension bill; while Alabama, a State which will furnish between twenty-five and thirty millions of acres of the public domain, to be divided in the mode proposed, will receive about fifty-six thousand dollars per annum; the State of Pennsylvania will receive two hundred and eighty-eight thousand one hundred and seventy-six dollars; and that of New York four hundred and ten thousand one hundred and twenty-eight dollars, (for I throw away fractions and cents.) Sir, will this do justice to Virginia and Georgia, whose liberality, I believe, gave all the territory out of which the new States have been composed, with the exception of Louisiana and Missouri? But Virginia is consistent with herself—magnanimous Virginia gave an empire, without counting dollars and cents, or claiming an equivalent; she now forbears entering into this general scramble for any portion of the proceeds of the public domain, although she has a more legitimate claim than any other of the old States in the Union.

But it has been asserted that this Government has exhibited great liberality and parental kindness towards the new States, in the various enactments in their favor, &c. To a certain extent, I agree this is so; but not to that extent gentlemen have contended for.

I acknowledge the liberality of the General Government, as regards the relief measures by which she has extended towards a meritorious class of public debtors, the purchasers of public lands, the favor of taking the lands purchased at a fair price, and saving them from the forfeiture of both land and money paid towards it, which might have proved ruinous to this portion of her citizens, but could not have resulted to the benefit of the Government. But, sir, I deny, as one of the representatives of a new State, that there was any liberality in the terms proposed and conditions exacted, upon which we were received into the Federal Union. I deny that there was any

thing like gratuity or donation in the grant of the three per cent. fund for internal improvement, or in the grant of the two townships for a seminary of learning, or in the reservation of the sixteenth section in each township for private schools. Sir, these were the grants in which the old States have already enjoyed an equal participation; they were made to encourage emigration, and to enhance the price of the public domain, and these effects have been produced. The citizen, emigrating from the old States to the new, finds the means of education in the vicinity of the university more in his reach; he concludes, of course, that it is an inducement to locate himself in this quarter; and, for this consideration, he gives a higher price for his lands; and, in like manner, when, by accident, the sixteenth section proves to be a valuable one, he is led to give a higher price for lands in this township, by reason of the prospects it affords of educating his children upon good terms; but this sixteenth section which has been spoken of so often as a gratuity or donation, is only reserved from sale promiscuously, not selected, and, of course, it often happens (probably nine times out of ten) that it proves to be utterly valueless, located in a swamp or marsh, nohs of mountains, or pine woods, not worth one cent. Where is this liberality, then?

But let us admit that these were designed as an equivalent for the concession made by the new States, in exempting the public domain from taxation, and the land sold by the Government to individuals for five years after their sale. Then, we say, that not only have the new States given an equivalent, but ten times the amount of that value, in thus exempting the lands from taxation; and this is capable of mathematical demonstration, provided any person will take the trouble to ascertain the amount which would be realized, as a tax upon the lands exempted, at the rate which is imposed upon the lands of other citizens.

But this is not all; in doing this, the new States have parted with a portion of their sovereignty, by which the General Government establishes land offices and exercises ownership over the soil within their jurisdiction, by means of which there exists a continual drain of all the circulating medium from the new States into the public coffers here. Is this nothing?

But the proposition embraced in his communication to the General Assembly, by the late Governor of Illinois, and which was afterwards submitted on this floor, claiming, in behalf of the new States, the fee simple estate in the public domain, has been denounced and censured. As regards the proposition made here, and the individual who brought it forward, both have been sufficiently defended and complimented by the chairman of the Committee on Public Lands, [Mr. KING,] whose duty it was to render this tribute of justice. I will only say, sir, that, however wise the project, or able the effort in its support, here it did not receive the least countenance. And if the object was to produce excitement among the people as an electioneering scheme in Alabama, it failed to produce this desired effect.

But as regards the censure upon the late Governor of Illinois, "for having become a whole hog landmonger," I think the honorable Senator from Kentucky [Mr. CLAY] has not, in this instance, observed his usual courtesy, liberality, or magnanimity, towards an absent adversary. Sir, I have the Governor's communication made to the General Assembly on this subject, and I cannot but think, if the honorable Senator will read it with attention, and divest himself of prejudice, he will agree with me in opinion, that it detracts nothing from the high character that gentleman occupies (and deservedly occupies) in public estimation, for talent and capacity of the first order.

But gentlemen say we have complained, and for this we have been censured in no unmeasured terms. Sir, is it a crime, or disreputable for those who, while in a

state of minority, have been overreached, to complain of that imposition, when they arrive at full age, by which advantage has been taken of their minority?

What, sir, was the situation of the parties at the time of entering into the compact? They were in a territorial form of Government; in a state of vassalage, deprived of all political rights and privileges; ruled and governed by foreigners; their governors, secretaries, and judges, sent from other States. On this floor they had no representative or voice, and in the other branch, in the humiliated situation of having a delegate with the power of presenting petitions and memorials, but not entrusted to give a vote on any question whatever. The Governor of these territories, too, possessing as much power over the people as a king or monarch over his subjects. I allude to that prerogative which gives the power to prorogue and dissolve territorial legislative assemblies, which, strange as it may appear, has been exercised on more than one occasion.

Well, sir, to be relieved from this tyrannical and oppressive form of Government, the people were induced by their representatives in convention to adopt the ordinance according to the terms proposed, by which they received admission into the federal family. But in doing this they have made great sacrifices, and given too high a price for the boon. And gentlemen would deprive them of the consolation even of complaining. Suppose a minor imprudently pledges his valuable patrimonial estate to a "Shylock," and by this means it is arrested out of his possession when he arrives at maturity and discovers the imposition, will the honorable Senator say that it would be "disreputable," provided he should complain that the "pound of flesh" should be required of him under such circumstances?

Thus much I have felt it my duty to say as regards the objections to which I have viewed this bill as being obnoxious.

Now, sir, a few words in favor of the bill reported by the Committee on Public Lands, and the very able report which accompanied it. Sir, it constitutes no objection with me that the committee have thought proper to avail themselves of the important services of the honorable Senator from Missouri, and that his labors have entered largely into this production—they could not have drawn upon a source better qualified to render valuable aid.

Sir, I approve of the bill proposed by the Committee on Public Lands, because, in substance, it is the project brought forward some years since by the honorable Senator from Missouri, and for which he has obtained deserved celebrity in all the new States. Sir, I approve of it, because I think it recommends itself to our favor for many considerations; it proportions the price of the public domain to its quality, and adapts the terms of purchase to all classes of citizens; it enables the poor man as well as the rich to become a freeholder. And where can man find a welcome like a permanent home? A sanctuary which he is inclined to worship, so much as his own domicile? One which is so well calculated to make him proud of his species, and proud of the country in which he lives, and which will prompt him, upon all proper occasions, to be ready to defend it with his life?

But it has been said, and correctly, too, that in this country we have too much land for the population of the country. Can a better argument be adduced in favor of reducing the price, and adapting the terms to the condition of the people to purchase? From the official document which has been referred to, it appears there are in the new States one hundred and forty or fifty thousand persons destitute of lands. I submit it to honorable gentlemen whether it would not be consistent with sound principles of propriety and justice, that a portion of these millions of acres, which gentlemen advise the propriety of holding up for three hundred years, in order to realize a good price, should not be reduced and brought down

within the reach of this class of citizens to purchase; and whether, as patriots, they cannot demand it as a right of their Government. They are willing to give a high price for that which is a drug on your hands, to reclaim the wilderness and forests by their labor; they are willing to make that valuable which is worthless, by their labor; they are willing to bring into active operation the latent resources of the country. Sir, to such of the citizens of this country I consider a freehold to be his natural inheritance; to such, a portion of the public domain should be as free as the atmosphere, or the light of heaven. Sir, it is my deliberate and conscientious belief that it is not only the correct policy, but the duty of the Government, to make to every individual who is destitute, and the head of a family, a donation of a quarter section of land, on condition that he shall cultivate and improve it; and that this liberal policy would result advantageously alike to the citizens and the Government.

But we have been called upon to "state what we mean by refuse lands." I answer, that land which has been in market for twenty or thirty years, and has not found a purchaser; lands which have been picked and culled for that length of time; lands situated in swamps and marshes, embracing mountains, cedar nobbs, pine woods, and pine barrens; lands which, without some improvement, are unfit for any agricultural purpose whatever, are truly "refuse," not worth the present minimum, and that their price ought to be reduced.

Mr. President, said Mr. M., I will not detain the Senate longer; the subject has been ably discussed by gentlemen who have preceded me; but its importance, in connexion with the interests of those whom I represent, seems to have demanded thus much.

In conclusion, Mr. M. expressed his wish that the decision on the final question would not be urged until several Senators, who were now absent, and who were interested in the measure, should be present.

Mr. CLAY then rose in reply, and spoke briefly against indefinite postponement, expressing a wish that, in preference to this mode of disposing of the subject, the whole of the land subject should rather be postponed until the next session.

Mr. POINDEXTER thought that indefinite postponement was an uncourteous way of getting rid of the subject, without giving any decision as to the merits of the report of the Committee on Public Lands.

Mr. KANE said it would be wrong to take the vote on indefinite postponement to-night, as the Senate was thin. He would therefore move to lay the bill on the table.

After some further conversation, the question was taken on laying the bill on the table, and negatived, as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Ellis, Grundy, Hill, Kane, King, Mangum, Marcy, Moore, Robinson, Smith, Tazewell, White.—15.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Miller, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—27.

The question then being on the indefinite postponement, the yeas and nays were ordered.

Mr. KING complained of the want of courtesy in pressing the motion now.

Mr. WEBSTER replied that there could be no want of courtesy in pressing this question. It was clear, from the late vote, that a decided majority of the Senate were against laying the bill on the table. As there was a resolution from the House to adjourn on Monday week, which resolution was to be taken up on Thursday, he thought it right that the discussion should proceed, or the question be taken.

The question was then taken on the motion for indefinite postponement, and decided in the negative, as follows:

JULY 2, 1832.]

The Tariff.—Public Lands.

[SENATE.

YEAS.—Messrs. Benton, Bibb, Brown, Ellis, Grundy, Hill, Kane, King, Mangum, Marcy, Moore, Robinson, Smith, Tazewell, Tipton, White.—17.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Tomlinson, Waggaman, Webster, Wilkins.—25.

The Senate then adjourned.

MONDAY, JULY 2.

THE TARIFF.

Mr. DICKERSON from the Committee on Manufactures, reported the bill from the House of Representatives in addition to the act imposing duties on imports, with a variety of amendments; which were ordered to be printed.

Mr. DICKERSON gave notice that he should move the Senate to-day to take up the bill.

PUBLIC LANDS.

The Senate then proceeded to consider the bill to appropriate, for a limited time, the proceeds of the sales of the public lands.

The question pending being on the amendment proposed by the Committee on Public Lands to strike out "ten," and insert "fifteen" per cent., to be appropriated to the new States,

Mr. CLAY explained the operation of the amendment.

Mr. GRUNDY said, if it was the intention of gentlemen to carry this measure through at the present session, he would, although reluctantly, go with them. He thought the subject should be considered at home, before it was submitted to Congress. It was now for the first time brought here. He should now vote against the amendment, in the hope that the proceedings of the Senate on the subject would stop here, and that it would not be attempted to be urged through at this late period of the session. He put a question to the Committee on Public Lands, if they intended to push the question through. He thought that to give the new States fifteen, or even ten per cent. additional, without going any further, would be extravagant.

Mr. CLAY said he not only wished to get through the question this session, but he wished to get the bill through this day; and, as far as he was in possession of the opinions of members, he thought this might be done; if not to-day, he hoped the bill would be got through to-morrow, and that the tariff would in that case be postponed until this should be decided; or, after the tariff should be disposed of, that this bill would be taken up and passed. He concurred with the Senator from Tennessee, that if this whole subject could not be disposed of, it ought not to be decided in part. But he expressed his desire to act on the subject without further delay.

Mr. KING said he was himself opposed to the per centage as it was reported. He was instructed not to press the reduction of the price of lands in this bill. He referred to the hardship which he alleged to bear on the new States, by their compact with the General Government, and which he said was admitted by the Senator from Kentucky.

Mr. CLAY corrected the Senator from Alabama as to the opinions attributed to him. He had never admitted the existence of hardship, but merely of complaint, and for that complaint he denied that there was any good foundation. He stated that, if the lands were to be ceded to the States, they would still be exempted from taxation, as no State had ever taxed its own lands. He inquired if the Government was not justified in making as much as could be made from the public lands, without unfairness to the new States. He showed the superiority of the principle and mode of distribution adopted by the report of the Committee on Manufactures. He stated that all the Union was interested in the application of the proceeds

of the lands to colonization, internal improvement, or education; because all that was added to the mind or the improvement of a State was an addition to the aggregate intellect and wealth of the whole.

Mr. BENTON said that if this bill was to be pushed through at the present session, the amendment directed by the Committee on Public Lands to be made to the tariff bill would be moved to this bill, to test the sense of the Senate as to the reduction of this heavy tax on the new States of the West. It should be determined by a direct vote, whether the new States, besides the support of the General Government, were to be saddled with the support of all the twenty-four States, and to be the spoil of the rest.

Mr. CLAY said he was very glad to hear that the Senator from Missouri was determined to bring forward the whole subject. "Come on Macduff." He had been desirous to have the whole subject disposed of; and if there was time for this general action during this session, he was anxious that it should take place.

Mr. POINDEXTER made some remarks in opposition to the Senator from Missouri, on the point that the new States were the spoils and the oppressed of the other States. He stated that the sales of the public lands on the Choctaw purchase in Mississippi would be opened next fall, and if he, in an ill humor because he could not get all he wanted, should vote for postponing this subject to another year, his constituents would lose the benefit of the fifteen per cent. on the lands then to be offered for sale. He could not place himself in that position before his constituents.

Mr. GRUNDY adverted to the impossibility of getting through this question in the two weeks, or one week, which Congress may have to sit. He wished to get through the unfinished business which ought to be acted upon. If this bill was to be put aside, he would also vote to postpone the other bill from the Committee on Public Lands, for the reduction of the price of the public lands. But if this bill were to be passed upon, the action on the other could not be prevented. If gentlemen, however, were so eager to get at a discussion, let them go at it; but he thought that two weeks hence they would regret that they had done so.

Mr. KING asserted that although the dividend now given to the new States out of the sales of public lands professed to be five per cent., it was in fact but three per cent., as the additional two per cent. was to be directed to the making of roads to and from the lands. He stated that he would not vote for this bill, even if the dividend were to be raised to twenty-five per cent. to the new States. He would not be bribed to give his support to this bill.

Mr. POINDEXTER asked if the gentleman from Alabama was bribed when he obtained 400,000 acres for his State. He repelled the idea that either he himself, or other Senators, were to be laid under the imputation of being bribed; and stated that although public lands had been on sale in Mississippi for thirty years, that State had received nothing from the General Government. He desired to act on this bill during the present session.

Mr. JOHNSTON expressed himself in favor of going through with this bill at the present session; and replied to the several objections which had been urged against action upon it. He contended that, in looking so intently at the reduction of the price of the public lands, there was danger of losing the advantages promised by this bill, while, after all, there was no certainty that the price would be reduced.

Mr. BENTON insisted on the probability of the passage of a bill to reduce the price of the public lands, should this bill fail.

Mr. JOHNSTON replied that the principle of reduction was not at all at war with the principle of distribution of the proceeds.

SENATE.]

Public Lands.

[JULY 2, 1852.]

The question was then taken on the amendment, and decided as follows:

YEAS.—Messrs. Benton, Bibb, Buckner, Hendricks, Kane, Moore, Poindexter, Robinson, Ruggles, Tipton.—10.

NAYS.—Messrs. Bell, Brown, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ellis, Ewing, Foot, Frelinghuysen, Grundy, Hayne, Hill, Holmes, Johnston, King, Knight, Mangum, Marcy, Miller, Naudain, Prentiss, Robbins, Seymour, Silsbee, Smith, Sprague, Tazewell, Tomlinson, Troup, Tyler, Waggaman, White, Wilkins.—36.

Mr. HAYNE moved to strike out the words which provide for the distribution of the proceeds among the States. He was opposed to the introduction of the principle of distributing the revenue among the States. He insisted that the proceeds of the public lands did constitute a part of the revenue. The clause which he moved to strike out, cut off a part of the public revenue, taking it from the treasury to divide it among the States. He made an objection to the distribution also, because it was a division of the gross, instead of the nett revenue, and so far as the difference between the gross and nett proceeds, it was a division of the duties derived from imports. He admitted the perfect power of Congress to legislate on the subject; but he was opposed to donations of money to the States, and desired to have some general and equitable system adopted for the disposition of the public lands. He asked for the yeas and nays on his motion; which were ordered.

Mr. CLAY said he rejoiced that the question of the principle of distribution was now to be tested in a simple and a solemn manner. He met the opinion of the Senator from South Carolina, that the division of the proceeds of the public lands would lead to the practice of distributing the proceeds of the taxes among the States, by an opposite one; and declared his own firm and strenuous opposition to the principle of such distribution. He stated that the revenue from the public lands was distinguished from all other revenue by the language of the constitution, and of the deeds of cession, which gave exclusive and unlimited power to Congress over the public lands, and which was not given over any other revenue. This view was supported by the opinions of some of the ablest of our constitutional lawyers; and if it was correct, the argument, therefore, that the division of this revenue would lead to the division of all the surplus revenue, he did not consider as sustainable. He adverted to the argument that the distribution of the gross proceeds would be a distribution in part of revenue from other sources, and stated that the bill authorized the division of the nett proceeds only. He detailed what would be the deductions made by the accounting officers under the bill, when they determined the amount of the proceeds applicable to division. The nett amount of charges on the annual sales of the public lands did not, he believed, exceed four per cent. He hoped that the question of distribution would be settled, and in such manner as to redound to the happiness and prosperity of every State, and, of consequence, of the whole of the Union.

Mr. HAYNE briefly replied on the subject of the discrimination between the revenue from the public lands and from other sources, and contended that if the construction of the gentleman from Kentucky was correct, there was no limitation to the powers of the General Government; and they might be exercised under a wild discretion, the extent of which could not be anticipated or controlled. He asserted that there ought not to be any surplus money in the treasury, but that care should be taken to regulate the taxes so as to have no unnecessary amount in the treasury. He denied that he was anxious to increase the revenue from the public lands. He was willing to place them on a fair and equitable ground.

Mr. POINDEXTER dissented from many of the positions taken by the Senator from South Carolina, who had stated his disposition to befriend the new States, yet refused either to cede the lands to the new States, or to make donations of lands to them.

The debate was further continued by Messrs. JOHNSTON, KANE, HOLMES, and ROBINSON; when the question was taken on Mr. HAYNE's motion, and decided as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Buckner, Ellis, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Robinson, Smith, Tazewell, Troup, Tyler, White.—21.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—26.

Mr. SMITH moved that the Senate now adjourn. Negativated—yeas 15, nays 32.

The question now being on the proposition of the Committee on Public Lands to strike out all the sections which authorize the distribution among the States, and the residue of the bill, the question was then taken by yeas and nays, and decided as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Buckner, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Miller, Moore, Robinson, Smith, Tazewell, Tipton, Troup, Tyler, White.—21.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Marcy, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—26.

Mr. BENTON then moved to introduce an additional section to reduce the price of public lands to one dollar per acre, and of all which have been above five years in market fifty cents per acre.

On motion of Mr. KANE, the question was divided, and was first taken on the first branch of the amendment, and negativated, as follows:

YEAS.—Messrs. Bell, Benton, Bibb, Brown, Buckner, Ellis, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Moore, Poindexter, Robinson, Smith, Tazewell, Tipton, Troup, White.—21.

NAYS.—Messrs. Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Forsyth, Frelinghuysen, Holmes, Johnston, Knight, Marcy, Miller, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Tyler, Waggaman, Webster, Wilkins.—27.

The question was then taken on the second branch of the amendment, and also negativated, as follows:

YEAS.—Messrs. Benton, Bibb, Buckner, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Moore, Poindexter, Robinson, Smith, Tazewell, Tipton, Troup, White.—20.

NAYS.—Messrs. Bell, Brown, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Marcy, Miller, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Tyler, Waggaman, Webster, Wilkins.—28.

Mr. POINDEXTER moved to amend the bill in the first section, by striking out ten, and inserting twelve and a half per cent.

Messrs. CLAY and HOLMES expressed their intention to vote for the amendment.

Mr. TIPTON moved to insert fourteen per cent.

The CHAIR pronounced this motion to be out of order.

Mr. HAYNE appealed from the decision of the CHAIR.

This appeal led to a discussion, in which the decision of the CHAIR was supported by Messrs. WEBSTER and CLAY, and opposed by Messrs. HAYNE, MILLER, and KING.

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Public Lands.

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he question was then taken, when there appeared—
EAS.—Messrs. Bell, Chambers, Clay, Clayton, Dick-
er, Ewing, Foot, Frelinghuysen, Holmes, Johnston,
Knight, Naudain, Poindexter, Prentiss, Robbins, Rug-
gles, Seymour, Silsbee, Smith, Tomlinson, Waggaman,
Webster, Wilkins.—23.

AYS.—Messrs. Benton, Bibb, Brown, Buckner, Dal-
las, Dudley, Ellis, Grundy, Hayne, Hendricks, Hill,
Kane, King, Mangum, Marcy, Miller, Moore, Robinson,
Sprague, Tazewell, Tipton, Tyler, White.—23.

here being a tie,

Mr. MOORE moved that the Senate now adjourn. Ne-
gative—yeas 18, nays 29.

he question recurring on the motion of Mr. POINDE-
XTER, it was decided by yeas and nays, as follows:

EAS.—Messrs. Bell, Benton, Buckner, Clay, Clay-
ton, Dickerson, Ewing, Foot, Frelinghuysen, Hendricks,
Holmes, Johnston, Kane, King, Knight, Moore, Naudain,
Poindexter, Prentiss, Robbins, Robinson, Ruggles, Sils-
bee, Tipton, Tomlinson, Waggaman, Webster.—27.

AYS.—Messrs. Bibb, Brown, Chambers, Dallas, Dud-
ley, Ellis, Forsyth, Grundy, Hayne, Hill, Marcy, Miller,
Moore, Smith, Sprague, Tazewell, Troup, Tyler,
Webster, Wilkins.—20.

Mr. POINDEXTER then moved to amend the bill by
adding a fifth section, granting to Mississippi, Louisiana,
Missouri, 600,000 acres each, for purposes specified;
the yeas and nays were ordered.

Mr. HENDRICKS moved to amend the amendment,
adding so many acres to the grant to Indiana, Alaba-
ma, and Illinois, as would make the aggregate given to
these States equal to the grants now asked for the other
States.

The amendment to the amendment was then agreed to;
the question was taken on the amendment as amended,
it was decided as follows:

EAS.—Messrs. Bell, Benton, Buckner, Clay, Clayton,
Dickerson, Ewing, Foot, Frelinghuysen, Hendricks,
Holmes, Johnston, Kane, Knight, Moore, Naudain, Poin-
dexter, Prentiss, Robbins, Robinson, Ruggles, Seymour,
Silbee, Sprague, Tipton, Tomlinson, Waggaman, Web-
ster.—28.

AYS.—Messrs. Brown, Chambers, Dallas, Dudley,
Ellis, Forsyth, Grundy, Hayne, Hill, King, Marcy, Miller,
Moore, Tyler, White, Wilkins.—16.

Mr. HAYNE moved to strike out the words which spe-
cified the purposes to which the proceeds were to be ap-
plied by the States, so as to leave the States to direct the
proceeds as they pleased.

The proposition was advocated by Messrs. HAYNE,
ELLIS, and FORSYTH, and was opposed by Messrs.
CHAMBERS, DICKERSON, WEBSTER, POINDEXTER,
and CLAY.

It was contended by the opponents of the amendment,
that the striking out of this limitation would destroy the
object and entire value of the bill.

On the other side, it was insisted that the States would
be at liberty to use the money as they pleased; and that,
they are disposed to direct it to internal improvements,
education, or colonization, they will do it as well in the
absence of all limitations, as when they exist.

Mr. WEBSTER asked for a division of the question,
to take the question first on striking out the words
"education and internal improvements;" and being
divided on this branch of the amendment, it was negative,
as follows:

EAS.—Messrs. Benton, Bibb, Brown, Buckner, Ellis,
Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum,
Marcy, Miller, Moore, Robinson, Smith, Tazewell, Tyler,
Webster.—20.

AYS.—Messrs. Bell, Chambers, Clay, Clayton, Dal-
lason, Dickerson, Dudley, Ewing, Foot, Frelinghuysen,
Hendricks, Holmes, Johnston, Knight, Naudain, Poin-

dexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee,
Sprague, Tipton, Tomlinson, Waggaman, Webster, Wil-
kins.—27.

The question was then taken on the motion to strike
out "colonization," by yeas and nays, and decided as
follows:

YEAS.—Messrs. Benton, Bibb, Brown, Buckner, Dal-
las, Dudley, Ellis, Forsyth, Grundy, Hayne, Hill, Kane,
King, Mangum, Marcy, Miller, Moore, Robinson, Taze-
well, Tipton, Waggaman, White.—22.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Dick-
erson, Ewing, Foot, Frelinghuysen, Hendricks, Holmes,
Johnston, Knight, Naudain, Poindexter, Prentiss, Rob-
bins, Ruggles, Seymour, Silsbee, Smith, Sprague, Tom-
linson, Tyler, Webster, Wilkins.—25.

Mr. BENTON moved to amend the second section, by
striking out the words "among the twenty-four States of
the Union, according to their federal population," and
insert, "into as many shares as there are Senators and
Representatives of the different States of the Union, and
divided in that proportion."

The question being taken, the motion was negative—
yeas 13, nays 30.

Mr. MOORE moved that the Senate adjourn, (seven
o'clock.) Negative—yeas 16, nays 28.

Mr. ROBINSON moved to amend the bill by reducing
the price of lands which had been ten years in the mar-
ket to one dollar per acre, and to actual settlers at fifty
cents per acre. Negative, as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Ellis, Forsyth,
Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum,
Marcy, Moore, Robinson, Smith, Tazewell, Tipton,
White.—19.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Dal-
las, Dickerson, Dudley, Ewing, Foot, Frelinghuysen,
Holmes, Johnston, Knight, Miller, Naudain, Robbins,
Ruggles, Seymour, Silsbee, Tomlinson, Tyler, Waggam-
an, Webster, Wilkins.—24.

Mr. HENDRICKS moved to amend by adding a proviso
that the appropriations for the Cumberland road shall
still be made out of the two per cent. fund; which was
agreed to.

Mr. BENTON moved to amend the bill by adding a
section granting a township of land to the French college
at St. Louis. Negative—yeas 7, nays 35.

Mr. TIPTON moved to amend by adding a proviso that
nothing contained in this bill shall impair the power of
Congress to grant donations of lands hereafter, &c.

Mr. CLAY seconded the motion; which was agreed to.

Mr. BENTON moved to amend the bill in the second
section, by inserting a variety of expenses connected with
the public lands, to be deducted before a division of the
proceeds shall be made. Negative—yeas 18, nays 23.

The bill was then reported as amended.

Mr. TAZEWELL wished to have the bill and amend-
ments printed, and moved to lay them on the table, and
print them.

Mr. CLAY said that the amendments were easily un-
derstood; and he hoped that the Senate would pass this
bill to its third reading to-night, and then go home and get
their dinner or supper, sleep upon it, and come here to-
morrow prepared to go on with the tariff.

Mr. TAZEWELL said there were incongruities in the
bill which he wished to have corrected, and he hoped the
Senate would allow time to correct them.

The question was then taken on the motion of Mr.
TAZEWELL, and decided in the negative—yeas 17, nays 25.

The question was then taken on concurring in the
amendments, and decided in the affirmative—yeas 26,
nays 15.

On motion of Mr. CHAMBERS, the bill was amended
by introducing after the word "colonization" the words
"of free persons of color."

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Harbor Bill.—Public Lands.

[JULY 3, 1832.]

The question was then put on the engrossment and third reading of the bill, and decided as follows:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Hendricks, Holmes, Johnston, Knight, Naudain, Poindexter, Robbins, Ruggles, Seymour, Silsbee, Tomlinson, Waggaman, Webster, Wilkins.—24.

NAYS.—Messrs. Benton, Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Robinson, Tazewell, Tipton, Tyler, White.—18.

TUESDAY, JULY 3.

HARBOR BILL.

Mr. FORSYTH, by direction of the Committee on Commerce, moved to postpone the previous orders, for the purpose of taking up the bill for the improvement of certain harbors, &c.

The motion was opposed by Mr. MILLER, who desired that the residue of the session should be devoted to the tariff, and who asked for the yeas and nays; which were ordered.

The question was then taken, and decided as follows:

YEAS.—Messrs. Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Forsyth, Frelinghuysen, Hendricks, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—27.

NAYS.—Messrs. Benton, Brown, Buckner, Grundy, Hayne, Hill, King, Marcy, Miller, Moore, Tazewell, Tyler, White.—13.

Mr. FORSYTH, in order to test the sense of the Senate as to the principle of the bill, moved to strike out the enacting words, and asked for the yeas and nays; which, being taken, were as follows:

YEAS.—Messrs. Benton, Brown, Forsyth, Grundy, Hayne, Hill, King, Mangum, Miller, Poindexter, Tazewell, Tyler, White.—13.

NAYS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Kane, Knight, Marcy, Naudain, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—30.

The Senate then proceeded to consider the amendments to the bill reported by the Committee on Commerce.

On the first amendment, being an appropriation for a breakwater at Lake Pontchartrain, it was advocated by Mr. WAGGAMAN and Mr. JOHNSTON; but, before any question was taken, the hour of twelve having arrived, the bill, on motion of Mr. POINDEXTER, was laid on the table.

PUBLIC LANDS.

The bill to appropriate, for a limited time, the proceeds of the sales of the public lands, was read a third time.

Mr. ROBINSON rose, and said, great as his solicitude was, upon this and all subjects connected with a disposition of the public lands, and deep as was the interest of the State which in part he had the honor to represent, yet, at this advanced period of a long and protracted session, he would have contented himself with a silent vote upon the bill under consideration, had it not been for the new principle it embraced, and the doctrine advanced by some Senators who had preceded him in the discussion, that a reduction in the price of the public lands would be of no advantage to the States in which they are situated. And I, said Mr. R., must acknowledge my surprise at hearing this from honorable gentlemen, representing States which, time after time, and year after year, have in the most solemn manner, through an organ no less respectable than their Legislatures, pressed, by memorials the most importunate, upon the consideration of Congress, the great

necessity of a liberal reduction in price, or of a transfer of lands to the States in which they lie.

Some months ago, said Mr. R., a resolution was adopted by the Senate, instructing one of its committees (the Committee on Manufactures) to inquire into the expediency of reducing the price of the public lands, and of ceding them to the several States within which they are situated, upon reasonable terms. Against both these propositions an adverse proposition was made, and a new project submitted for our consideration; and that project referred to the Committee on Public Lands, and reported upon with the amendments now under consideration. To this reference we have heard loud and repeated complaints, that the Committee on Manufactures were treated unkindly; that the usual courtesy was denied them; and that the reference was unprecedented in the Senate. Now, sir, it does not so appear to me. Had the Committee on Manufactures contented themselves with a report (adverse as it was) upon that which was referred to them, and had their report then been, previous to any action of the Senate, referred to a co-ordinate committee, their complaints would have had some foundation in reason. But when they themselves first travelled out of their jurisdiction, and brought forward a measure, not within the scope of the reference, but legitimately within the cognizance of the Committee on Public Lands, the first wrong step, having been taken by themselves, was very properly corrected by the Senate, in the reference to the second committee, where of right the subject belonged. I hope, therefore, that the majority who made this reference, will stand acquitted of any charge of unkindness or lack of courtesy toward that highly respectable committee which favored us with a report, manifesting an ability and zeal worthy of a better cause.

The Committee on Manufactures submitted two propositions; first, an appropriation to each of the seven new States, to wit, Ohio, Indiana, Illinois, Missouri, Alabama, Mississippi, and Louisiana, of ten per cent. on the net proceeds of the sales of that part of the public land which lies within it, for objects of internal improvement within their respective limits. Second, that the residue be divided among the twenty-four States according to their federal representative population, to be applied to education, internal improvement, or colonization, or to the reduction of any existing debt contracted for internal improvements, as each State, judging for itself, shall deem most conformable with its own interest and policy.

The Committee on Public Lands concurred in the justice and policy of the first proposition, but in an extended degree, and proposed that fifteen instead of ten per cent. be given to each of the seven new States. But to the second proposition, making a general distribution of the residue among all the States, they wholly dissented, and recommended, in its stead, a reduction in the price of all lands which have been offered and not sold at public sale, to the sum of one dollar per acre; and of refuse lands, or such as have been subject to entry for five years or more, to fifty cents per acre.

The honorable Senator from Kentucky, [Mr. CLAY,] a few days ago, when this subject was under discussion, dwelt at some length on the claim which had been set up by some on behalf of the States to their ownership of the public lands within their limits. As that subject is not before us, I would not pursue him in the digression, had not the Senator been pleased to notice, with some degree of ridicule, the message of a former Governor of Illinois, containing an elaborate argument in favor of this claim. Sir I would have listened with great pleasure to the honorable Senator, if he had undertaken to refute, by opposing argument to argument, the reasons which had been arrayed with so much ability by the distinguished author of that message, instead of denouncing in broad terms the doctrine as ridiculous, and the author as playing the demagogue.

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If the Governor's object was to play the demagogue, (which, by the bye, I wholly deny,) I would advise him, from this henceforward, to ground his arms, acknowledge himself a mere tyro, and that he has not even learned the horn-book of the art. What! Set up as a demagogue on so small a scale; in a State with a population of merely a hundred and sixty thousand. Why not elevate his aspirations; offer a sop to the whole twenty-four States; make a bid of three and a half millions of dollars cash the first year, and the same amount annually for four consecutive years; with a pretty strong inuendo, that if things work well, the annuity shall be made perpetual, at least as long as there are public lands for sale? If the ex-Governor had taken this ground, then would the game have been worth playing out.

The present is an inauspicious time to divert so large a sum as arises from the sales of lands from flowing in its ordinary channel into the treasury as a fruitful source of revenue. No man can be so blind as not to see, and none should be so indifferent as not to use every means to quiet the agitated state of the country, laboring as she is with throes so convulsive as to threaten a dissolution of the Union; arising from the great and exciting subject upon which, to-morrow, we shall be called to act, and upon which, during this long session of seven months, every day has brought memorial after memorial, from individuals, from conventions, and from States, until your table can bear no more. And what is the complaint? That by your tariff laws you draw sums too large, and by a measure too unequal, from the hard hand of industry. Do not understand me as saying all these complaints on this subject are wholly true, or that the system complained of should be broken down; but it would take a very sceptic, indeed, to doubt the sincerity with which these complaints are made.

Then, let me ask, is it prudent, is it wise, under the circumstances stated, to legislate from the treasury the annual sum of nearly four millions of dollars, a sum equal to one-third the amount necessary for the exigencies of the Government, and that too in a manner so hurried, as has been indicated by a majority of the Senate; and in a manner wholly different from the memorials of the new States, who feel most solicitude on the subject of the public lands; and, permit me to add, in a manner, which I fear will operate as an eternal bar to the granting of their prayers, which have been constant and unvaried, for a reduction in price, and a transfer of the lands to the States in which they lie?

But we are told that this new plan, this grand distributive system, is the very best thing that could be done for the new States. Sir, "I fear the Greeks, even when they offer presents." I can view no man in the light of a friend, or as capable of giving friendly advice to the new States, who denies them the humble boon for which they have been daily supplicants for the last thirty years. A reduction in price, especially of the refuse lands, with a preference to actual settlers, has been their incessant prayer. And what are they now told? That they have already gotten too much. That they are spoiled bantlings, prattling fools, and strangers to their own interests. They ask of you bread, and you give them a stone.

That part of the bill giving ten per cent. is confessedly right in principle, and goes upon the ground that the General Government, being a large land proprietor, is in justice bound to contribute to the improvement of the country in which the lands are situated, as every improvement there made adds to the value and demand of the unsold lands. I was one of the Committee on Public Lands who thought the ten per cent. too small for this purpose, and so did I think as to the fifteen per cent. proposed to be substituted; but, as a majority of the committee thought otherwise, I acquiesced in the sum of fifteen, being the highest amount to which a majority would agree. And I did hope, as both the committees,

which have had this subject under consideration, recognized the principle upon which the appropriation is to be made, that, when the Senate should be advised of the fact that nineteen-twentieths of the lands, in a large portion of these States, are still held by the General Government, they would have most readily assented to the amendment; and still more did I hope that to this sum of fifteen per cent. there could be no serious opposition, when it was recollected that, by a compact, the new States cannot tax the unsold lands, nor even the lands sold, until five years after the date of sale. And let it not be forgotten that this compact was the price you made them pay for admission into the Union, entered into in the days of their minority, when groaning under the galling shackles of territorial government. And at the very time they fondly thought that they were rising to the proud and elevated station of independent States, on equal terms with the original members of the Union, they were despoiled of one of the principal attributes of sovereignty—the right of taxation. My objections to the distributive principle, as proposed by the Committee on Manufactures, are many; a few of which I will take the liberty to state.

Its operation will be unequal between the slave and non-slaveholding States. There is no reason why one of the former, as a distributee, should receive as much for five slaves, as one of the latter for three freemen; nor is any answer to be had from that part of the constitution which fixes the ratio of direct taxes and of representation, because this is neither. Again: it will operate unjustly between the old States and the new States. For example, Illinois is increasing in population at the rate of eighteen and a half per cent. per annum, while, in some of the old States, (Delaware for one,) the increase is less than one-third of that rate, and yet the division is to be made under a census taken two years ago.

It is certainly a serious objection to this or any other system which makes the States so dependent on the General Government. By this bill there is scarcely a State whose dividend will not be equal to its ordinary current expenditures; and it is worse than idle to say that the money will not be used for any and every expense incident to State Governments. Once establish this system of pensioning the States, I care not for how limited a period, and my life for it, it becomes perpetual; and so soon as that is the case, a fig for your State sovereignty. Already are the guards against consolidation too few and too weak; and, instead of adopting a policy calculated to diminish and weaken them, they should be increased and strengthened.

Another objection is this: if the General Government is to furnish the means for colonization and internal improvement, (and to do so when expedient and convenient, I am entirely willing,) either of these great objects can be more effectually as well as more beneficially accomplished without than with the agency of the States. Take colonization, and how would it operate if left to the States as contemplated by this bill? Already have we been told by Senators from more than one State, that the whole scheme is visionary and unconstitutional. Now, is it presumable that the States holding these doctrines would apply one dollar of their dividend to promote the object? Certainly they would not, they could not, and the consequence would be, an utter failure, or a very partial compliance. States thinking and acting differently would have thrown upon them the whole burden of colonizing all the free people of color in every State in the Union. Nor is that all: this description of population is very unequally distributed over the several States; some of the smaller States, both as to territory and population, have a very large number of free blacks, while other and larger States have a much less number.

Take internal improvement, and the operation under

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the bill will be not only unequal, but many of the expenditures would actually be next to useless. In many instances, States least in need of expenditure for internal improvements would get the most money, while the States in want of most assistance for these objects, would be put off with a mere pittance. For example, New York and Missouri are nearly equal in point of territory; the former in a high state of improvement, both as to roads and canals, and densely populated; the latter the very reverse: yet New York would receive nearly half a million of dollars, and Missouri not quite twenty-eight thousand.

The money might, and in many cases would, be judiciously applied. To illustrate my idea, take the three States of Indiana, Illinois, and Missouri, and say each would undertake with their respective dividends the construction of a railroad from east to west, across each State; and that Indiana would make hers to terminate on her western boundary on the Big Wabash, at Vincennes. Illinois would make hers to commence at her eastern boundary at Mount Carmel, on the same river, but twenty-five miles south of Vincennes, and terminate it at Alton, her western boundary on the Mississippi; and Missouri would commence hers at St. Louis, her eastern boundary on the same river, but twenty-five miles south of Alton. There would then be a road some six or eight hundred miles in length, made at the expense of the Federal Government, but so disjointed from the whim or peculiar and local interest of each State, as to take from it half its utility. While, on the other hand, if made by the General Government, it would be a direct and connected whole, of general utility to the whole nation, and worthy its high design and cost.

With the indulgence of the Senate, I will read a short passage on this subject from the last number of the American Quarterly Review, upon which I have just laid my hands.

"We doubt the justice of dividing a fund disposable for internal improvements, according to population. A national fund should be expended where it is most wanted, and where it would be most extensively useful. The most populous State might not require the largest expenditure for roads and canals; and the least populous might stand in the greatest need of assistance. A sum expended in one State in making a road, is not necessarily chargeable to that State as if for its exclusive benefit, because the advantage may be equally great to adjacent States. An immense sum of money was laid out in the States of Maryland, Virginia, and Pennsylvania, in making a road from Cumberland to Wheeling, which is less beneficial to the two last named States, than to those lying on the Ohio. The correct principle seems to be, not that expenditures should be made within certain limits, but that the benefit should be fairly distributed. This would be best effected by the concentrated action of one Government."

The last objection which I shall mention, and which with me is more insuperable than all others put together, is, that this distributive system is introduced as a substitute for a reduction of the price of lands, which, at this crisis, in consequence of the extinguishment of the public debt, the people of the new States have a right to expect and demand, and the adoption of which will operate with the old States as an inducement not only to keep up the present price, but, if possible, to screw it still higher. The reasons given by the Committee on Public Lands for reducing the price, accelerating the sales, and extinguishing federal title within the new States, remain unanswered by those who deny the policy. Some of which reasons are, because nearly one hundred millions of acres of the lands now in market are the refuse of sales and donations, and of little actual value, and only fit to be given to settlers. And because the speedy extinction of federal title within their

limits is necessary to the independence of the new States; the development of their resources; to subject their soil to taxation, cultivation, and settlement, and the proper exercise of their jurisdiction and sovereignty.

Highly as the present land system has been extolled for its simplicity and salutary results, I profess to be second to none in admiration of its excellence. But I wholly deny the correctness of the position which has been assumed, that, by a transfer to the States of the lands within their limits, this system would be either disorganized or destroyed. It is the mode of making the surveys of the public lands upon which is based the great advantages of this most admirable system. The surveys are already in a goodly degree completed; and, where further surveys are necessary to be made, the system heretofore adopted could and would be pursued by the States. The same course now pursued in selling and conveying would also be continued by the States; because it is the cheapest, simplest, and best mode that could be devised, and equally as practicable by the States as by the Federal Government, and really more so, because of their local position.

By a transfer of the lands to the States in which they lie, a most fretful, expensive, and perpetual source of legislation upon this subject would be ended and forever put to rest; complaints of the new States hushed; the Federal Government reimbursed for the cost and expense of the lands; and the country sooner settled and better improved.

It has been asked, what better condition would the new States be in, as to taxation, if the lands belonged to them, than they now are? I answer, that, by reduction of price, and liberality to settlers, they would enable individuals of all circumstances to become the proprietors, and consequently tax payers. Such was the course a few years ago adopted and most successfully pursued by the State of Tennessee in relation to her public lands.

Both justice and policy require the adoption of some measure reducing and graduating the price of lands—justice, because the sum of one dollar and twenty-five cents per acre, the present minimum price, is more than the fair value of all that class of lands which have been in market for a length of time; of which, as before stated, there are nearly a hundred millions of acres, and a very large portion of them have been in market as long as in law are three lives, and a considerable portion even longer. First offered at public auction, then at private sale, and still upon your hands—and not because they are not in demand, but because the price is too high. The choice and most valuable having been disposed of, there only remain the refuse, rejected, and less valuable—a large share of which never will sell at any price other than nominal, and some not even at that.

It is a well known and admitted fact that nearly all the population of the new States are, and from the nature of things ever will be, cultivators of the soil. And how does it quadrate with the principles of justice, to require of the present purchaser the same price for inferior land, that you have charged for a superior quality, worth, in most instances, from fifty to a thousand per cent. more?

By keeping up the present price for the refuse lands, the emigrant and new settler, the landless and poor, are driven to the hard choice of either purchasing inferior lands at the same rate of their more fortunate neighbors, who have selected and purchased the better portions of the country, or of becoming the tenants of these neighbors, or of doing still worse, becoming squatters on these very lands, of which they would willingly have been the purchasers at a fair price.

And of all situations connected with the cultivation of the soil, that of the squatter is the most unfortunate. Passing over his liability to be sued by the Government for what your laws make a trespass, but which, and to the credit be it spoken of our officers who have in charge

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The Tariff.

[REPEAT.]

this subject, are rarely enforced, he is insecure, for a single hour, in the quiet enjoyment of even this humble and temporary home. He settles upon the public land, opens and improves a small farm, in hopes, ere long, by his industry and economy, to enable himself to become the owner, at your extortious price. But often, while thus engaged, the cupidity of the speculator is attracted by the improvements he has made—his farm is entered over his head, and the settler ejected—perhaps while his crop is yet upon the ground, and ready for the sickle, or compelled to submit to the payment of rent for the enjoyment of improvements made by the sweat of his own brow.

The policy of a reduction in price is threefold: to the settler; to the States and Territories in which the lands are situated; and to the Government.

Under a liberal system of administering the public lands, thousands upon thousands of poor and meritorious citizens, from all parts of the Union, would, from the humble and oppressed state of tenants, become freeholders, and, with the cheering assurance that their labor was for their own comfort and profit alone, would be stimulated to new exertions and a more vigorous action. Many, very many, would cease to be squatters and become purchasers, and, from that transient state, which is always attended with loss to the husbandman, would become permanent and fixed in their location, and would draw around them all the ordinary comforts of life. Then would your Government be rich indeed, not by being the owner of millions of acres of unproductive lands, estimated by the Committee on Manufactures at an amount larger by eight-tenths than will ever be realized from them, but by having a numerous, hardy, and patriotic population. And no longer would we witness the humiliating spectacle of our enterprising citizens going by crowds to Texas, because of the ease with which lands are there obtained.

There is something incident to the ownership of the soil, which inspires him who owns and cultivates it with a manliness and independence of action, with patriotism and regard for the institutions of his country; his very countenance is raised to that upward look for which nature formed him, when he is conscious that he has a home for himself, and those whose comfort and education it is no less his duty than pride to advance.

An opinion is entertained by some, founded in great error; it is this: that the benefit to be extended to purchasers by a reduction of price would be limited to few, and these few only in the new States. It is certainly not necessary to remind those who entertain that opinion that the door is as much open to the purchaser from the old as from the new States. Since the reduction from two dollars per acre to one and a quarter, there has been an extraordinary increase of sales, and sales to settlers, not speculators, clearly demonstrating not only the salutary effects of the law of 1821, but that its benefits have been embraced by a much larger number than were in the new States.

The amount of revenue raised from the sale of lands when the price was two dollars, fell short of one million per annum; since the change, it has been regularly increasing, until now it is estimated at three millions and a half; and, if the reduction proposed by the Committee on Public Lands should succeed, there is every reason to believe that the amount in a very short time would be double its present estimate.

An objection is urged to any reduction of price, because it is supposed that it would affect the price of landed property now owned by individuals in the old States. If there be any weight in the argument, the apprehended depreciation would be so inconsiderable as to be neither seriously felt nor complained of, and, if at all, only by speculators. The same apprehensions were entertained and urged against the former reduction, yet that law has been in operation about eleven years, and experience proves all such fears to have been groundless.

But, say some gentlemen of the old States, if the price of public lands is reduced in the West, you take from us our population. This doctrine, I am sorry to say, has obtained a currency worthy a purer coin. And to what does it lead? To the benefit of the poor? No. To the advancement and settlement of the country, or sale of the unappropriated lands? No. To the increase of the revenue? No. To the happiness and prosperity of the people, especially the poorer classes? No. But I will tell you what it does do: it keeps the poor and landless tenants and vassals to the wealth-swollen landlords; it opens to the landjobber a wider field of speculation; it impoverishes and retards the settlement of the new States; it suppresses enterprise; it gives to the man, (it is inexcusable, I suppose, to say manufacturer,) who wants the labor of his indigent neighbors and neighbors' children, the opportunity to secure it at his own price and his own calling.

I would respectfully ask gentlemen who hold this doctrine, if, by a legislative wall, they would fence their constituents within particular and prescribed limits; if that be their policy, I grant they will in part attain their object by following out the doctrine, which I believe first made its appearance in a certain celebrated treasury report of 1827, has been recently re-echoed by the New York Convention, and at length has found an advocate within these walls.

The question was then taken, and the bill was passed by the following vote:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—26.

NAYS.—Messrs. Benton, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Robinson, Smith, Tazewell, Troup, Tyler, White.—18. So the bill was passed, and ordered to be sent to the other House for concurrence.

THE TARIFF.

Mr. DICKERSON moved to postpone the previous orders, in order to take up the bill in addition to the act imposing duties on imports.

The first amendment, in the second section, being to introduce after the words "Kendal cottons" the words "the latter weighing not less than sixteen ounces the square yard, and of all," was then read.

Mr. TAZEVELL characterized the bill as ungrammatical in its construction, and begged that gentlemen would make the bill better English. He suggested a change of phraseology.

Mr. CLAY admitted that the bill might be more grammatical, but not more intelligible. He gave his view of what was intended by "Kendal cottons."

After a few words from Mr. TAZEVELL and Mr. SMITH, the question was put on the amendment, and decided in the affirmative, as follows:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—24.

NAYS.—Messrs. Benton, Bibb, Brown, Buckner, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Troup, Tyler, White.—22.

The next amendment, which strikes out "twenty-five" and inserts "thirty," raising the duty "on mits, gloves, bindings, blankets, hosiery, and carpets and carpeting, to thirty per centum," was then taken up.

Mr. TAZEVELL stated that the increase of this duty would increase the burden imposed by the bill upwards of two hundred thousand dollars.

Mr. DICKERSON stated, in reply, that the duty was

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formerly forty-three per cent.; and it was the opinion of the committee that the reduction was too great in the bill as it came from the House.

Mr. SMITH said the weight of this increase of duty would not fall on the British manufacturer, but on the American merchant.

Mr. CLAY said that the amendments introduced by the committee of the Senate would make the bill much less burdensome on the South than it was when it came into their hands. He expressed his desire to meet the wishes of the South; at the same time he should be steady in his purpose to give adequate protection to such articles as it was designed to protect. He stated that, even if excess of protection could be granted, it would excite competition, and competition would bring down the prices to a proper level. He thought that, on the gentlemen who advocated a greater reduction, was the *onus probandi* of showing that adequate protection would not be the effect of their policy. All the media of circulation in other countries—the franc, the real, the dollar, are settled, except the pound sterling in England; and the ill effect of the unsettled value of the pound sterling has been much felt. He replied to the argument, that, by substituting a cash for a credit system, and thus destroying the ten months' credit, now given, five per cent. was, in effect, added to the duties. The result of the present system, he contended, had been to drive the American merchant out of the trade, and to throw it into the hands of foreigners. He believed that the change would produce a diminution of the price of the goods to the consumer. He protested, therefore, against the argument that the abolition of the credit system would increase the duties five per cent. As to the present amendment, it only added five per cent. to the articles as they came in the bill from the House.

Mr. TAZEVELL said he only wished to show that, although a duty had in this case been imposed which was deemed adequate by the other House, where a majority represented manufacturing interests, the Committee on Manufactures had added five per cent. to the duty. He stated that the difference between the value of the pound sterling at \$4 44, and its value at \$4 80, was 8 5-100 per cent.; and that, by raising the value of the pound sterling, we do virtually add 8 5-100 per cent. to the rate of duties. He contended that the encouragement of one branch of industry was *pro tanto* the discouragement of all other branches. The protection of all branches would be tantamount to leaving all free. There was no propriety in fixing a maximum of protection higher than 33½ per cent., which amounted nearly to an absolute duty of 50 per cent.; because no nation can afford to pay a higher duty for the purpose of protection.

Mr. DALLAS moved to lay the bill on the table, in order to take up a message just received from the House—yeas 26.

BANK OF THE UNITED STATES.

The Senate then proceeded to consider the message, which communicated the passage of the bill to modify and continue the act to incorporate the subscribers to the Bank of the United States, with an amendment allowing all the branches now existing in any State, where there are more than two, to continue.

On motion of Mr. DALLAS, the Senate concurred in the amendment.

THE TARIFF.

The Senate then resumed the consideration of the tariff.

Mr. DICKERSON replied to the arguments of the gentleman from Virginia, and went into a view of the value of the pound sterling.

Mr. HAYNE repelled the idea that they who complained of the oppressiveness of the tariff were bound to show that the reductions they desired would not make

protection to the manufacturer inadequate. He said it was useless to attempt any resistance to the fixed and inexorable majority in both Houses, but that majority must pursue its course on its own responsibility. He denied that the existing duties on mits, gloves, &c. were forty per cent. In the statement from the Secretary of the Treasury and the Secretary of the Senate, the duty was put at thirty-five per cent.; and with this duty there was the advantage of long credits, and the estimate of the pound sterling at \$4 44. It was clear, therefore, in his judgment, that this amendment makes the duty higher than it was before. The abolition of the duty on coarse wool, of eight cents per pound, was an additional protection to the manufacturer of carpets. It had been said that this coarse wool did not enter into the manufacture of carpets; but he had an invoice sent him from New York by a merchant, who showed that he had sold his low priced wool at five and a half cents per pound, for the purpose of being worked into American carpets.

Mr. CLAY replied to the statements of the Senator from South Carolina, that all speaking against the tariff was vain, and that there was an organized majority in Congress bound to carry the protective system. If there was any such organized majority, Mr. C. was not acquainted with its existence. He did not know what amendment would prevail, and what would not. He knew what ought to prevail, and what he hoped would prevail. He knew what ought to prevail, if the interests, the feelings of a majority, an organized majority of the people of this country could have any influence here. He did not concur in the views of the Senator from South Carolina, that a part of the country is suffering from the protective system. He had a letter from South Carolina, from a gentleman of unquestionable veracity, who stated that persons had borrowed money at ten per cent, had invested their capital in cotton manufactures, and become wealthy.

He adverted to the use of a parliamentary agent in the other House, by which amendments are cut off, and members are compelled to take measures in an imperfect form. In that case, he asked if another branch, where that agent is not employed, might not amend these imperfections. He repeated that, if the gentleman who complained of oppression would show wherein that oppression consisted, he was willing to go into an examination of the fact, and to meliorate, so far as it could be done, without producing ruin to the other great interests of the country. He concluded with a declaration that the bill, as amended, was better for the North, better for the South, and better for all the country, than the bill as it came from the House.

The question was then taken on the amendment, and decided as follows:

YEAS.—Messrs. Bell, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—23.

NAYS.—Messrs. Benton, Bibb, Brown, Buckner, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Troup, Tyler, White.—22.

The question was then taken on the next amendment, introducing after the word "Brussels" the words "Wilton and treble ingrained," and decided as follows:

YEAS.—Messrs. Bell, Buckner, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—24.

NAYS.—Messrs. Benton, Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Troup, Tyler, White.—21.

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The question was then taken on the next amendment, inserting the word "common" before the word "ingrained," and after the last named word, the words "and Venetian," and striking out "five," so as to make it read "at forty cents the square yard;" and a division of the question being demanded by Mr. FORSYTH, the question was put on the first amendment to insert "common," and decided in the affirmative.

The question was then taken on the second amendment, to insert "and Venetian," by yeas and nays, and decided as follows:

YEAS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Marcy, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tazewell, Tomlinson, Waggaman, Webster, Wilkins.—28.

NAYS.—Messrs. Benton, Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Miller, Moore, Robinson, Smith, Troup, Tyler, White.—18.

The question being then on striking out "five," was decided as follows:

YEAS.—Messrs. Bell, Benton, Brown, Buckner, Chambers, Clay, Clayton, Dallas, Dudley, Ellis, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hill, Holmes, Johnston, Kane, King, Knight, Mangum, Marcy, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tazewell, Tomlinson, Troup, Tyler, Waggaman, Webster, White, Wilkins.—45.

NAY.—Mr. Bibb.

The seventh amendment provides that the duty on flannels, stockings, and bazines, shall not be less than fifty per cent. ad valorem. The bill fixes the duty on these articles at sixteen cents the square yard.

Mr. HAYNE moved to amend the amendment, by providing that the duty on flannels, &c. shall not be more than fifty per cent. ad valorem. He thought it unfair, where a specific duty was provided, to provide also that it should in no case fall below an ad valorem duty, while in some cases it increased the duty above fifty per cent.

Mr. CLAY opposed the amendment, and Mr. TAZEWELL supported it. Mr. SPRAGUE said a few words in opposition, when the question was taken, and Mr. HAYNE's amendment was carried, as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Buckner, Chambers, Ellis, Forsyth, Frelinghuysen, Grundy, Hayne, Hill, Johnston, Kane, King, Mangum, Miller, Moore, Poindexter, Robbins, Smith, Tazewell, Troup, Tyler, White.—24.

NAYS.—Messrs. Bell, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Holmes, Knight, Marcy, Naudain, Prentiss, Robinson, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—22.

Mr. CLAY then said he hoped the amendment itself, as amended by Mr. HAYNE's motion, would be rejected, inasmuch as it effected a reduction of duties on all flannels to fifty per cent.

Mr. HAYNE observed that it had been admitted that the manufacturers of flannels were in a most prosperous condition. Now, if gentlemen thought a protection of fifty per cent. was not sufficient, let them show it by their votes.

Mr. BIBB said he would not give his vote for a single cent of increase. He thought the duties ought to be cut down to the lowest possible revenue that was necessary. He alluded to the opinions given by Mr. Humphreys, when called on for his advice by Mr. Monroe, during the last war. Mr. H. had stated, as regarded the comparison of the prices of labor, that it had, and necessarily would, become cheaper from the influence of machinery; that the American manufacturer had none of the difficulties to encounter that were imposed on the British manufacturer by the enormous taxes of that country which he was liable to

pay out of his earnings; that articles in this country of consequence ought to be manufactured cheaper. Over and above this view of the subject, Mr. B. said that the revenue system of the United States was another source of profit to the manufacturer, by the means it afforded for the protecting duties.

Mr. SMITH said we had entered into the manufacturing system without the least knowledge in the world of what it was; and what was charged as protection, was merely a charge to support our ignorance. The act of 1824 took place, and a high duty was imposed on wool. Of all the plans devised by man, that to put a duty on the rough material was the worst. Give us, the manufacturer might say, the raw material as cheap as in England, and we will ask for no other protection. Could we enter into competition with the British manufacturer, when the raw material was here kept so much dearer? At the enacting of those acts, he thought the manufacturers had taken up a view of the question detrimental to their own interest. He [Mr. S.] was acquainted with the opinions of Mr. Humphreys, and they were such as represented.

Mr. WEBSTER thought the question was important.

It was, whether they would put an end to the manufacturing of flannels or not. If the amendment should prevail, the whole flannel manufactures in the North would be broken down. He had hoped the amendment from the Committee on Manufactures would have prevailed. There could be no protection on the article at less than fifty per cent.

Mr. TAZEWELL hoped the amendment, as it now stood, would be agreed to. By the statement of the Secretary of the Treasury, the existing duty amounted to forty-eight per cent., and the amendment went two per cent. higher. Limit it from coming below fifty per cent. ad valorem, as recommended by the Committee on Manufactures, and it was taxing the poor for the benefit of the rich, and it was an article which the poor must have at any price.

Mr. WEBSTER denied the correctness of the statement that the existing duty was no more than forty-eight per cent. In order to ascertain this, it was necessary to calculate whether the proposed specific duty of sixteen cents a yard would exceed that rate. The manufacturers had an available duty of twenty-two and a half cents per yard; to destroy this, was to break down the trade altogether, and such would be the effect of the amendment adopted.

Mr. HAYNE said it was a question with him whether their legislation was not influenced by certain lobby members, [alluding to one or two gentlemen who occupied seats behind the bar of the Senate.] When any proposed reduction was offered, there was a party always ready to cry out "it will be the ruin of the country," "we will be ruined!" The agriculturists were not thus represented by agents—they refrained from thus influencing our legislation. In the progress of this measure, it could be shown that many items had been introduced, that, otherwise, would have found no place in the bill, by the special influence of the manufacturers, and those who acted as their agents within those walls. They already had sixteen cents per yard of direct duty in the bill; if they did not like this specific duty, let them strike it out, and say what amount they want. In some instances, he [Mr. H.] was prepared to prove that, at sixteen cents, they would have one hundred per cent. The object of his amendment was to put a limit on this, that none shall exceed fifty per cent., that some benefit should be given to the poor, and not deprive them of an article to them, and to all in this climate, indispensable. The amendment would not operate but where the duty would exceed fifty per cent. Mr. H. again alluded to the determination of manufacturers, and the agents of manufacturers on that floor, to counteract every measure for their self-interest that tended to the public relief.

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Internal Improvements.

[JULY 4, 1832.]

Mr. WEBSTER rose, and asked if the Senator from South Carolina alluded to him as the agent of any manufacturers.

Mr. HAYNE replied, by no means. In denouncing the conduct of those agents, he had not considered the Senator from Massachusetts as the agent of any body of manufacturers. But when thus called on, before God and man, he would do his duty; and if any other person than an agent of the manufacturers told him that fifty per cent. was not an adequate protection, he would not hesitate to say that that person must be deceived in his view of the subject. He would move to strike out the duty on wool, if manufacturers would consent to come down in the duty on the manufactured article: he would give them the raw material cheaper. If gentlemen would propose to bring down other duties in proportion, he would put the duty on wool at ten or fifteen per cent. at the utmost.

Mr. WEBSTER said there was a time when their fellow-citizens could not come within the walls of Congress, without having reflections made on their characters. Happily, those days had gone by. He had thought that the Senator from South Carolina would have been the last to renew the system. It was avowed by him that many enactments in the bill would not have been passed had it not been for the influence of lobby members. He [Mr. W.] would understand the allusion, for it was made to be understood. It was true he must have been seen speaking to a gentleman at his back without the bar; but that gentleman, no one bore a higher or more honorable character; his reputation was high and unsullied; he had come here at his [Mr. W.'s] request, to give him information on some subjects with which he was more familiar. And yet, for this, a reflection had been thrown out that would strike many as uncalled for, and might be designated by language which he would refrain from using. But were not the citizens of this country to pay attention to their interests, whenever measures were about to be legislated on of vital importance to their several interests? It was a miracle that more of them were not to be seen in attendance; and sure he was, that if they had feared that some of the propositions recommended by the gentleman from South Carolina had been likely to be adopted, not individuals, but crowds, from the North, would have come here in procession, to protest against the destruction of their rights; not to intimidate, but to look after their general interests. He would ask if a Philadelphia blacksmith, or the manufacturers of iron, whether of old scraps or new, when in attendance here, were to be denounced as "lobby members." But even the gentleman who had drawn up the blacksmiths' memorial so often recurred to, had given his opinion in a similar case. "Lobby members," said he: let me see the man who will tell the citizens of the United States, when they proceed to look after the vital and important public interests of the country, that they are lobby members. And this person was Mr. Gallatin. He would tell the honorable gentleman that when his [Mr. W.'s] friends came here, they were not to be sneered at and denounced as using an improper influence.

Mr. HAYNE said the gentleman from Massachusetts had determined to understand his words in his own way. He might reply to the gentleman, "*qui capit, ille facit.*" But injustice had been done him if it were thought that he was against the right of every citizen to watch over his interests; but he had, for some time, witnessed, as so must others, such culpable breaches of all courtesy, by a person leaning over the bar, speaking, not to one person, but to several, and interfering in the business pending, from the moment his motion was made, that, if it were again to be repeated, he [Mr. H.] would feel himself bound to move his expulsion from the privileged seats. He had no objection to the remarks of Mr. Gallatin being quoted; but a qualification had been made by Mr. G., which had been omitted, and that was, the person was

not attending his "private interest." Mr. H. alluded to the aspersions that had been thrown out from the gentleman on the other side, in which Mr. Sarchet, of Philadelphia, had been denounced, and defended him as an upright and honorable man. He believed that no man, from the system of denunciation that had been pursued against every one who had advocated free trade, as being under British pay and influence, would hereafter have nerve sufficient to put his character and standing to such a trial.

Mr. CLAY said he would speak his mind without fear of recrimination. He and every other member had a right to all the information they could acquire; and this right he would ever exercise. If he was not far mistaken, a small man, with red hair, might, for some time past, have been seen flitting about between the House of Representatives and the Treasury Department, using his exertions to cut down the protective system. Why was not his interference also denounced? No, there was no danger that this person, and he would name him—Moses Myers, the Jew—would be so held up. As regarded Mr. Sarchet, he would let the records of the country speak for themselves. He protested against the gentleman's amendment as a total and complete sacrifice of this great manufacture.

The question was then taken on agreeing to the amendment as amended, when it was rejected by the following vote:

YEAS.—Messrs. Benton, Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Tyler, White.—19.

NAYS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Marcy, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Webster, Wilkins.—26.

The eighth amendment provides, to insert "merino shawls," the effect of which is to make the duty on merino shawls fifty per cent. instead of ten per cent., as provided for by the bill.

Mr. HAYNE submitted to the justice of the Senate whether they would put this exorbitant duty on an article of such extensive use, not made in the country, and therefore not coming in competition with domestic manufactures.

Mr. DICKERSON and Mr. FRELINGHUYSEN both explained that the article was manufactured in the United States, the latter gentleman stating that there was a manufactory in his immediate neighborhood, at which 50,000 shawls, in imitation of the merino, were made the last year. All they wanted was adequate protection, and the amendment proposed no more.

After some remarks from Messrs. TAZEWELL, DICKERSON, and WEBSTER, the question was taken, and the amendment was agreed to, by the following vote:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggoner, Webster, Wilkins.—24.

NAYS.—Messrs. Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Tyler, White.—19.

Mr. HAYNE moved that when the Senate adjourns, it adjourn over to the 5th instant, which was negatived; and The Senate then adjourned.

WEDNESDAY, JULY 4.

INTERNAL IMPROVEMENTS.

The Senate then proceeded to consider the act making appropriations for the improvement of certain harbors, &c. The question pending being on inserting an ap-

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proprietor for the breakwater at Lake Pontchartrain—\$25,000 dollars.

Some discussion ensued on this question, in which the amendment was advocated by Mr. WAGGAMAN, Mr. JOHNSON, Mr. CLAY, and Mr. POINDEXTER, and opposed by Mr. DUDLEY and Mr. FOR-YTH.

It was insisted, on the one hand, that this project was not for the benefit of the nation, but of a private company, and that there had been no survey by Government officers.

On the other side, it was said that the security of the navigation depended on the passage of this appropriation; that the safety of the mail was involved; and that no further information could be obtained by any survey.

The question taken on the amendment was decided as follows:

YEAS.—Messrs. Buckner, Clay, Clayton, Dallas, Ellis, Ewing, Foot, Forsyth, Frelighuysen, Hendricks, Holmes, Johnston, Kane, King, Knight, Moore, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Silsbee, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—29.

NAYS.—Messrs. Brown, Dickerson, Dudley, Grundy, Hayne, Hill, Mangum, Marcy, Miller, Smith, Tazewell, Troup, Tyler, White.—14.

The next amendment was adding an appropriation of \$25,000 for the improvement of the navigation of the Washash river.

Mr. BUCKNER moved to amend this amendment by adding \$10,000 for the improvement of the St. Francis river, Missouri; but, after, a discussion, modified his amendment, at the suggestion of Mr. EWING, by proposing an appropriation of \$500 for the surveys and estimates of the expense of improving said river; and the amendment to the amendment having been agreed to—yeas 26, nays 16, the amendment as amended was agreed to.

The next amendment of the committee, being an appropriation of \$2,600 for the preservation and protection of Fairweather island and Black Rock harbor, was then taken up.

Mr. TOMLINSON stated the great importance of that harbor, the danger of the destruction of the island purchased by the United States for the site of a lighthouse near its mouth, and the consequent injury to the harbor, which was doubtless more easily entered, and more frequently resorted to by vessels engaged in the foreign and coasting trade, for security, than any other harbor in the western section of Long Island sound; and remarked that the appropriation had been recommended by the superintendent of lighthouses in Connecticut, under whose direction an estimate of the expense of the work had been made, which was entitled to full confidence.

The amendment was agreed to.

Mr. FORSYTH then, by instruction of the Committee on Commerce, moved further to amend the bill by inserting an appropriation of \$120,000 for removing the obstructions in James river, below the city of Richmond.

Mr. SMITH moved to amend this amendment by striking out \$120,000, and inserting \$60,000; which motion was negatived.

After some remarks from Messrs. FOR-YTH, TYLER, TAZEWELL, CLAY, and SMITH, the question on was taken on Mr. Forsyth's amendment; and it was agreed to by the following vote:

YEAS.—Messrs. Buckner, Clay, Clayton, Dallas, Dickerson, Ewing, Foot, Frelighuysen, Hendricks, Holmes, Johnston, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Smith, Tomlinson, Waggaman, Webster, Wilkins.—23.

NAYS.—Messrs. Brown, Dudley, Ellis, Forsyth, Grundy, Hayne, Hill, King, Knight, Mangum, Miller, Moore, Robinson, Sprague, Tazewell, Tipton, Troup, Tyler, White.—19.

The amendments having been gone through with, the bill was reported to the Senate; when

Mr. MILLER moved to amend the bill by striking out all after the enacting clause, and inserting a substitute appropriating \$600,000 (about the amount of the appropriations in the bill) for internal improvements, to be expended under the direction of the War Department, in the several States, in proportion to their population, and on objects designated by the States.

Mr. M. said his object in offering the amendment was to present an alternative or substitute for the bill less objectionable. There was no rule, no principle, in the bill; it was an invasion of the treasury, without any regard to justice or equality. For the first time to-day we have learned that the various branches of the Government concur in the power or expediency of carrying on appropriations for objects of internal improvement. We have just heard that the President has signed the internal improvement bill, containing appropriations for the most limited and local purposes. I hope we shall never again be referred to the veto of the Maysville and Rockville roads as a security against this system. The Senate and House of Representatives, and the President, all concur in this power. I have offered this amendment to furnish to my constituents the evidence of the disposition of the Government to administer its taxing and disbursing powers on equal and just principles. No one will deny but that South Carolina pays her portion of funds into the treasury; she has not received one dollar for internal improvement. You levy your taxes through the tariff to protect domestic manufactures, and expend the funds in the same sections, to furnish a reason for new levies. If this Government were an absolute despotism, a pure monarchy, would it dare to levy taxes without having some regard to equality in their disbursements? Although the planting States may pay much more than their portion of the taxes, the amendment would operate to limit these appropriations by making those who receive the appropriations pay some of the burden. You deprive the majority of the motive to plunder the minority, when you subject the majority itself to a portion of the burden.

Mr. M. challenged any one to say that South Carolina did not pay her quota to the treasury; and how is it you propose to appropriate six hundred thousand dollars of the public funds, in addition to the eleven hundred thousand dollars already appropriated, without letting one dollar be returned to that State? Mr. M. said he did not stand pledged to vote for this amendment, if adopted as a substitute, but he preferred it to the original bill. It will give the people some insight into the principle upon which their money is drawn from them. How can gentlemen support this system without extending to every section a portion of its benefits? Are we to be distinguished only by paying taxes, while we never receive any of the disbursements? If you assume, in the name of the Government, the authority to tax us, why not, by the same authority, refund a portion as indicated by the amendment? I wish those I represent to see and know what part and lot they have in this Government. Mr. M. asked for the yeas and nays, and they were ordered.

Mr. CLAY thought the proposition of the Senator from South Carolina entitled to serious consideration. He regretted that it had been made at so late a period of the session as to preclude that examination and reflection which the importance of the subject deserved. He thought, however, that the principle of distribution should depend as well on the extent and exigencies of the States as on federal numbers. His object, however, in rising, was to express his extreme surprise that the President, after putting his veto on the appropriations for works of such public utility as the Maysville and Rockville roads, should have sanctioned the harbor bill, so called, in which appropriations were made to a very large amount, and

which differed in principle not one particle from the one he had rejected. If the Maysville and Rockville roads were local objects, there were hundreds of objects in the bill just approved, infinitely more local. What had been the course of the present administration? They first held appropriations for certain objects of internal improvement to be unconstitutional, and then sanctioned appropriations for other objects depending entirely on the same principles with those held to be unconstitutional; and the result has been to open an entire new field of internal improvement. Favorite objects, Mr. C. said, had been considered constitutional, while objects in States not so much cherished had been held to be local. Mr. C. concluded by saying that he thought with the Senator from South Carolina that there ought to be some principle of distribution for internal improvement settled for the future. He regretted that it was too late now in the session to mature any satisfactory plan; but he hoped that at the next session the subject would be taken up, and some principle recognised that would do equal justice to all the States of the Union.

Mr. SMITH gave a history of the commencement and progress of appropriations for the improvement of harbors. The doctrine held was this: The States on the Atlantic had relinquished to the Federal Government the right of imposing tonnage duties, thus depriving themselves of all power of improving their harbors and rivers. It was the bounden duty, therefore, of the General Government to do that which the States could not do of themselves, because they had given up the funds from which they could make such improvements. The gentleman from Kentucky was mistaken in one point. The bill just signed by the President was a bill for internal improvements, and not the harbor bill which was then before the Senate.

Mr. HAYNE rose, not for the purpose of entering into any argument on the question before the Senate, but to say that, although he should vote for this amendment of his colleague as an alternative preferable to the bill, he was utterly opposed to the whole scheme, and should ultimately vote against the bill. He viewed the amendment merely as an alternative to the bill, and, of the two, he thought it preferable, but the system itself was a general scramble, and there was no knowing where it would end; it was wild and extravagant, and the sooner it was abandoned the better. The bill signed by the President appropriated one million one hundred thousand dollars, and this bill appropriated about six hundred thousand dollars more.

Mr. MANGUM said he was unwilling to countenance a proposition of the nature submitted by the Senator from South Carolina, in any shape, and should be compelled to vote against it. He was opposed to any distribution among the States of any kind according to federal numbers, because he believed, as did the gentleman on the opposite side, that those States who received the least would pay the most.

Mr. MILLER said he regretted that the honorable Senator from North Carolina had come to the determination to vote against this amendment; he could vote for the amendment without afterwards voting for the bill. In refusing to vote for this, as a substitute, the honorable Senator would, in effect, vote for the original bill. The question now, which he was called on to decide, was whether he preferred the bill before the Senate, or the substitute now offered. Although he might refuse to vote for the substitute as a substantive bill, he must choose now between this and the bill. Would he rather the bill should pass in its present form, or that it should assume the form of this substitute?

Those who are opposed to the entire principle in the bill, have the most perfect right so to amend it as to im-

prove it. This is not an amendment to defeat the bill, but to improve it. If it were an amendment calculated to defeat it, still I should expect those opposed to it to vote for it. One thing only can be decided at a time. The question now is, which is the most unexceptionable, the substitute or the original bill? It is not whether the substitute ought to pass, but whether it is not better than the original proposition. The refusal to vote for this substitute necessarily subjects those who do so to the inference that they prefer the bill to the substitute.

Mr. MANGUM said he did not believe there was any difference in principle between the amendment and the bill. Although he knew he could, according to the parliamentary practice, vote for the amendment, and finally against the bill, yet he was unwilling that his vote should meet the public eye as sanctioning any thing like the scheme, either in the bill or the amendment.

The question was then taken, and Mr. MILLER's amendment was rejected, as follows:

YEAS.—Messrs. Dickerson, Grundy, Hayne, King, Miller, Moore, Poindexter, Ruggles.—8.

NAYS.—Messrs. Brown, Buckner, Clay, Clayton, Dallas, Dudley, Ellis, Ewing, Foot, Forsyth, Frelinghuysen, Hendricks, Hill, Holmes, Johnston, Knight, Marcy, Naudain, Prentiss, Robbins, Robinson, Silsbee, Smith, Sprague, Tazewell, Tipton, Tomlinson, Tyler, Waggaman, Webster, White, Wilkins.—33.

Mr. FORSYTH, with a view to test the sense of the Senate, whether it is their pleasure to sanction all objects which have not been surveyed, moved to strike out the appropriation of twenty-five thousand dollars for deepening the entrance of the harbor at the mouth of Connecticut River.

Mr. FOOT made some remarks in favor of the appropriation.

Mr. TOMLINSON opposed the motion, and stated that the harbor had been surveyed by a civil engineer of great respectability, skill, and experience, heretofore in the public service; whose report, detailing the nature and expense of the proposed improvement, had been before the Committee on Commerce, and was on the table. He explained the importance of the proposed work, and the benefits expected to result from it to the navigation employed in the foreign and coasting trade, and particularly to the large amount of shipping owned in the several populous towns situated on the Connecticut river; and insisted that the information contained in the papers before the Senate, in relation to the necessity and utility of the appropriation, was entirely satisfactory.

Mr. CLAY said the sense of the Senate had already been tested on the clause in the former bill for the Cumberland river, and we had seen that the President had approved that bill. It was not likely, therefore, that he would disapprove this. He did not object to the approval of that bill, but to the want of some fixed and steady principle which would satisfy the country and Congress.

The motion of Mr. FORSYTH was negatived; and the amendments having been concurred in,

The bill was ordered to a third reading, by the following vote:

YEAS.—Messrs. Bell, Buckner, Clay, Clayton, Dallas, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Robinson, Ruggles, Silsbee, Smith, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—25.

NAYS.—Messrs. Brown, Dudley, Ellis, Forsyth, Grundy, Hayne, Hill, King, Mangum, Marcy, Miller, Moore, Poindexter, Tazewell, Tyler, White.—16.

The amendment made by the House of Representatives to the bill to extend the time of issuing Virginia land warrants, was concurred in.

The Senate then adjourned.

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The Tariff.

[SENATE.]

THURSDAY, JULY 5.

THE TARIFF.

On motion of Mr. DICKERSON, the Senate resumed the consideration of the bill from the House of Representatives, in alteration of the several acts imposing duties on imports, together with the amendments reported thereto by the Committee on Manufactures.

A great number of amendments were acted on, in the course of the day. The following comprise the most important, and those on which any discussion took place:

The amendment to strike out five and insert twenty-five, increasing the duty on silver or plated wire from five to twenty-five per cent., was carried by the following vote:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Johnston, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Wilkins.—22.

NAYS.—Messrs. Benton, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Troup, Tyler, White, Wilkins.—21.

The amendment to strike out ten per cent. and insert twenty-five per cent. as the duty on common tinned and japanned saddlery of all descriptions, was, after a discussion, rejected—yeas 21, nays 25, as follows:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Seymour, Silsbee, Tomlinson, Waggaman, Wilkins.—21.

NAYS.—Messrs. Benton, Bibb, Brown, Buckner, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Smith, Sprague, Tazewell, Tipton, Troup, Tyler, White.—25.

The amendment in the 104th line provided that all articles manufactured of iron shall not pay a less amount of duty than is imposed on the raw material. The amendment amended the proviso in the 104th line, so as to read, "provided that articles manufactured of iron shall not be imported at a less rate of duty than would have been chargeable on the material constituting their chief value, if imported in an unmanufactured state."

Mr. HAYNE opposed this proviso, as one of the most objectionable features in the bill, and as calculated to deceive. It proposed to impose a duty of thirty-five per cent. on certain articles, and then contained a proviso by which the majority of them would bear a duty of from one hundred and fifty to two hundred per cent. If gentlemen, said he, intend to lay a duty of one hundred and fifty per cent., say so; but do not lay a duty of thirty-seven and a half, as proposed by the committee, and then insert a proviso raising the duties on a majority of the articles to two hundred per cent. Many of the articles affected by this proviso would, he was assured, be taxed under it as high as four hundred per cent.

Mr. DICKERSON observed that, as there was so strong an objection to the amendment under consideration, he was willing, for one, to waive the amendment.

After some remarks from Mr. HAYNE,

Mr. EWING said he did not understand the Senator from New Jersey as withdrawing the proviso in the bill, but only as waiving the amendment to the proviso.

Mr. HAYNE said, this, then, was "keeping the word of promise to the ear, and breaking it to our hope." It was the proviso itself that was objectionable; the bare amendment was not of much consequence.

The amendment was then, with the approbation of the chairman of the Committee on Manufactures, rejected.

The amendment, that all manufactures of iron partly finished shall pay the same rates of duty as if entirely finished; all vessels of cast iron, and all castings of iron, with

handles, rings, hoops, or other addition of wrought iron, shall pay the same rates of duty as if made entirely of cast iron, after a discussion, was agreed to, as follows:

YEAS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Johnston, Knight, Marcy, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Wilkins.—25.

NAYS.—Messrs. Benton, Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Troup, Tyler, White.—20.

To the amendment changing the duty on sail duck from fifteen per cent. ad valorem to eight cents the square yard,

Mr. SILSBEE moved an amendment, to add, except raven duck, which shall be three cents per square yard. This being rejected,

Mr. DICKERSON moved five cents, and Mr. HOLMES subsequently four cents; which were also rejected.

The question was then taken on the amendment of the committee; which was carried by the following vote:

YEAS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Frelinghuysen, Holmes, Johnston, Kane, Knight, Naudain, Poindexter, Robbins, Robinson, Ruggles, Seymour, Tomlinson, Waggaman, Wilkins.—23.

NAYS.—Messrs. Benton, Bibb, Brown, Ellis, Foot, Forsyth, Grundy, Hayne, Hendricks, King, Mangum, Marcy, Miller, Moore, Silsbee, Sprague, Tazewell, Tipton, Tyler, White.—22.

The next amendment increased the duty on cotton bagging from three and a half cents the square yard to four cents.

Mr. CLAY made some remarks in favor of the amendment; and

Mr. BIBB opposed it. Although the article was manufactured in the State he represented, yet he could not consent to tax the great body of his constituents for the benefit of a few large capitalists. If he could, consistently with a sense of justice, vote for the amendment, it would much gratify his own private feelings to do so, as one of his near and dear relatives was largely interested in the manufacture of the article.

Mr. POINDEXTER also opposed the amendment.

Mr. HAYNE stated that the rate of duty, as fixed by the House, amounted to thirty-seven per cent., and the increase to the amendment would be upwards of forty per cent.

Mr. HOLMES contended that adequate protection cheapened the price of articles, whilst inadequate protection had the contrary effect, and raised the price.

Mr. HAYNE, after some remarks in reply, said, that when they came to the subject of cotton, he was prepared to say to gentlemen, reduce the protective duty on your cotton fabrics, and we are willing to reduce the duty on the cotton, the raw material, to the lowest amount possible.

Mr. KING said, in his climate, so, &c. they asked for no protection; they wanted none whatever. He denied that Kentucky required any protection for her cotton bagging; a prejudice had at one time existed against the article manufactured there, because it was thought to stain the cotton packed in it, but this was found not to be injurious, and Kentucky now commanded the preference in the market above that imported from Scotland; therefore she required no protection on that article.

Mr. CLAY replied, and contended that the duty was but a fair protection.

Mr. POINDEXTER said that he objected alike to this amendment proposed by the Committee on Manufactures, and to the rate of duty proposed by the bill as it came from the House of Representatives. The reduction did not seem to him to be important, as it did not descend to the principle of revenue, but was evidently designed exclusively for protection. He should vote against the in-

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crease of duty from three and a half to four cents per square yard on the article of cotton bagging, but without intending to support the original proposition. He could not give his sanction to a system of protection, bounties, and monopolies, intended to benefit one branch of industry at the sacrifice of other great interests of the country. Such legislation was repugnant to the genius of a free people, and to the principles of our free constitution. Besides, said he, this particular item of protection is unnecessary; it was not called for by the manufacturers of cotton bagging in 1828, when the duty of five cents the square yard was imposed, but it was gratuitously inserted in the bill at that time to give additional strength to the combination by whom it was passed. These manufacturers have never wanted a ready and a profitable market for the article, to the full extent of their ability to produce it; and such, in his opinion, would be the case if no duty whatever, except for revenue purposes, was imposed. The price would depend more on the demand and the supply, than on our legislation. An honorable Senator from Maine [Mr. HOLMES] had said that unmanufactured cotton had been protected until it had expelled all foreign cotton from the country; from which he infers that equal protection ought to be extended to the covering of the bale which contained it. Sir, said Mr. P., this idea is not novel; it has been repeated on this floor and elsewhere, as a justification of the onerous imposts on the great articles of consumption imported from Europe, for the use of the agricultural and other laboring classes of the community. I take this occasion to correct the error. The duty of three cents the pound on raw cotton was imposed in 1790, when that staple was not produced to any extent in the United States. It was an article extensively imported into the country, and the duty was a part of our revenue system. It did not then, and it never had, at any subsequent period, operated to protect the agriculturists against foreign competition, in the production of cotton. If the advocates of this injurious and iniquitous system of taxation would relieve the people from the burdens which are now imposed on them, he pledged himself to strike from this bill the nominal duty of three cents on unmanufactured cotton. The planter relied on his own enterprise and industry, and not on the spoils of his countrymen in other sections of the Union. Sir, said Mr. P., permit me to trace the rise and progress of the culture of cotton in this country. In 1794, when Mr. Jay made the treaty with England, he did not know that the article of cotton was grown in the United States, as will appear by his correspondence with the British minister.

The CHAIR here reminded Mr. P. that the question being on the increase of duty on cotton bagging from three and a half to four cents, did not admit of the latitude of debate which the honorable Senator was taking.

Mr. P. then said he yielded to the suggestion, and took his seat with the declaration that he should resist the amendment, and afterwards vote against the bill imposing three and a half cents the square yard on Scotch bagging.

The amendment was rejected.

Mr. KNIGHT said this is an article which my constituents have as deep an interest in as any people of the Union; if any tax is paid on it, it is paid by them. It is true, as the Senator from Kentucky has stated, that the cotton bagging is not paid for by the grower of cotton—it is sold by the pound with the cotton, and is an article of profit to him. I have heard some of my constituents say that the bagging purchased with the cotton has cost them about thirty cents the yard, when the bag itself would cost only about twenty cents. I will not say any thing more on this subject, it having been so fully explained by the Senator from Kentucky. My chief object in rising was to say to that Senator, that when he shall return to the manufacture of cotton bagging, my constituents would

consider it a favor, and be particularly obliged to him if he would make it a little lighter.

The question was then taken, and the amendment was rejected—yeas 22, nays 22, as follows:

YEAS.—Messrs. Bell, Buckner, Clay, Clayton, Dallas, Dickerson, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Knight, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tipton, Waggaman, Wilkins.—22.

NAYS.—Messrs. Bibb, Brown, Chambers, Dudley, Ellis, Forsyth, Grundy, Hayne, Hill, Johnston, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Tyler, White.—22.

The VICE PRESIDENT added his vote in the negative.

The next was an amendment inserting on "felts or hat bodies made wholly or in part of wool, thirty cents each."

Mr. KNIGHT said this is a new article of importation. It is not to be found in any of our tariff laws. The history of it is this. A few years ago, a journeyman hatter invented a machine for making felts or hat bodies—simple in its operations, and admirably adapted to the business it was intended to perform. It entirely superseded the old way of making this part of the hat. It had so completely succeeded as to reduce the price of the article to about fifty per cent. of its former cost. He had regularly patented his invention, and was proceeding peaceably in his business, satisfactorily to every body, and profitably to himself. Some person, to me unknown, took a copy of his machine in the Patent Office, or from some other place, and transmitted it to Europe, and somewhere in the neighborhood of Hamburg set up the business of making hat bodies of Saxony wool, and shipping them to this country. When presented to the custom-house, they were not found in the laws regulating the duties, and were estimated according to the provisions of the law embracing non-enumerated articles. This was not all; there was an imposition on the officers of the customs by the valuation of the article—they were estimated to be worth fifteen cents each, and the duty assessed accordingly.

Now, sir, the best Saxony lamb's wool, of which this article for fine hats is made, costs in England from four shillings to four and sixpence sterling per pound, and it takes about one pound of wool to four hats. The duty on the wool would amount to forty-four cents, and the duty on the manufactured article, made of the same wool, is nine cents. To prevent this fraud upon the patented rights of the inventor of this machine, as well as the fraud on the revenue, is the object of this amendment. By the fraudulent introduction of these hats or felts, as they are called, the consumer is not benefited; they are not sold at a less price than actual cost—they can be manufactured here as cheap as they can be made in Europe or any where else. The whole labor is done by machinery, and, if we make the importer pay the amount of duties we pay on Saxony wool, we can compete with the world. The sum proposed as duty is but about the amount the finest Saxony wool will pay when imported.

Mr. TYLER objected to it.

Mr. MARCY thought the amendment unnecessary. A clause was clearly embraced in the bill, by which all manufactures of wool were charged fifty per cent., and by another all unmanufactured articles of the same material were to pay the same as the manufactured. The object of the amendment would be embraced by either the one or the other. He would move, however, to amend, by striking out thirty and inserting eighteen.

Mr. SMITH had a letter from his hatter on the subject. Hat bodies were imported, made of Saxony wool, and the only fur put on the hats was in the covering by the manufacturer here. In England the duty on Saxony wool was only two cents, and, in consequence of the high duty on the wool here, the American hatter is injured.

Mr. TYLER said, if he understood the matter as ex-

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plained by the gentleman from Rhode Island, it was proposed to tax the article because it had been found too cheap. The article could be imported for less than the cost of the material from which it was made. The history, as given by the gentleman from Rhode Island, was, that an ingenious Yankee had invented a machine which operated so successfully, that in the very first year he reduced the price of the article fifty per cent. This followed, he presumed, what might be termed a Yankee trick. The inventor sells out his patent at a handsome profit, and immediately takes the wings of the wind, and goes abroad, where he makes the article so cheap as to undersell in this market those who had bought his machine. Seriously considering the extent of the consumption of this article in the Southern States, he thought gentlemen, if at all disposed to diminish their burdens, ought not to lay a heavier duty on it. The duty was already too high, and he hoped it would not be increased.

Mr. MARCY's amendment was then adopted, and the amendment as amended was agreed to—yeas 24, nays 16, as follows:

YEAS.—Messrs. Bell, Chambers, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hill, Holmes, Johnston, Knight, Marcy, Naudain, Prentiss, Robbins, Ruggles, Seymour, Smith, Sprague, Tipton, Waggaman, Wilkins.—24.

NAYS.—Messrs. Bibb, Brown, Buckner, Grundy, Hayne, Hendricks, King, Mangum, Miller, Moore, Poindexter, Robinson, Tazewell, Tyler, White.—15.

The amendment in the 134th line was then considered, as follows:

After the word "part," insert "coming from beyond the Cape of Good Hope;" and after the word *ad valorem*, in the same line, insert "and on all other manufactures of silk, or of which silk is a component part, six per centum *ad valorem*."

The bill reads, "on all manufactures of silk, or of which silk shall be a component part, ten per centum *ad valorem*, except sewing silk, which shall be forty per centum."

After some remarks in favor of the amendment, by Mr. SMITH,

Mr. TAZEWEILL moved to amend the amendment by striking out "six," and inserting "five," and this referred to French silks; which was agreed to.

Mr. DALLAS made some remarks in opposition to the discrimination between French and Chinese silks.

The amendment was then agreed to, as follows:

YEAS.—Messrs. Bell, Clay, Dickerson, Dudley, Ellis, Ewing, Foot, Forsyth, Frelinghuysen, Hayne, Hill, Holmes, Johnston, Kane, King, Marcy, Miller, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Smith, Sprague, Tazewell, Tipton, Troup, Tyler, Waggaman, White, Wilkins.—33.

NAYS.—Messrs. Clayton, Dallas, Grundy, Hendricks, Silsbee.—5.

The amendment to strike out two and a half cents, and insert three cents, being the duty on brown sugar, and sirup of sugar cane, in casks, was next considered.

Messrs. DICKERSON, JOHNSTON, and CLAY addressed the Senate in favor of the amendment; after which, the question was taken, and the amendment was agreed to—yeas 24, nays 18, as follows:

YEAS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Tipton, Waggaman, Wilkins.—24.

NAYS.—Messrs. Benton, Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Sprague, Tazewell, Troup, Tyler, White.—18.

The next amendment was to strike out "on coffee half a cent per pound."

Mr. DICKERSON said this amendment was intended to put coffee on the same footing as the articles free of duty.

The question, which being agreed to by general consent, was taken on striking out the duty on coffee, and decided as follows:

YEAS.—Messrs. Bell, Benton, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Kane, Knight, Marcy, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Sprague, Tazewell, Tyler, Waggaman, Wilkins.—31.

NAYS.—Messrs. Bibb, Brown, Buckner, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, King, Mangum, Tipton, Troup, White.—14.

The amendment next considered was to strike out as follows:

On teas of all kinds, imported from China or other places east of the Cape of Good Hope, and in vessels of the United States, one cent per pound: on all teas imported from any other place, or in vessels other than vessels of the United States, ten cents per pound.

And insert "on all teas imported from places this side the Cape of Good Hope, or in vessels other than vessels of the United States, ten cents per pound."

Mr. HAYNE said this was a proposition whether teas should come in duty free. He regarded teas as articles of luxury, and as much deserving of taxation as any other article.

Messrs. DICKERSON and CLAY addressed the Senate in favor of the amendment; after which, the question was taken, and decided in the affirmative—yeas 28, nays 15.

YEAS.—Messrs. Bell, Benton, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Kane, Knight, Marcy, Naudain, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Sprague, Tipton, Waggaman, Wilkins.—28.

NAYS.—Messrs. Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, King, Mangum, Miller, Poindexter, Tazewell, Troup, Tyler, White.—15.

The next amendment was in the 167th line, striking out the duty of thirty per cent. on Leghorn hats or bonnets, and all hats of straw, chip, or grass, and all flats, braids, or plaits for making hats or bonnets, leaving the duty as it is under the present tariff.

Mr. DICKERSON said the object of this amendment was to prevent diminishing the protection on articles produced principally by female industry. He hoped there was sufficient gallantry in the Senate to retain a sufficient protection on this branch of industry.

Mr. HAYNE said the articles are worn by almost all the females in the United States, and the gentleman proposed to show his gallantry by taxing fifty per cent. articles used by females. The duty imposed by the House was thirty per cent., sufficiently high for all the purposes of protection; and he saw no reason why it should be increased. This was a very heavy expense felt by every head of a family.

Mr. DICKERSON said that his gallantry consisted in wishing to encourage the poor and laboring females, while that of the gentleman from South Carolina was in a wish to relieve those who were rich and consumers of articles of luxury.

The question was then taken on this amendment, and it was rejected by the following vote:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Kane, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Tomlinson, Waggaman, Wilkins.—22.

NAYS.—Messrs. Benton, Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Miller, Poindexter, Robinson, Sprague, Tazewell, Tipton, Troup, Tyler, White.—22.

The VICE PRESIDENT added his vote against the amendment.

The next amendment considered was in the 177th line, inserting "except cordage tarred and untarred," the object of which amendment is to retain the present specific rate of duty on those articles.

Mr. DUDLEY requested a letter from a manufacturer of cordage in New York might be read. It stated that the effect would be injurious if the clause in the bill from the House were to become a law.

Mr. HAYNE wished to have the effect of this amendment distinctly understood. As the act came from the other House, all manufactures of hemp would be subject to no more than twenty-five per cent. If it were designed to except cordage from this, the duties under the existing tariff would revert on this article, and by that the duty amounted to eighty per cent. on tarred cordage, and to eighty-eight on untarred. He would submit that twenty-five per cent. was thought too low, if eighty or eighty-eight per cent. was not far too high. He hoped gentlemen would not impose a duty so extravagant.

Mr. SMITH said the manufactures of cordage could not exist if only protected by a duty of twenty-five per cent. They paid forty dollars a ton, of duty, on hemp, and it was impossible they could thus compete with the foreign market.

Mr. SILSBEE spoke in favor of the amendment.

Mr. FOOT said it must be evident, unless this amendment prevailed, the manufacture of cordage must be entirely abandoned in this country. The manufacture was barely getting on, and could not bear any additional burden.

Mr. SMITH said we can no longer export the cordage of our own country, it being taxed so high in the article of hemp.

The amendment was carried—yeas 26, nays 16, as follows:

YEAS.—Messrs. Bell, Buckner, Chambers, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Smith, Sprague, Tipton, Tomlinson, Waggaman, Wilkins.—26.

NAYS.—Messrs. Benton, Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, Marcy, Miller, Moore, Poindexter, Robinson, Tazewell, Tyler.—16.

The amendment in the 190th line was to insert musical instruments at a rate of duty of thirty per cent. ad valorem.

Mr. DICKERSON said that this was a manufacture that deserved protection; they were made to a very high degree of perfection in the United States. By the bill from the House, they would come in as articles made of wood, at a rate of duty too low to protect the manufacture.

This amendment was, after a short discussion, agreed to—yeas 25, nays 16, as follows:

YEAS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Knight, Naudain, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tomlinson, Waggaman, Wilkins.—25.

NAYS.—Messrs. Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, Marcy, Miller, Moore, Poindexter, Tazewell, Tipton, Tyler, White.—16.

The amendment in the 197th line was as follows:

At the end of the line, insert "until the 3d day of March, eighteen hundred and thirty-four; and from and after that day one-half of those rates respectively; and on all other wines, other than those of France, one-half of their present rates of duty respectively, from and after the day last aforesaid."

The bill reads, on the wines of France, namely, red wines, in casks, six cents a gallon; white wines, in casks, ten cents a gallon; and French wines, of all sorts, in bottles, twenty-two cents a gallon.

Mr. HAYNE said he thought the yeas and nays need not be taken on this amendment; it was a clear revenue measure, and no one would, he presumed, object to it.

Mr. KNIGHT insisted on having the yeas and nays on this amendment, they having been previously ordered on all.

The question was then taken by yeas and nays, and the amendment was adopted—yeas 30, nays 3.

The next amendment provided for striking out the following words from the bill contained in lines 205, 206, 207, 208, 209, and 210: "all articles not herein specified either as free or as liable to a different duty, and which, by the existing laws, pay an ad valorem duty higher than fifteen per centum, to pay an ad valorem duty of fifteen per centum, from and after the said third day of March, one thousand eight hundred and thirty-three."

Mr. HAYNE hoped this clause of the amendment might not prevail. The committee had looked at all the articles taxed by the present tariff with a microscope, and had provided duties for them all; but, under the fear that there might be some articles which their astuteness had not discovered, and which might, under the bill, be brought in so low as fifteen per cent., had prepared their amendment to prevent this possible reduction. He trusted that they would permit this part of the bill to remain, and any articles which their ingenuity and research might possibly have omitted, to come in at the moderate rate of duty of fifteen per cent.

After some remarks from Mr. DICKERSON, who denominated this clause of the bill a broad net to catch all the articles omitted by it, the question was taken on striking out the clause, and carried—yeas 24, nays 21, as follows:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Waggaman, Wilkins.—24.

NAYS.—Messrs. Benton, Bibb, Brown, Buckner, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, South, Tazewell, Tyler.—21.

The amendment striking out from the list of duty free articles, epaulets of gold and silver, was next considered.

Mr. MILLER observed that this was a matter of some importance to the militia of the United States, who served without pay, and were at considerable expense in equipping and uniforming themselves. This amendment would bear hard on these officers, and he hoped it would not be adopted.

Mr. DICKERSON, in answer to an inquiry as to the extent of the manufacture, and the amount of the present duty, said that the article was made in the United States, and paid a duty on the importation of twelve per cent. This was but a very moderate protection, and of no manner of consequence to the consumer.

The amendment was rejected—yeas 17, nays 28.

The amendment in the twelfth line of the third section was to insert and go among the articles free of duty.

Mr. DICKERSON said the object of the amendment was to strike out "indigo" from the list of articles exempt from duty, in order to insert it in the second section of the bill, in the clause enumerating various articles at fifteen per cent. This protection was considered necessary, as indigo had become an article of home produce.

Mr. BENTON said he had a letter from a gentleman of much information in South Carolina, which showed the extent in which this article was raised and produced in the South. The letter stated that from forty to fifty thousand pounds of indigo were raised, within the year, by a single parish in South Carolina; that it was frequently shipped to Cincinnati and to New York, where it was found to equal any imported from abroad. Mr. B. said he had read this letter for the purpose of contradicting the error that prevailed, that indigo was not produced in this country. The fact was, that England, when she possessed

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colonies in this country, had spared no expense in encouraging the cultivation of indigo in the South, thinking, wisely, that if they were to have domestic manufacture within themselves, they ought not to be dependent on a foreign country for the chief material in the dye of that manufacture. He [Mr. B.] was of opinion that when wool and other articles belonging to our domestic manufactures were taxed, a duty should be laid on indigo in proportion.

Mr. HAYNE said that, although the letter, which had been read, had come from a gentleman in his State, it was merely in reply to information that had been asked, and was not indicative of the feeling of the State on the subject. South Carolina would not consent to the principle of any duty by way of protection. That indigo was raised in the South, was there no secret; every housewife could raise what she herself required. All that his State would ask for was a fair revenue system; a system built on revenue alone, and on just and equitable terms. His object was to disclaim, on the part of his State, any protection on this or any other article of her produce. South Carolina would disdain to ask for any protection whatever: if this duty was intended as a boon to her, she did not seek it. But to a fair revenue she would not dissent.

Mr. DICKERSON said it had not been proposed by the committee as a boon to the South. Indigo was becoming an article of considerable home produce, and therefore it was thought necessary to protect it, as well as the other productions of the country, by a duty of fifteen per cent.

Mr. MILLER made some remarks, which were not distinctly audible.

The question was then taken on the amendment, when it was negatived with consent, in order again to make the intended substitute in the proper place.

It being past six o'clock, the Senate adjourned.

FRIDAY, JULY 6.

THE TARIFF.

The Senate resumed the tariff bill. After disposing of various amendments without discussion, the last amendment of the committee was taken up, as follows: After the word "part," insert "the duties following, that is to say, such other manufactures of wool, or of which wool is a component part, the actual value of which at the place from whence imported shall not exceed fifty cents the square yard, shall be deemed to have cost fifty cents the square yard, and pay a duty thereon of thirty-five per centum. And all such other manufactures of wool, or of which wool is a component part, the actual value of which, at the place from whence imported shall exceed fifty cents the square yard, and shall not exceed two dollars and fifty cents the square yard, shall [be deemed to have cost two dollars and fifty cents the square yard, and] pay a duty thereon of thirty-five per centum. And on all such other manufactures of wool, or of which wool is a component part, the actual value of which at the places whence imported shall exceed two dollars and fifty cents the square yard, there shall be levied a duty of thirty-five per centum ad valorem."

Mr. DICKERSON, in supporting this amendment, remarked that since wool was protected, the woollen manufactures should be equally so. The protection of the manufactured article from wool would act beneficially to agriculturists themselves—the growers of wool; for the consequence was, that the more the manufacture was increased, the more wool would be consumed. The woollen trade was of the greatest importance to us, and on it might be said to hang the interests of the agriculturists in a paramount degree. The necessity of this part of our industry was of the last importance to the country; and when it was proposed by gentlemen to do away with its protection, he could not but say that they would so sub-

serve the British interest. He alluded to the practice of the British Government to defeat our advances in manufacturing, by meeting us with specific duties, and instanced that on glass. Under such circumstances, our woollens required more protection than was given them by the bill, and, therefore, the committee had proposed this amendment. He was of opinion, that whilst the change proposed would be beneficial to the manufacturers, it gave a considerable boon to the South, by the low duty imposed on the cheap coarse cloths.

Mr. SMITH said he did not rise to enter into any argument on this question, but to explain a difference as to facts between the Senator from New Jersey [Mr. DICKERSON] and himself. That gentleman had taken the year 1824, when we passed the act raising the duty on wool, and said that the English duty of sixteen cents per pound was repealed in consequence of our act. This was not so. Mr. S. recollected well, that when the bill of 1824 was under consideration, he rose in his place, and stated, at the very time we were about raising our duty on wool, the English were about reducing theirs; and that the course pursued by Great Britain would operate more to our disadvantage than any advantage we could expect to gain by increase of duty. What was the answer of gentlemen at that time? Why, that Great Britain only held out this threat in *terrorem*, to prevent us from raising our duty. The gentleman from New Jersey contended that the duty of 1824 was trifling—a mere modicum. Why, sir, it was not so considered then. Gentlemen who favored the measure at that time told a different story. By the act of 1816, the duty was twenty-five per cent., to become the next year twenty, and so on; but, by the act of 1824, the duty was increased to thirty-three and a third; and this was considered by all at that time as a very high rate of duty.

With respect to the glass spoken of by the Senator, he could not agree with him. He [Mr. S.] was at one time an importer of glass to a considerable amount, and the drawback to the amount of the excise in England was always given them. So it was with regard to calicoes. They gave us back, said he, the full amount of the excise on that article. So also in Ireland with respect to linens. There was an excise of a penny-halfpenny a yard on this last article, which has since been repealed, and now it came to us at a penny-halfpenny dearer.

Mr. HOLMES adverted to the policy followed by Great Britain in 1819, in raising the duty on foreign wool one penny sterling to six pence. It had so continued till 1825, when it was repealed and put at the old rate. In the 96th No. of the Edinburgh Review, there was an excellent article, which showed the fallacy of not allowing the duty on woollens and on wool to go hand in hand; of not reducing the one, and at the same time reducing the other. But it was found by a committee of investigation, that the manufacturers could not go on without having foreign fine wool to mix with their coarse, and without the one they could not consume the other.

Mr. DICKERSON said he recollected they had been told, in 1824, by the Senator from Maryland, that, if they increased the protection on wool, the British would reduce the duty on their importations of the article, and defeat the protection. This he thought, at the time, highly probable. If we had been content to take their woollens as before, they would not have reduced their duty. They were watching the progress of our legislation, and began this measure to defeat us. They would have much preferred to keep up their duty, if it could be sent here and the tax levied on us. But he did not believe they would have put down their duty, but for the consideration that they were determined to supply us in spite of our legislation.

Very little was done for wool in 1824. In 1823, the duty on wool amounted to about \$120,000; and we paid a

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tax to Great Britain in that year to that amount. With respect to glass, the excise in 1825 was reduced to forty-five shillings, and the drawback was put at sixty-five; so that there is, at this moment, twenty shillings which they pay for the sake of supplying us with that article.

Mr. CLAY advocated the amendment, and stated that it made the bill much better for the South than it was when it came from the House. He read from an invoice, dated August, 1831, an account of the charges on a lot of glassware sent to Greenock. The original value of the glass was £7 10s. 9d. sterling. The duties and charges were £10 18s. 8d.; making the cost £18 9s. 3d. The articles then sold for £28 5s. Dishes, produced by American ingenuity for one dollar and a half, sold for upwards of eight dollars. This glass was produced by compression. He gave this fact, to show the nature and extent of English liberality and kindness, and the sincerity of the profession of Great Britain in reference to free trade.

He then adverted to the character and operation of this amendment, showing that the local minimum was merely nominal, and that the next minimum was the only real and substantial one. The idea of protecting articles in which the South are most interested, is abandoned. The second minimum, he showed, was more favorable to the South than the bill from the House. Its operation would be principally on the middle classes in the North and the East; so that the burden and the benefit would go together.

The specific duty he regarded as preferable to the ad valorem, as it prevented fraud. And, in reference to the minimum system, he referred to the prosperity of the cotton manufactories, to show its efficacy. That branch of our manufacture had grown up under the protection of a single minimum. He read a communication from an officer of the customs in New York, of great intelligence and worth, in which he showed the advantage of the square yard and minimum system. Under the ad valorem duty, one package in twenty is examined, while, in the specific duty system, every package is examined. If fraud can exist, then, under the specific duty system, what frauds may not be expected under the ad valorem system? He then adverted to the operation of the original bill, in order to show its inefficiency. He laid it down as indisputable that adequate protection could alone be obtained by a duty on the raw material and foreign fabric operating together. It was his wish to guard the farmer and the manufacturer against the influence of foreign legislation.

He congratulated the Senate on the evidence which had been exhibited, that the protective principle was still to be preserved, and concluded by asserting that the amendment had been introduced from a feeling of kindness to the South. The coarse article is abandoned to the South, and lays the burden on the middle classes in the North and the East.

Mr. HAYNE said his desire was to bring this question to the test; and he should therefore move to strike out, in the 14th, 15th, and 16th lines, the words "be deemed to have cost two dollars and fifty cents the square yard," to try the question on the minimums at once. His object was to bring before the Senate this principle of minimums which the Senator from Kentucky called the most efficient feature in the bill, and which the Senate would at once perceive would greatly increase the duty. In the bill that came from the Secretary of the Treasury, these duties ranged from five to thirty per cent.; in the bill from the House they ranged from five to fifty per cent., without having minimums in either; and in the amendment it is proposed that the duty shall be calculated on every yard of cloth costing from fifty cents to \$2 50, as if it cost \$2 50. The first objection to this clause was, that it was a great enlargement of the existing tariff. The present law provides that all woollen goods costing fifty cents, and under one dollar, shall be deemed to have cost one dollar, and pay duty accordingly. This amendment provides that all

woollens, from fifty cents to \$2 50, shall be deemed to have cost \$2 50; thereby doubling the duty on the coarse articles. It was true that, under the former law, the duty was forty-five per cent.; but, under the proposed nominal rate of duty of thirty-five per cent. on the minimum of \$2 50, the duty will in fact amount to eighty-seven cents per yard; and the entire class of articles between fifty cents and \$1 50 will pay a duty ranging from sixty to one hundred and seventy per cent. Mr. H. viewed this enormous increase of duty to amount to a prohibition of the coarser articles; and the real object of the amendment unquestionably was to give an entire monopoly to the manufacture of cloths worth from fifty cents to \$2 50. But negro cloth was to be excepted. New negro cloths, Mr. H. said, were plains, not made in the United States at all, or, if made, to a very limited extent. That those coarse cloths were consumed at the North as well as at the South, the gentleman was mistaken in supposing. There was no coarse article consumed at the North. But the entire importation of such articles was to a very limited extent; not exceeding about \$500,000. And here he must remark, that one of the strongest objections to the proposed minimums arose from the difference in the amount of the articles on which it would operate, compared with the amount to be admitted as a law duty. By a statement of the treasury he held in his hand, it would be seen that the whole amount of the importation of negro cloths and other coarse articles was only \$600,000; while of those costing from \$1 to \$2 20, the importations, in 1830, were \$2,373,791, and last year exceeded \$4,000,000. So that while on a very limited importation the duties are to be reduced, they are to be enormously increased on articles amounting to between two and four millions. The higher priced articles of woollen cloths, costing above \$2 50, amounted only to \$80,000, and were made, to a very limited extent, in the United States: so much so, that thirty-five per cent. was deemed by the gentlemen themselves an adequate protection; for the gentleman had declared that he would not go one cent below an adequate protection. He should be glad, therefore, to know where, in all this, was the yielding to the South that the gentleman talked so much of. He had explicitly declared that he would yield nothing of the protection, and is seeking to increase, very largely, the duties on the great mass of woollens. One word more as to the minimums. What are they? Why, they declare that an article which is worth no more, and actually cost only fifty cents, shall be deemed and taken to have cost \$2 50, and pay a duty accordingly. Could any thing be more unfair, more unjust, or more extravagant? If you apply this principle to the people of the United States in the way of direct taxation, it would not be submitted to for a moment. How would it answer to impose an income tax, and then say that every man's income, no matter what it was, shall be deemed to be \$1,000, and that he shall pay a tax accordingly; or that his still shall be taxed fifty cents per gallon, but shall be deemed to contain one hundred gallons, and taxed at that rate? The minimum provision was a more cunning contrivance by which to conceal the truth from the people; making them pay, as in the case before us, a tax, say of one hundred and fifty per cent., and, at the same time, telling them that they were only to pay thirty-five per cent.

But the gentleman from Kentucky says that the minimums are to guard against a false valuation. Why, have you now no means of ascertaining the true value of imported articles? If the gentleman is right, why have ad valorem duties at all? Surely the laws now provide, or the Treasury Department can devise a system by which the custom-houses can always know the actual value of the articles entered. If this cannot be done, you must adopt minimums or specific duties throughout your whole system. But he would leave this branch of the subject. It required no argument to show that ad valorem were the

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fairest rates of duty that could be adopted. All others must be most unequal and unjust.

To him the greatest objection to minimums was, that they increased the duty on the coarser and cheaper articles, and fell most heavily on the consumption of the poor.

Before he sat down, Mr. H. said he would reply to the statements made by the gentleman from Kentucky, with regard to the exportation of a case of glass, valued at seven pounds, to Great Britain; but he would first remark that every thing relating to that country always set the gentleman from New Jersey in as fierce a flame as one of his own furnaces—he seemed to have a holy horror at every thing English—and why? Because England sold her iron so much cheaper than his could be produced here. But the gentleman thinks high duties lessen prices. Is it not passing strange that when you impose a tax on wool and sail duck, these gentlemen tell us it increases the price of the article; but when you tax the article they want to sell, why, it always lessens the price; and with them, when Great Britain takes off a tax, it always furnishes a reason for imposing additional burdens on our own people? Suppose Great Britain were to repeal her corn laws to-morrow; we should then hear a clamor from all the manufacturers of the country for increased protection. But, as to this exportation of glass, the gentleman from Kentucky takes this small isolated case, and presents it as an instance of successful competition with British manufactures, in consequence of the system of protection. This was a small affair, indeed, and he was satisfied that no glassware would ever be exported to England worth mentioning. Although this glass paid a high duty, but few of our exports to England paid more than a very moderate one. But, with respect to articles of theirs that we imported, many of them paid even a much higher rate of duty than the glass spoken of by the Senator from Kentucky. Here are invoices of a great variety of articles imported into this country; green and red baizes paying a duty of three hundred per cent.; swansdown vesting, a duty of two hundred and three per cent.; shawls and leno muslins taxed as high as one hundred and seventy-five per cent.; and he could go through a long list, and show the gentleman from Kentucky that the duties on some of them run up as high as three hundred per cent. There were flannels, which a respectable merchant of Philadelphia assured him could be purchased in England at eight cents, and are now, by this bill, to pay a duty of sixteen cents. Fine salt was taxed as high as two hundred per cent.; he could show piles of such articles, on which exorbitant duties were laid. But it was not the rate of duty on any particular article which formed the proper subject for comparison, but the general rate of duties between the two countries. And here he would say that, while the great mass of our exports were received by Great Britain at a duty almost nominal, the great mass of British exports were taxed almost to prohibition.

Mr. H. concluded by expressing a hope that this minimum would be stricken out, and that if gentlemen are resolved to increase the duty on woollens, and carry it up even beyond the tariff of 1828, they would do it openly and above-board. If we are to pay fifty, sixty, or one hundred per cent. for the protection of the domestic manufactures, say so in plain terms, which every one can understand, and do not call it thirty-five per cent. with a minimum of two dollars and fifty cents.

Mr. WEBSTER then addressed the Senate in defence of the amendment of the committee. He contended that the high sounding ad valorem duty imposed by the bill was fallacious, and could only deceive those who took superficial views of the subject. He stated that the woollen manufacture was now on the point of success or the point of failure. It was not established in prosperity, nor was it prostrate. He described the woollen interest as a losing interest from 1824 to the present time. He asked

gentlemen, who opposed this amendment, to refute this statement; to show that the manufacturers were growing rich, and not, in their attacks on the proposition, to shelter themselves behind general principles. He considered the ad valorem system as uncertain and deceptive, inasmuch as invoices from England could be shown to sustain any price which the importer wished to prove that the fabrics had cost. Invoices were made up for the occasion, and would continue to be so while the ad valorem system should continue. He stated that the duty of sixteen cents a square yard on the article of flannels was in fact a minimum duty, because it placed the same duty of sixteen cents on flannel which cost five cents, which it laid on that which cost fifty cents. The adoption of the terms was merely to classify the duties. He laid it down that our manufacturers must work up our own wool. This wool is too fine for the coarser fabric, and not good enough for the finest; and here the foreign article would be in demand, and hence the efficacy of this minimum.

Mr. TAZEVELL, after a few remarks in reply to the Senator from Massachusetts, [Mr. WEBSTER,] observed that this amendment embraced almost every description of woollen goods; six different kinds, at least, he believed, were included in it, so that few were left free from its operation; it covered almost every importation of the kind that came into this country. He wished particularly to direct attention to the effect which would result in this case from the immense increase that would take place in the mode which the bill would carry into operation, in estimating the duties by calculating the British pound sterling at four dollars and eighty cents in place of four dollars and forty-four cents. Under this would be comprehended one-third of the whole importations, and was equivalent to an increase of thirty-seven and a half per cent. It amounted to a prohibition on articles of necessary use. To the supply required by our population, we did not manufacture within ourselves within five million dollars of a sufficiency. Seven million dollars worth of foreign articles required by us, were imported last year; and on this the change in the increase of value given to the pound sterling would be tantamount to a prohibition; and prohibitions, when of a grinding description, often resulted in a revolution. Gentlemen talked much of the necessity for protection to our manufactures; but our woollen manufactures existed before the revolutionary war; even prior to that, one-half the people were clothed in their own manufactures. Of the period antecedent to 1812, we can speak without hesitation; and it is known that the country was then producing more than the one-half of all that was worn. It was as clear of proof as figures could make it, that from the increase in calculating the value of every British pound's worth of goods imported from four dollars and forty-four cents to four dollars and eighty cents, that which paid fifty per cent. nominally would really pay eighty-seven and a half cents. But we were told a boon, forsooth, was given to the South, by only laying five per cent. on coarse woollens. On making a calculation of the numbers of persons in the South who would be benefited by the importation of this coarse manufacture at the decreased duty, the average benefit would be one suit of clothes for every two hundred inhabitants; and Charleston, in whose favor it was said the alteration was made, would just receive twelve suits of clothes. A boon of twelve suits of clothes to Charleston, and, therefore, Southern gentlemen should vote for the measure in consequence of this enormous liberality! The theory, he contended, of the imposition of duties tending to lessen the price, was altogether fallacious; he was surprised at such a doctrine being maintained. When the duty on wool was raised, was such the effect? he asked. If gentlemen were sincere in the belief of their own doctrine, this duty should be put on again. He again adverted to the woollen duties under the act of 1828, the bill of abominations, as it had been denominated by the gentle-

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man from Massachusetts, after the epithet applied to it by the Senator from Maryland, [Mr. SMITH:] and argued that the present bill would increase those duties beyond that bill, though to the public eye apparently less, by the increase of valuing the pound sterling at four dollars and eighty cents from four dollars and forty-four cents, and in the item under consideration of thirty-five per cent., it would, in reality, under this mode of calculation, amount to a duty of 54 3-100ths; yet the friends of the measure gave no credit for this increase. In conclusion, he hoped the amendment would not be adopted.

Mr. WEBSTER denied that any delusion was practised on the people; and, as regarded the principle of minimums, it was also well understood by them.

Mr. FRELINGHUYSEN said he should vote for striking out the minimums which seemed to be so unpopular, and against which much excitement existed; but at the same time he expressed his determination, at a proper period, to move for an adequate protection to the branch of the woollen manufactures provided for by them. The duty fixed by the House was certainly, he said, too low, and would result in the total ruin of the manufactures. He thought a protection of from sixty to sixty-five per cent. would be sufficient, and, at a proper time, would move to increase the duty to that amount.

Mr. CHAMBERS expressed the same views.

The question was then taken on Mr. HAYNE's amendment, striking out that part of the amendment of the Committee on Manufactures which provides that the woollens of the value of fifty cents the square yard, and not exceeding two dollars and fifty cents the square yard, shall be deemed to have cost two dollars and fifty cents the square yard. It was decided in the affirmative—yeas 24, nays 23, as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Chambers, Ellis, Forsyth, Frelinghuysen, Grundy, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Tipton, Troup, Tyler, White.—24.

NAYS.—Messrs. Bell, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Hendricks, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—23.

Mr. CHAMBERS then moved to amend the amendment, by striking out in the seventeenth line the words thirty-five, and inserting sixty; so as to place all the articles on which the minimum was struck out at a duty of sixty per centum ad valorem.

Mr. WEBSTER said this made the question whether the Senate would raise the duty from fifty to sixty per cent. On this question he asked for the yeas and nays; which were ordered.

Mr. TAZEVELL observed that the duty was now fifty per cent. He estimated the change in the calculation of the pound sterling from four dollars and forty-four cents to four dollars and eighty cents, as over four and three-fourths per cent more; the value of the interest saved in abolishing the credit system, at six per cent., making over sixty per cent.; and, adding to these the freight and commissions, the protection was considerably over seventy-five per cent., and yet gentlemen wanted more. Gentlemen having a majority would do just as they pleased; and it was therefore useless for him to say any thing more on the subject.

Mr. CLAY supported the amendment at some length. He spoke of the importance to the farmers to support this branch of industry, thousands of whom, he said, were turning their attention to the raising of sheep; and he hoped, on this occasion, the sheep would not be made scapegoats.

The question was then taken on Mr. CHAMBERS's amendment to the amendment, and it was carried—yeas 24, nays 23, as follows:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—24.

NAYS.—Messrs. Benton, Bibb, Brown, Buckner, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Tipton, Troup, White.—23.

The question then coming up on the amendment as amended,

On motion of Mr. HAYNE, the amendment was divided, so as to take the question on the first or lowest minimum. The question was then taken, and decided in the negative, as follows:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—23.

NAYS.—Messrs. Benton, Bibb, Brown, Buckner, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Tipton, Troup, Tyler, White.—24.

So the first part was negatived.

The question was then taken on the second part, as amended, and decided in the affirmative, as follows:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—25.

NAYS.—Messrs. Benton, Bibb, Brown, Buckner, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Robinson, Smith, Tazewell, Tipton, Troup, Tyler, White.—23.

Mr. POINDEXTER, having voted under a mistake, moved to reconsider this vote; which was agreed to.

Mr. EWING moved to amend the amendment by striking out words so as to make it read, "And on all such manufactures of wool, or of which wool shall be a component part, there shall be levied a duty of thirty-five per centum ad valorem." Agreed to, as follows:

YEAS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—25.

NAYS.—Messrs. Benton, Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Tipton, Troup, Tyler, White.—23.

The question was then taken on agreeing to the second part of the amendment, which reads thus: "And on all such other manufactures of wool, or of which wool is a component part, shall pay a duty of sixty per centum ad valorem;" and was decided in the negative, as follows:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—24.

NAYS.—Messrs. Benton, Bibb, Brown, Buckner, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Miller, Marcy, Moore, Poindexter, Robinson, Smith, Tazewell, Tipton, Troup, Tyler, White.—24.

The VICE PRESIDENT voted in the negative.

Mr. WEBSTER then moved to amend the bill in the second section by striking out "fifty," and inserting "sixty-seven," so as to increase the woollen duty to the latter amount; which was agreed to by the following vote:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen,

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French Convention.—The Tariff.

[SENATE.]

Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—25.

NAYS.—Messrs. Benton, Bibb, Brown, Buckner, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Troup, Tyler, White.—23.

A number of other amendments were offered, and acted on without debate; after which, the bill was reported by the Committee of the Whole as amended; and

The Senate adjourned.

SATURDAY, JULY 7.

FRENCH CONVENTION.

Mr. SMITH moved the Senate to take up the bill to carry into effect the convention made between the United States and his Majesty the King of the French, at Paris, on the 4th of July, 1831.

The question pending was on a motion of Mr. CHAMBERS to amend the bill by providing that all commerce shall be considered by the commissioners as lawful commerce, which was not prohibited by the laws of the United States.

After some discussion, Mr. CHAMBERS withdrew his amendment.

Mr. SPRAGUE then moved to amend the bill by inserting a provision that the decisions shall be published. The amendment was negatived.

Mr. SPRAGUE then moved to amend the bill by extending the term of the commission from two to three years.

The amendment was negatived—yeas 7, nays 35.

The bill was then reported without amendment.

Mr. SPRAGUE then renewed his motion to amend, so as to make it the duty of the commissioners to publish their decisions, with the grounds, and that any person may obtain them on paying the proper fees, and be at liberty to publish them.

The question was then taken, and the motion was negatived—yeas 14, nays 29.

The amendments were then directed to be engrossed, and the bill was ordered to be read a third time.

THE TARIFF.

The Senate then resumed the bill to alter and amend the acts imposing duties on imports.

The motion pending being by Mr. SILSSEE, to insert "except ravens duck, which shall be four cents per square yard."

Mr. DICKERSON moved five cents, but withdrew his motion.

The amendment was then agreed to.

The amendments having been gone through, with the exception of the following, which was renewed at the request of the Senator from South Carolina:

"All manufactures of iron, partly finished, shall pay the same rates of duty as if entirely finished. All vessels of cast iron, and all castings of iron, with handles, rings, hoops, or other addition of wrought iron, shall pay the same rate of duty as if made entirely of cast iron."

The question being in concurrence with this amendment,

Mr. HAYNE read a memorial from about thirty or forty blacksmiths of Philadelphia against the principle of this clause, and referred at length to the evidence taken before a former Committee on Manufactures, when Mr. Sarchet was examined by the Senator from New Jersey, to show the untenable character of the proposition.

Mr. DICKERSON stated that the clause was only inserted to prevent frauds, which were now common.

The question was then ordered to be taken by yeas and nays.

After a few words from Mr. DALLAS, the question was taken, and decided as follows:

YEAS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—26.

NAYS.—Messrs. Benton, Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Troup, Tyler, White.—21.

Mr. CLAY moved to insert "four" cents as the duty on cotton bagging, instead of "three and a half" cents a square yard.

The yeas and nays were ordered.

After a few words from Mr. CHAMBERS, in explanation of the reasons which would induce him to give a different vote in the Senate from that which he gave in committee,

The question was taken, and decided as follows:

YEAS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—25.

NAYS.—Messrs. Bibb, Brown, Dudley, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Troup, Tyler, White.—21.

The motion was again made, which was negatived in committee, to strike out "palm leaf or palmetto hats."

The motion was agreed to—yeas 25, nays 22.

Mr. HAYNE moved to strike out the proviso in the second section, as follows:

"*Provided*, That all articles manufactured in whole or in part of sheet, rod, hoop, bolt, or bar iron, or of iron wire, or of which sheet, rod, hoop, bolt, or bar iron, or iron wire, shall constitute the greatest weight, and which are not otherwise specified, shall pay the same duty per pound that is charged by this act on sheet, rod, hoop, bolt, or bar iron, or iron wire, of the same number respectively."

EVENING SESSION.

At five o'clock the Senate resumed its business; when Mr. MILLER moved further to amend the bill by striking out the sixth section, as follows:

SEC. 6. *And be it further enacted*, That, from and after the 3d day of March aforesaid, the duties on all wool, manufactures of wool, or of which wool is a component part, shall be paid in cash, without discount, or, at the option of the importer, be placed in the public stores, under bond, at his risk, subject to the payment of the customary storage and charges, and to the payment of interest at the rate of six per centum per annum while so stored: *Provided*, That the duty on the articles so stored shall be paid one-half in three, and one-half in six months from the date of importation: *Provided, also*, That, if any instalment of duties be not paid when the same shall have become due, so much of the said merchandise as may be necessary to discharge such instalment shall be sold at public auction, and, retaining the sum necessary for the payment of such instalment of the duties, together with the expenses of safe keeping and sale of such goods, the overplus, if any, shall be returned by the collector to the importer or owner, or to his agent or lawful representative: *And provided, also*, That the importer, owner, or consignee of such goods may, at any time after the deposit shall have been made, withdraw the whole or any part thereof, on paying the duties on what may be withdrawn, and the customary storage and charges, and interest.

After a debate, the motion was negatived, as follows:

YEAS.—Messrs. Benton, Brown, Ellis, Forsyth, Grun-

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dy, Hayne, Kane, King, Mangum, Miller, Poindexter, Robinson, Smith, Tazewell, Troup, Tyler, White.—17.

NAYS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Hill, Holmes, Johnston, Knight, Marcy, Naudain, Prentiss, Robbins, Seymour, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—27.

Mr. HAYNE said he had several amendments, which he desired to offer to this bill; but as he would avoid unnecessarily consuming the time of the Senate, he had concluded not to offer any, the principles of which had been decided against. His amendments, therefore, were reduced to two, one of which he should offer at that time, retaining the other until the bill should have been gone through with. The one he was now about to offer, related to the minimum on cottons. He saw no reason why this should be retained after the Senate had rejected the same principle with regard to woollens. Mr. H. moved to strike all out the provision in the second section, as follows:

And provided, That all manufactures of cotton, or of which cotton shall be component part, not dyed, colored, printed, or stained, not exceeding in value thirty cents the square yard, shall be valued at thirty cents per square yard; and if dyed, colored, printed, or stained, in whole or in part, not exceeding in value thirty-five cents the square yard, shall be valued at thirty-five cents per square yard.

This motion was opposed by Messrs. KNIGHT and CLAY, and supported by Mr. TAZEWEEL.

Mr. HAYNE said that gentlemen contended for the minimum on woollens, on the ground of the high duty on the importation of the raw material. But this did not apply to cottons, on the raw material of which there was only a nominal duty, and which was supplied wholly in the country. If gentlemen would agree to put cottons at a revenue duty, say fifteen per cent., he, for his part, would cheerfully agree that cotton might be brought in free of duty. The gentleman from Kentucky had exhibited that morning some cotton goods made at one of the Northern factories, and he confessed that he himself had been astonished at their cheapness. But this furnished an abundant reason why the duty should be reduced. If cotton goods can be made so cheap, why this enormous duty? Gentlemen say that they can make the cheapest cotton goods in the world; but they want the duty high as a fence to keep out the enemy. This, Mr. H. said, was an avowal that the system was to be perpetual.

After some remarks from Mr. FOOT in opposition to the motion, the question was taken, and it was rejected—yeas 17, nays 27, as follows:

YEAS.—Messrs. Benton, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Miller, Moore, Poindexter, Tazewell, Troup, Tyler, White.—17.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Marcy, Naudain, Prentiss, Robbins, Robinson, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—27.

Mr. DALLAS then moved to amend the bill by increasing the duty on slates from twenty-five to thirty-five per cent.; which motion was agreed to—yeas 23, nays 22.

Mr. KING then moved to strike out the duty of 16 cents per square yard on flannels, and insert 30 per cent. ad valorem. Mr. K. said he merely suggested this amendment. Gentlemen had the bill in their own hands, and could do as they pleased with it. His object was to make the duty come lighter on the coarse flannels used by the poor. If 30 per cent. was not a sufficient protection, let gentlemen say so; and if they wanted a higher duty, let them put it on the higher priced article.

Mr. WEBSTER said that this question had been discussed the other day, and it was then perfectly well known that the reduction would break up the flannel manufactures of the country.

Mr. KING said he would ask the gentleman from Massachusetts if it was also perfectly well known that flannels costing only 12½ cents per yard, paid a duty of 16 cents, and that flannels costing 70 cents paid no more.

After some further debate, in which Messrs. WEBSTER, FOOT, and KING took part, the question was taken, and the motion was rejected by the following vote:

YEAS.—Messrs. Benton, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Miller, Moore, Poindexter, Smith, Tazewell, Troup, Tyler, White.—18.

NAYS.—Messrs. Bell, Buckner, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Marcy, Naudain, Prentiss, Robbins, Robinson, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—28.

Mr. HAYNE then rose to offer the last amendment he should offer to this bill. He had looked over this bill, and was satisfied that many of the duties provided ranged considerably over 100 per cent. This gentlemen had denied; and he now gave them an opportunity of testing their sincerity by their votes on the amendment he then offered. Mr. H. moved further to amend the bill by inserting a proviso that the duties in no case should exceed 100 per cent. ad valorem.

After a debate, in which Messrs. DICKERSON, CLAY, HAYNE, and HOLMES took part, the question was taken, and the motion was rejected—yeas 18, nays 28, as follows:

YEAS.—Messrs. Benton, Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Miller, Moore, Poindexter, Smith, Tazewell, Troup, Tyler, White.—18.

NAYS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Marcy, Naudain, Prentiss, Robbins, Robinson, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—28.

Mr. FORSYTH then moved an amendment, the effect of which would be to destroy the bill; to repeal the tariff of '28, and leave the tariff on the basis of the act of 1824. Mr. F. could not vote for that bill—he knew it would not be received as a peace-offering by those for whom it was intended, and he therefore proposed to repeal all the revenue laws except the act of 1824, and leave the question to be settled at the next session of Congress, by representatives coming fresh from the people.

Mr. CLAY suggested to the gentleman from Georgia whether it would not be better to move an indefinite postponement of the bill. Although he would not promise to vote for it, such motion, he thought, would be more parliamentary.

Mr. FORSYTH replied; after which, the question was taken on his motion, and decided in the negative, as follows:

YEAS.—Messrs. Brown, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Miller, Moore, Poindexter, Tazewell, Troup, Tyler, White.—16.

NAYS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Mangum, Prentiss, Robbins, Robinson, Seymour, Silsbee, Smith, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—27.

Mr. SILSBEE moved further to amend the bill, by allowing a drawback to the owners of vessels and steamboats to the amount of the duty paid on the hemp, flax, iron, and copper used in their equipment and construction.

Mr. MOORE moved to amend by allowing also a drawback on cotton bagging and agricultural implements; but, after a discussion, in which Messrs. CLAY, SILSBEE, and SMITH took part, withdrew his amendment.

The question was then taken on Mr. SILSBEE's motion, and it was negatived—yeas 5, nays 38.

Mr. BENTON then moved to amend the bill by adding a duty of five per centum on Indian blankets, &c.

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The question was taken, and decided in the negative—yeas 20, nays 26.

Mr. BENTON then moved to amend by inserting a drawback on Indian goods.

Mr. CLAY required a specification of Indian goods, in case of obtaining which, he might vote for the proposition.

The amendment was rejected—yeas 18, nays 27.

Mr. BENTON moved to amend the bill by striking out 10 cents per fifty-six pounds on salt, and inserting 5 cents; which was decided in the negative—yeas 22, nays 24.

The amendments were then ordered to be engrossed, and the bill directed to be read a third time, by the following vote:

YEAS.—Messrs. Bell, Benton, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Johnston, Knight, Marcy, Naudain, Prentiss, Robbins, Robinson, Seymour, Silsbee, Smith, Sprague, Tipton, Tomlinson, Webster, Wilkins.—31.

NAYS.—Messrs. Bibb, Brown, Ellis, Forsyth, Hayne, Kane, King, Mangum, Miller, Moore, Poindexter, Tazewell, Tyler, White.—15.

The VICE PRESIDENT then informed the Senate that he should not resume his seat in the Senate, and expressed his wish that the Senators might have a safe return to their families.

At half past seven the Senate adjourned.

MONDAY, JULY 9.

The VICE PRESIDENT not appearing, the Senate was called to order by the Secretary, when, on motion of Mr. CHAMBERS, the Senate proceeded to the election of a President *pro tem*. The balloting then took place, and there appeared to be 46 votes given in, which stood as follows:

Poindexter,	-	15	Hayne,	-	1
Smith,	-	15	Bibb,	-	3
Bell,	-	4	King,	-	1
Tazewell,	-	5	Blank,	-	1
Tyler,	-	1			

There being no choice, the Senate proceeded to ballot a second time, which resulted as follows: the whole number of ballots being 46, 24 was necessary to a choice.

Poindexter,	-	17	Bibb,	-	4
Tazewell,	-	14	Bell,	-	1
Smith,	-	7	Hayne,	-	1
Mangum,	-	1	King,	-	1

Mr. SMITH then rose, and said, it had been his desire early in the session not to be considered a candidate. In this wish, however, he found that he differed from the opinions of his friends, and he had conceded his own desire to gratify theirs. He now wished to be considered as withdrawn, and he would give his own vote for a member who, in point of talent, was inferior to no man.

The Senate then proceeded to a third ballot, when it appeared that 47 members had voted, of which 24 were necessary to a choice.

Tazewell,	-	23	Hayne,	-	1
Poindexter,	-	19	King,	-	1
Bibb,	-	3			

The Senate then proceeded to a fourth ballot, when it appeared that 47 members were present, of which 24 were necessary to a choice.

Tazewell,	-	22	King,	-	1
Poindexter,	-	22	Bibb,	-	1
Hayne,	-	1			

The Senate then proceeded to a fifth ballot, when it appeared that 47 members were present, of which 24 were necessary to a choice.

Tazewell,	-	24	Hayne,	-	1
Poindexter,	-	21	Bibb,	-	1

Mr. TAZEWELL was therefore declared to be duly elected, and was conducted to the chair by Mr. SMITH.

Mr. TAZEWELL then returned thanks in a voice inaudible in the gallery. He was understood to say that he begged to offer his sincere thanks for this renewed courtesy on the part of the Senate. Had he consulted his own inclinations, they, as well as his convictions of his own incapacity, would have induced him to pursue the course which he had taken on a former occasion. The course which was then dictated by a most profound respect for this body, might now, under a change of circumstances, be considered as arrogant. Therefore, he should not, on this occasion, decline the distinction which had been conferred on him by the vote of the Senate on this occasion. The wishes of the Senate should be to him a command, and it would be his duty most promptly to render obedience. His qualifications for the station were few, and those of the commonest kind. Whatever labor could accomplish, should be accomplished: and by no relaxation of his exertions would he be induced to disappoint the expectations of the Senate. For the rest, he must cast himself on the kindness of this body, to prevent error where it could be prevented, and to correct where it could not, and to excuse those aberrations which could neither be prevented nor repaired. As the time pressed, he would not detain the Senate any longer than to repeat his sincere thanks for the honor which had been conferred upon him, and his reassurances that he would discharge the duties of the station with what ability he might. The best could do no more.

On motion of Mr. POINDEXTER, the usual resolutions, to inform the President of the United States, and the House of Representatives, that the Senate had elected the Hon. LITTLETON W. TAZEWELL to be the President of this body *pro tem*., were adopted.

THE TARIFF.

The bill in alteration of the several acts imposing duties on imports having been read the third time, the question was, "Shall this bill pass?"

Mr. GRUNDY said he had been exceedingly desirous that some bill should pass at this session, that would relieve the public burdens, and in some degree restore quiet to an excited section of the country. Under these feelings, he was willing to vote for the bill as it came from the House of Representatives; but, in its present shape, he could not now vote for it. On account of the many amendments made on Saturday, it was impossible for him, at the late hour at which the question on the third reading was taken, to arrive at such a result as to be fully informed of the effects of the bill, and, therefore, unwilling to put it out of his power to vote finally for the bill, if he could, on examination, approve it, he had voted for the third reading. He had since obtained sufficient information to satisfy him that the bill gave relief; that it contained nothing calculated to allay the excitement that existed against the tariff system; and that, in some instances, it went beyond the present tariff. He was, therefore, compelled to vote against the bill.

Mr. WEBSTER knew not what calculations had been made by the Senator from Tennessee; but he was satisfied that they were incorrect. The present bill diminished considerably public burdens. Mr. W. mentioned many articles on which the duties had been reduced, viz. sugars and coffee. Half a million, he said, had been reduced on woollens.

Mr. GRUNDY did not believe that either the gentleman from Massachusetts or himself was mistaken, though their views were different. He [Mr. G.] admitted that there had been a reduction on wines and silks, but none on those articles of universal consumption, iron and woollen goods.

Mr. KING said he had cherished hopes of some equitable adjustment of the tariff, until this bill came from the House; and although it did not go as far as he thought

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the aggrieved States had a right to demand, yet he had, with some difficulty, brought himself to the conclusion to vote for it as a partial relief. A change, however, had taken place in this bill, that had been very properly alluded to by the Senator from Tennessee. That change has taken the burden off from the manufacturers, and placed it on those who were least able to bear it. The course pursued by the friends of the bill showed that this was to be a permanent system; that they would not, for a moment, listen to the complaints of their oppressed brethren, but would carry through their scheme by the strength of numbers. The bill they had made relieved only those who were already protected, while it increased the burden of those who were suffering under the system. In one word, it was the scheme of the gentleman from Kentucky, intended for the benefit of that interest that grasps at every thing, and will be satisfied with nothing. Mr. K. said he could not now, and never would, vote for such a bill, be the consequences what they might. One of his greatest desires had been to relieve the prevailing excitement; but this bill was so monstrous, so much at variance with the promises and professions of those who formed it, as to leave no hope but that the system is to be continued for an indefinite time.

Mr. HAYNE rose, and said he must throw himself upon the indulgence of the Senate to state the reasons which should induce him to vote against the bill.

I am well aware, Mr. President, said Mr. H., that nothing that can be now said will have the slightest effect on the votes of gentlemen on the other side; and I know that the House, at this late period of the session, is too impatient of delay to admit of protracted discussion on any question. Still I indulge the hope that they will consent to hear what I promise them shall consist of little more than a bare statement of my objections to the bill. I am opposed to the bill in its present shape, Mr. President, because it contains all the objectionable features of the existing tariff.

It recognises the protecting system as "the settled policy of the country." Ever since the commencement of this system, from the year 1816, nay, from the beginning of the war to the present time, there has always existed in the actual condition of the country some reason, or a plausible excuse, for a system of high duties. During the war we wanted money to carry it on; and after the peace, the enormous public debt which was left upon our hands rendered high duties indispensable to enable the country to fulfil its obligations. I will not say that all the duties imposed were necessary to revenue, but I will fearlessly assert that, but for the demands on the treasury, the system of high duties, which have acted so powerfully for the protection of manufactures, would never have been established, and could not, possibly, have been maintained for a single year. The successive tariffs of 1816, 1824, and 1828, owed their existence to the condition of the country in relation to the public debt, and the manufacturers had very adroitly connected a protection to their industry with the collection of revenue for the redemption of the public faith. But now that the debt is about to be paid, and a demand on the treasury for twelve millions of dollars per annum is about to be entirely removed, a new and most interesting question arises, whether the protection of manufactures is to be made a distinct and substantive object of legislation; and whether taxes, no longer necessary for any legitimate public object, are to be levied, merely for the purpose of affording protection to the manufacturers. It will be seen at a glance that this question calls upon us to take a new and most important step in the legislation of the country. It will be admitted on all hands that, but for the claims of the manufacturers of woollens, cottons, and iron, the duties on these articles would now be reduced to fifteen per cent.; and if they are to be kept up to fifty, sixty, or

one hundred per cent., it will not be because the public want the money, but because the introduction of the foreign articles, at a low rate of duty, would interfere with, or, as gentlemen will have it, prostrate this branch of our domestic industry. The standard which gentlemen propose on this subject, is not the wants of the treasury, but what they are pleased to call adequate protection to the manufacturers. It must be obvious, therefore, that to adjust the tariff on the plan now proposed, is distinctly to recognise the principle of protection as the settled policy of the country—a principle to which I can never give my consent in any shape. Let me not, on this point, be misunderstood. I am no enemy to the manufacturers. I would not destroy them if I could. Of this I think I have given abundant evidence in the plan I proposed at the beginning of the session, for the settlement of this great question. The resolution which I had the honor to submit as an amendment to that of the Senator from Kentucky, [Mr. CLAR,] was, in substance, a proposition to reduce the revenue, after the payment of the public debt, to the wants of the country. I proposed to do this on principles of perfect justice and equality, and to guard against any shock to the manufacturers, by a sudden reduction of the duties to the lowest revenue standard. I declared my entire willingness that this reduction should be gradual, and spread over several years. I was perfectly willing, provided the duties should be finally brought down to the revenue standard, that gentlemen should almost take their own time for the accomplishment of the object. Nor did this proposition involve the slightest sacrifice of principle; for it entered into my plan, that the debt should spread over several years, so that the duties should be brought down to the proper point, on the final extinction of that debt. Sir, according to this plan, the manufacturers would have enjoyed an incidental protection equal to the amount of duties necessary for revenue. I am not prepared to say how far the reduction on the protected articles would, under this system, have been carried. I presume that fifteen or twenty per cent. *ad valorem* would have been found, eventually, sufficient for all purposes. This, as it seems to me, would, with charges, freight, and insurance, have amounted to a protection of at least thirty-three and a third per cent.; and it has always appeared to me that if, with a permanent protection of one-third of the cost of the article in the home market, our manufacturers cannot enter into a successful competition with the foreign, they must be engaged in a pursuit most unprofitable to the country, and the sooner it is abandoned the better for all parties concerned.

My next objection to this bill is, that it retains the minimums and the specific duties. I have already stated at large my objection to this feature in the bill, and will not now repeat what I then said. I will only here add, as an additional objection, that the minimums and specific duties create a perpetually increasing tax on the articles embraced by them. It requires no argument to show that a tax of eight cents a yard on cottons costing sixteen cents, which is a tax of only fifty per cent., becomes one hundred per cent. when the article is reduced to eight cents; and such reductions have, for years past, been going on, as we all know, in relation to every article included under the minimum principle. I regard the recognition of this odious principle, in the bill now before the Senate, as a lasting establishment of the prohibitory system in this country. The minimums on cottons were at first introduced for the purpose of encouraging the production of coarse cottons. We are told that it has been completely successful; that it is no longer necessary to protection; and yet the system is maintained inviolate, because, as gentlemen insist, it has no operation. The minimums, then, are to be introduced to build up a manufacture, and are to be retained to establish a monopoly; for if gentlemen refuse to abolish them in relation to

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coarse cottons, we can never, hereafter, expect to have them abolished in any case whatever.

Another and most insuperable objection to this bill is, that it raises an amount of revenue greatly exceeding the wants of the Government. This fact I shall fully establish in another part of my argument; but, for the present, assuming it to be incontrovertible, I object to the scheme, because it necessarily leads to extravagant expenditures—to appropriations for unconstitutional purposes—to a disgraceful scramble for the public money, and to an injurious dependence, on the part as well of the States as of the people, on the Federal Government. It violates the cardinal principles of our system, and must, in the end, corrupt the whole country, and endanger our free institutions.

Another and one of my strongest objections to this bill is, that it increases the evils of the existing system, by aggravating its inequality and injustice. The great point of distinction between the friends of the free trade and the advocates of the protective system, arises from the different views as to the policy to be pursued in relation to the protected and unprotected articles. The gentleman from Kentucky [Mr. CLAY] and myself, at the commencement of the session, differed irreconcilably on this subject. The advocates of the American system insist that the only proper subjects for federal taxation are those foreign articles which enter into competition with similar articles made or produced within the United States, while we at the South contend there is neither reason nor justice in subjecting to exorbitant taxation every article which we receive from abroad in exchange for our productions. The ground of our complaint is, that we obtain woollens, cottons, and iron from Europe in exchange for our cotton, rice, and tobacco; and when we bring them into our own markets for sale in competition with similar articles, the fruits of our labor and capital are subjected to a discriminating tax of from forty to fifty per cent. for the benefit of the labor and capital of our Northern brethren. This we believe to be substantially a tax on the industry of the South, and a bounty to the industry of the North. It is not my present purpose, sir, said Mr. H., to enlarge on this topic, which I have endeavored, on a former occasion, to explain and enforce; but if there be any truth in the argument, it furnishes an insuperable objection to this bill, which is so arranged as to throw the entire burden of taxation on the protected articles, while the unprotected articles are to be admitted duty free. We have always insisted that, while duties on the unprotected articles, being generally articles of luxury, operate with perfect equality on all parts of the country, the duties on the protected articles not only operate most unequally upon the different sections and the different interests, but that they are also of the nature of a double tax—first on the imported article, and next by enhancing the price of the domestic article. We have heard a good deal of the efforts that have been made to relieve the complaints of the South. The gentleman from Kentucky [Mr. CLAY] declares that no man would go further than he would to remove those complaints, though he believes them to be wholly groundless. Sir, the gentleman has frequently made similar declarations during the present session. As to the gentleman's friendly disposition, I have nothing to say; but I am bound to say to him in perfect candor, that I have no evidence of such disposition in his acts. How far he may be disposed to go, I know not; but he certainly has not advanced one step, no, not one inch, in furtherance of his declared object.

Sir, this bill holds out no relief to the South. We have never uttered one word of complaint against the duties on the unprotected articles; they were imposed for revenue; and to any fair and equal revenue system we do not object. Our complaints have been levelled against the duties imposed, not for revenue, but for protection. And gentlemen gravely propose to redress our grievances by taking off all the revenue duties, and leaving the pro-

tecting duties untouched. Sir, as to the mighty boon conferred, forsooth, by a low duty on negro cloth and coarse blankets, I have only to say that gentlemen seem entirely to misunderstand the character of the Southern people; they treat us like spoiled children, to be bribed with sugar plums, pleased with a rattle, tickled with a toy. But what are the grounds of our complaints? Is it that we pay a high tax upon a few articles of negro clothing? No, sir, it is because every article which we receive from abroad, in exchange for our productions, is enormously taxed; it is because duties to the amount of from forty to fifty per cent. on \$40,000,000 of our importations, procured by Southern industry, are imposed as a bounty to the industry of a more favored section of the Union, that we have called in question the justice, the policy, and the right of imposing on us a system absolutely fatal to our prosperity. And what is the amount of this mighty boon to the South? According to an estimate which I hold in my hand, the negro cloth, covered by the low duty under this bill, will amount to about \$239,600; coarse blankets, under seventy-five cents, to about \$100,000; the saving on which two articles would just amount to \$112,000; and the share of South Carolina would be just about \$10,000; a sum quite sufficient, no doubt, in the estimation of gentlemen, to bribe her to an acquiescence in the American system.

I have, sir, still another objection to this bill; it introduces new and oppressive features in the protecting system. Woollens of every description are to be subjected to cash duties; while other articles are to be entitled to credits of three and six months. Why this discrimination? Is there any reason or justice in it? Can there be any object in it, but to discourage the importation of woollens, and to open a door to a system of discriminating duties, by which particular articles may be excluded by oppressive regulations, at the discretion of Congress? I object, sir, likewise, most pointedly, to the diminution of the credits, the only effect of which, as it seems to me, will be to embarrass commerce, lessen the capital employed in trade, and cripple the commercial resources of the country. It will, moreover, to a great extent, throw the trade into the hands of the wealthy capitalist, and do an irreparable injury to the small importer, the retail dealer. Nor can it escape our notice that by this bill new and inquisitorial powers have been granted to the appraisers.

I come now, sir, to the last point on which I propose to touch—the true character and practical effects of this bill. We are about to arrange a permanent system of revenue adapted to a state of profound peace, after the total extinction of the public debt. To establish a rate of duties now, no higher than those imposed in 1828, a reduction at least of from twenty to thirty per cent. on every article paying specific duties is indispensable. Since 1828, there has been a considerable reduction in the prices of all the articles embraced in our tariff—a reduction which is progressively going on; and it requires no argument to show that every reduction of price operates as an increase of the duty. The duties under the act of 1828 are, therefore, much higher now than they were when that act was imposed. As an illustration of this branch of the subject, I will call the attention of the Senate to the fact, that when a duty of thirty dollars a ton was imposed on rolled iron, it cost eleven pounds sterling, so that the rate of duty on the article was then fifty-nine per cent.; but the same duty now on such iron at the present reduced price would be one hundred and sixty-seven per cent., making a difference of one hundred and eight per cent. It is proposed to reduce the duty from thirty-seven to thirty dollars per ton, but thirty dollars at existing prices is a much higher duty than thirty-seven dollars in 1828. The same thing is true of cottons under the minimum price of thirty-five cents. And every one must know that sixteen cents the square yard on flannels which

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may be had for twelve cents, is a much higher duty than twenty-two cents a square yard at the former prices of eighteen or twenty cents; so that every gentleman will perceive at once, that, in taking the tariff of 1828 as the standard for this bill, the duties will be considerably increased beyond what they were when that act was passed. The truth is, Mr. President, that there has been a considerable fall in the price of all manufactured articles, not only in this country, but in Europe and throughout the world. No mistake can be greater than to suppose that this has been produced by the establishment of manufactures in this country. It is perfectly absurd to say that the introduction of cotton manufactures in this country, for instance, to an amount equal to two or three per cent. on the cotton manufactures of Great Britain, could reduce the value of the whole of the latter one-half; and yet we know that the cotton manufactures of England have actually fallen fifty per cent. in the price. The truth is that this reduction in prices has fallen indiscriminately on all articles, protected and unprotected; and has resulted from general causes, in operation to a certain extent all over the world, such as changes in the currency, improvements in machinery, and a diminution in the wages of labor. I hold in my hand, sir, said Mr. H., an official document, showing the extent of the reduction of prices of manufactured goods of every description in Great Britain, between the years 1811 and 1829; an examination of which will satisfy gentlemen of the true state of the case. Mr. H. here read from the table the following abstract:

Manufactures and produce of Great Britain.

Years.	Official value.	Declared or actual value.	Relative proportion.
1811	£21,723,532	£30,850,618	100—141
1829	£55,465,723	£35,212,873	100—64

On the whole, equal to about forty-five per cent. reduction.

Of the articles embraced in the above tables, it further appears, sir, that the cotton manufactures have fallen - - - - - 55 per cent.
 Woollen manufactures - - - - - 32
 Linen do. - - - - - 45
 Silk do. - - - - - 55

And I hardly think, said Mr. H., that any one will seriously contend that these reductions in prices in England have been produced by American competition!

Let us now, Mr. President, examine the last, and, I must think, an insuperable objection to this bill. I mean its effect upon the revenue. From an attentive examination of its provisions, I am perfectly satisfied that it makes no reduction whatever on the entire class of protected articles, and that whatever reduction is to be effected by it, must be produced only by the abolition of the duties on the unprotected articles. I will go further, and state my conviction that on the protected articles the aggregate of the duties would be increased, and not diminished, by this bill. This I will endeavor to show, not by instituting a comparison between the bill as it came from the other House, and as it now stands, but by comparing it with the tariff of 1828.

Mr. President, I do not profess to be very skilful in figures, nor can I rely entirely on the accuracy of calculations which have been very hastily made. I have looked into the provisions of this bill, however, as carefully as the shortness of the time would permit, and, to satisfy myself that I have fallen into no material errors, have consulted several persons on whose accuracy I have the most entire reliance; one of them a gentleman of high character and a skilful accountant, now a member of the other House. All of these gentlemen have concurred in the general result, that the bill, as it came from the House, and, much more, as it now stands, actually increases the existing duties on the protected articles to an amount variously estimated at from half a million to a million and a

half of dollars. To me, however, said Mr. H., it would, I confess, be comparatively unimportant whether this bill is to effect a reduction of a few hundred thousand dollars on the protected articles, as contended for by the Senator from Massachusetts, [Mr. WEBSTER,] or is to increase the duty by an equal amount. Nothing short of a substantial reduction, a reduction to the fair revenue standard, would have been at all satisfactory to me; a few hundred thousand dollars, more or less, in adjusting a revenue of twenty-five or thirty millions, being of very little importance in my estimation. But let us see how the fact stands! The amount of the present duties on the protected articles, according to a calculation which I hold in my hand, founded on the "comparative statement" submitted to Congress from the treasury on the 8th May last, is 15,000,000 dollars; of this amount, it was proposed by the treasury scheme to take off taxes from the protected articles to the amount of 3,674,537 dollars. While of the unprotected articles, amounting to about 9,000,000 dollars, it was proposed to take off, nominally, 6,416,016 dollars, but, in fact, not more than two millions and a half, (\$4,665,750 of the said amount having been already reduced by the acts of 1830.)

So far, therefore, as the unprotected articles are embraced in this "statement," it cannot, of course, be made the basis of our calculations, because, as any one will see, who will look at that statement, it gives six millions as the amount to be reduced on these articles; whereas four millions of that amount had already been taken off from salt, coffee, cocoa, molasses, and teas, under the act of May, 1830, and, of course, cannot be considered as furnishing any part of the present duties to be reduced under any bill to be now passed.* But, so far as the protected articles are concerned, I presume there can be no objection to our proceeding on the basis of the treasury statement, no reduction of the duties on these articles having taken place since 1828.

The whole amount of reduction proposed from the present duties by the plan of the Secretary of the Treasury, was as follows, viz.

	Estimated amount of duties.	Proposed reduction.
Protected articles, - -	\$15,935,734	\$3,731,979
Unprotected articles, -	8,627,970	6,012,763
Free articles, (partly of each,) -	1,135,357	1,135,357
	\$25,699,061	†\$10,880,101

* This is explained as follows: By the treasury statement, the amount of the reduction on the following articles is stated as follows, estimated on the duties in force prior to 1830, viz.

	Proposed reduction.
Salt, - - - - -	\$806,127
Coffee, - - - - -	2,316,971
Cocoa, - - - - -	51,649
Molasses, - - - - -	418,707
Teas, - - - - -	2,821,562

\$6,416,016

But of this amount, \$4,665,750 had been already reduced, under the acts of 20th and 29th of May, 1830, viz.

on Salt, - - - - -	\$537,414
Coffee, - - - - -	2,059,529
Cocoa, - - - - -	26,324
Molasses, - - - - -	418,707
Teas, - - - - -	1,623,746

\$4,665,750

† Of this sum, \$4,665,750 being already reduced, as above mentioned, leaves the amount of actual reduction, \$6,416,016. Some articles, unimportant in amount, are here omitted.

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Now, by the bill before the Senate, a sum exceeding the whole amount of the proposed reduction on the protected articles, as above mentioned, is stricken out, while on the unprotected articles there is added to the proposed reduction of the Treasury Department the following items, viz.

On tea and coffee, (now made free,) a further reduction of - - - - - \$337,251
Wines and silks, estimated at - - - - - 1,100,000
Other small articles, - - - - - 50,000

\$1,487,251

To which add the utmost possible reduction on such articles under Mr. McLane's bill, say 2,500,000

And we have - - - - - \$3,987,251

as the probable amount of reduction under the present bill on the unprotected articles.*

Now, if it were true that there was an actual reduction on the protected articles of \$500,000 as alleged, (instead of an increase, as I believe, of at least \$1,000,000,) I again ask, would such a pitiful reduction as this afford any compensation for this glaring inequality of taxation, in respect to the protected and unprotected articles? Whatever might be the opinions of others, for myself I would say, I should consider such a reduction as amounting to nothing. I am far from admitting, however, that there is actually a reduction of half a million, or any reduction at all, on the protected articles. I do firmly believe, and will attempt to show, that the whole amount of taxes on these articles had been considerably increased. To prove this, I will now enter into a brief examination of the provisions of this bill, and compare them with the existing law. He would take as the basis of his calculations the "comparative statement" before alluded to. Here is an account made up with some care from this comparative statement. It had been carefully corrected by an accurate accountant, and I have no doubt that it is sufficiently correct for all practical purposes.

Protected articles, viz. such as come into competition with articles made or produced in the United States.

	Amount of duties in 1830.	Amount proposed to be taken off by Mr. McLane's bill.
Woollens, of all descriptions,	\$2,626,261	\$1,220,670
Cottons, - - - - -	3,381,358	260,288
Iron, manufactured, - - -	1,047,935	125,394
Do. bar, rolled, hammered, and steel, - - - - -	985,747	183,694
Hemp and flax, manufactures of, - - - - -	1,026,526	93,321
Japanned tin, plated, leather, gilt, brass, pewter, leaden wares, do. of wood and marble, - - - - -	358,188	59,273
Porcelain, china, earthen and stone ware, - - - - -	276,993	25,181
Glassware, - - - - -	124,097	24,502

* To show that the amount of the reduction of the duties on the unprotected articles is not here underrated, reference is made to the report of the Secretary of the Treasury, made to the Senate on the 18th April, which (after correcting an error in summing up) shows that the whole reduction in such articles, under Mr. DICKERSON's bill, was only - - - - - \$1,668,016

(See Senate's document 125.)
Add further reduction as above, - - - - - 1,487,251

And we have only - - - - - \$3,152,267

Making, together, a reduction on the unprotected articles of about four millions.

Cotton bagging, - - - - -	24,030	10,321
Sugar, - - - - -	2,673,558	445,574
Salt, - - - - -	1,074,829	806,127
Wool, - - - - -	80,064	64,397
Spirits, - - - - -	1,031,348	no reduction
Coal, - - - - -	98,408	no reduction
Paper, - - - - -	100,557	no reduction
Leghorn hats, - - - - -	179,736	81,699
	\$15,089,635	\$3,400,441

Add the following articles proposed to be admitted duty free:

Quills, - - - - -	\$4,376	\$4,376
Hair cloths, - - - - -	8,360	8,360
Bolting cloths, - - - - -	1,566	1,566
Quicksilver, - - - - -	51,837	51,837
Brass, in plates, - - - - -	1,750	1,750
Tin, in do. - - - - -	4,429	4,429
Indigo, - - - - -	185,347	185,347
Corks, - - - - -	16,467	16,467

\$15,363,767 \$3,674,537

It thus appears, that, of the articles above mentioned, paying duties to the amount of \$15,363,767, it was proposed by the Secretary of the Treasury to take off taxes to the amount of \$3,674,537. Now, how stands the bill before the Senate in reference to those very articles? Let us see:

Woollens, no reduction, duty increased by 174,214 dollars.

Cottons, no reduction, but duty increased 111,661 dollars.

Iron manufactures, and bar, rolled, and steel, no reduction, duties increased by 140,912 dollars.

Hemp and flax, manufactures of, no reduction.

Leadens, wooden, japanned, and tin ware, &c. (see list above,) no reduction, increased amount unknown.

Porcelain, china, and earthenware, no reduction.

Glassware, no reduction.

Cotton bagging, a reduction nearly nominal.

Cordage, &c., no reduction.

Sugar, no reduction.

Salt, no reduction.

Spirits, no reduction.

Coal, no reduction.

Paper, no reduction.

Leghorn and other hats, no reduction.

Quills, hair cloths, quicksilver, brass and tin in plates, indigo, corks, musical instruments, yarn, and a variety of other articles, no reduction. To which may be added cash duties, diminished credits, and change in the pound sterling, operating on the great mass of our imports to the amount of from eleven to thirteen per cent.

These articles, with the exception of the three first, (woollens, cottons, and iron,) all speak for themselves. With regard to these, I will show how I arrive at the conclusion that the bill before us proposes to increase the duties upon them.

I will begin with woollens. On this article Mr. McLane proposed to take off duties to the amount of \$1,220,670. The whole quantity of woollens is estimated at \$5,857,225, the duties at \$2,626,261, being an average rate of duty of 48 per cent. Now Mr. McLane proposed to effect this reduction of \$1,220,670, as follows:

On all woollens under 50 cents, 10 per cent ad valorem.

On worsted stuff goods, &c. 20 per cent ad valorem.

On all other manufactures of wool, 30 per cent ad valorem.

Now, what is proposed in this bill?

On plains, kerseys, and Kendal cottons, (weighing 16 ounces, and under 35 cents the square yard,) 5 per cent.

Worsted goods, &c. 10 per cent.

On all other manufactures of wool, (except a few coarse blankets,) 57 per cent.

Here, then, it will be seen at once, that, on the great mass of woollens, the duties on which, under the existing law, average, according to the treasury statement, forty-eight per cent., and which Mr. McLane put at thirty per cent., the duty is increased to fifty-seven per cent., being twenty-seven beyond the duty proposed by Mr. McLane, and nine per cent. beyond the present duty. It is true, negro cloths, which Mr. McLane set down at ten per cent., are here put at five per cent.; but Mr. McLane's plan embraced all woollens under fifty cents, whereas this bill is confined to "plains, kerseys, and Kendal cottons, under thirty-five cents," which, I am assured by those who profess to understand the subject, will not embrace one-third part of the "coarse woollens under fifty cents." If so, the entire reduction on these negro cloths will not exceed \$100,000.

The saving on the worsted will, I am told, be counterbalanced by the enhanced duty on some other descriptions of cloths, and on negro and other coarse hats. Against these reductions are to be charged twenty-seven per cent. increase on the great mass of woollens, to which must be added at least five per cent. for the cash duties, and eight per cent. for the change in the calculation of the pound sterling from \$4 44 to \$4 80. If there be no error in my arithmetic, we will, on these data, have, instead of a reduction, an increase of the duties on woollens equal to at least \$174,214. Any gentleman can make the calculation for himself. I am confirmed in my conclusion, by the fact that several persons who have made the calculation have, by a different process, arrived at the same result. By one calculation, which I have before me, the increase of the duty on woollens is shown to be \$250,000.

On cotton the calculation is much more simple. According to the treasury statement, the value of cottons is estimated at \$7,864,618; the duty at \$3,381,358; proposed saving at \$260,288. Now, the bill before us makes no alteration in the treasury plan with respect to cottons. Assuming, then, the saving to be as above stated, \$260,000, we have, as a set off against this reduction, the diminished credits equal to near three per cent., and in the change in the pound sterling equal to eight per cent.; making, together, eleven per cent. on the amount of the duty. This, according to my calculation, will exceed the estimated saving by \$111,661.

Iron and the manufactures of iron and steel consist of too great a variety of articles to enable me to do more than to submit a mere general statement in relation to them.

Of these articles, which I shall consider under one head, the treasury valuation is \$5,638,736; duties, \$2,053,682; estimated saving, \$309,088. Against this sum is to be put the diminished credits, and the pound sterling, equal to about \$200,000; to which is to be added an enormous increase of duties on a great variety of articles of hardware, under the provisos in the 10th, 12th, and 13th members of the 2d section of the bill, which carry up the duties on all manufactures of iron as high as the raw material; thus changing ad valorem duties of from twenty-five to forty per cent. to specific duties, ranging from one and two hundred, up to three, and even four hundred per cent. I have already given to the Senate several examples of the effect of these provisos. I will repeat one or two of them.

On an invoice of trace chains, the present duty on which, at twenty-five per cent., amounted only to \$69, the duty under this bill (at 3 cents per lb.) will amount to \$198.

On a parcel of knitting needles now paying duty of \$1 90, the proposed duty will be \$9.

On an invoice of bed screws, costing \$53, and paying duties under the existing laws of only \$14, the duty under this bill will be \$67.

These cases have been furnished from the most unquestionable sources.

A practical man, intimately acquainted with the subject, writes me, that "these provisos will double the duty on hardware made of common sized iron," and he estimates the amount of the increased duty on hardware at upwards of five hundred thousand dollars.

But take it at half of that amount, and we have an increase of the duty on iron, and manufactures of iron, of 140,912 dollars.

The account, then, according to my estimate, would stand thus:

Increase of the duty on the protected articles under this bill—

On woollens, - - - -	174,214
On cottons, - - - -	111,661
On iron, as above, - - -	140,912

The increase on other articles cannot be estimated at less than - - - 100,000

Add for the change in the value of the pound sterling, and the shortened credits on articles other than woollens, cottons, and iron, at least 500,000

And we have an increase of - - - 1,026,787

It is vain and idle for gentlemen to tell us, in general terms, that this bill is to reduce the duties four, five, eight, or ten millions. Let them give us a bill of particulars; show us the items; point out the articles on which the reduction is to take place, and let them explain how it is to be effected. The chairman of the Committee of Ways and Means, in his exposition of this subject, shows that the official treasury estimate of the reduction to be effected, under this bill, as reported from the Committee on Manufactures, was on woollens, cottons, iron, and the great mass of the protected articles, only 844,000 dollars, and that the whole amount of the proposed reduction was only 4,177,000 dollars.

Now, we all know that a large amount of this proposed reduction was stricken out in the House. That distinguished gentleman has given us statements, showing that, in the shape in which the bill passed the House, the estimated increase of the duties on the protected articles was 1,406,000 dollars, while the estimated reduction on the unprotected articles was 3,780,000 dollars. If gentlemen will turn to the treasury statement, No. 125 of the Senate's documents, they will find that the whole amount of saving on the articles proposed to be admitted duty free under the bill reported by the Committee on Manufactures of this House was only \$1,668,010. Add to this every free article since added to the list, and the further reduction on silks and wines, and even the two or three hundred thousand dollars which gentlemen say has been taken off of the protected articles, and what will they amount to?

Thus, then, it will be seen that the whole amount of the reduction proposed by the Secretary of the Treasury, on the protected articles, has been stricken out, and that more than a million has been added to the existing duties on those articles. But, for all this, we are told that we are to be remunerated by a still greater reduction on the unprotected articles. Now, assuming the reduction on the unprotected articles proposed by the treasury to be as before stated - - - \$2,500,000

The following are the further reductions embraced in this bill, viz.

On teas and coffee, free, - - -	337,251
Wines and silks, further reduced, - - -	1,100,000
	\$3,937,251

Making the total reduction on the unprotected articles, in round numbers, about four millions of dollars, estimated on the receipts of 1830.

From which, if we deduct the assumed increase on the protected articles as about \$1,000,000, we have, as the amount of actual reduction under this bill, three millions, and no more. If the present revenue be estimated at the

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actual receipts of the year 1831, viz. \$28,525,000, or at the actual receipt of the last year upwards of \$30,000,000, or at the average receipts of the last five years, the result, after making every allowance, will give a clear revenue of upwards of twenty millions of dollars, and leave eight or ten millions beyond the ordinary expenses of the Government.

Having taken Mr. McLane's estimated reduction as the basis of all my calculations, I have not noticed the repeal of the ten and twenty per cent. in the valuation of foreign goods, these having been deducted in the treasury estimates. In making this comparison, I beg not to be understood as expressing any approbation of the treasury scheme. That scheme proposed to make a reduction on the present duties between six and seven millions of dollars, which, according to any fair estimate of the present and future revenue of the country, would have left a surplus in the treasury beyond the wants of the country of from 6,000,000 to \$8,000,000. The proposed reduction was not only too small, but it was made in much too great a proportion on the unprotected articles, and, being expressly announced as a final arrangement of the system, was altogether inadmissible. On iron the duties ran up to above one hundred per cent.; on coarse cottons to a still greater amount; and on every other article the duties were still higher. But, bad as was the scheme of the Secretary of the Treasury, the bill from the House was much worse, and this is infinitely the worst of all.

In conclusion, Mr. H. said that to his mind it was perfectly clear that this bill, in its present shape, had not a single feature to recommend it to the favor of any but the fast friends of the American system. It is neither more nor less than the resolution of the Senator from Kentucky reduced to the form of a law. It takes off the duties altogether from almost the entire mass of the unprotected articles, such as tea, coffee, spices, fruits, and a hundred other articles of luxury, and reduces them to almost nothing on silks and wines, while it leaves the protected articles almost untouched, or with additional burdens thrown upon them. In this view of the case, it affords no relief whatever to the South. It only aggravates the injustice of which we complain. It throws the whole burden of federal taxation on the very articles the duties upon which operate as a tax on Southern capital and labor, and as a bounty upon the industry and capital of another section of the Union. The passage of such a bill as this would only be regarded as the consummation of the protecting policy. It leaves no hope for the future. It must rivet upon the country, irretrievably and forever, a system which he did most conscientiously believe was hostile to the general welfare—utterly unconstitutional—and destructive of the best interests and dearest rights of the plantation States. The gentleman from Kentucky had expressed a hope—doubtless most sincerely entertained—that the South would receive this bill as a peace-offering, founded on concession and compromise; and he had kindly tendered his advice that we should go home, and say to our constituents that we had accomplished all that we had a right to expect; that our grievances were redressed; and thus the country would be once more restored to harmony and peace. Let me tell that gentleman, sir, that if, with my convictions of the true character of this bill, I could go to my constituents with such language on my lips, I should go home "with a lie in my mouth." No, sir! when I speak on such a subject, I shall speak the honest convictions of my mind; and shall be constrained, however reluctantly, to declare, as I now do in the presence of this House, my country, and my God, that the American system has become the settled policy of the country; that the hopes of the South are at an end; and, as far as their prosperity is dependent on federal legislation, their ruin sealed.

NOTE.—The Senate finally receded from such of their

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amendments as were disagreed to by the House. The points in dispute, however, were very few, and not of much importance.

The following were the only material items:

1st. The fifty-seven per cent. on woollens, passed by the Senate, was reduced to fifty per cent. as proposed by the House.

2d. Sail duck was left, as proposed by the House, at fifteen per cent.

3d. Cotton bagging was left at three and a half cents, as passed by the House, instead of four cents.

4th. Sugar was left at two and a half cents, as proposed by the House, instead of being left at three cents, the present duty.

Calculated even on this basis, Mr. McDUFFIE estimated the increase of duty on the protected articles at \$1,406,000 beyond the present tariff. Making allowance for the fall of prices, it cannot be doubted that the duties now imposed are much greater, ad valorem, than they were in 1828, without taking into account the cash duties, or change in the pound sterling.

Mr. BROWN said, before the question was taken on the final passage of the bill then under consideration, he felt that it was due to those whom he had the honor in part to represent in that body, and likewise to himself, to explain the motives which, on the most deliberate consideration, would induce him to vote in opposition to the bill. This he would do in a very few words. If the question had been brought to the consideration of the Senate, in the form of a bill, at an earlier period of the session, he should have availed himself of the occasion to have expressed his views generally on a subject of such deep and momentous interest to the country. To consume time in unprofitable discussion at that advanced period of the session, would be as little in accordance with his feelings as it would be respectful to the body which he addressed. He had felt the most anxious solicitude that some adjustment of this question, dictated by a spirit of conciliation, should be made before the adjournment of Congress. Influenced by a spirit of that kind, he had come to the determination to vote for the bill which had passed the House of Representatives, unless made more objectionable by amendments in the Senate. He admitted that the bill, as it came from the House of Representatives, stopped far, very far, short of reducing the revenue to that standard which the condition of our fiscal affairs required, and which justice to a large portion of the Union demanded. But it proposed a reduction, and, from the best examination he had been able to give to the subject, a substantial reduction, on a number of articles which entered extensively into the consumption of the whole agricultural portion of the Southern States. It had been said by one honorable Senator, in the course of this debate, that voting for the bill, as it came from the House, would concede the constitutional right of the Government to protect manufactures. He [Mr. B.] viewed the subject in a very different light. He had yet to learn upon what principle it was unconstitutional to vote for a bill diminishing the burdens of his constituents, and the effect of which would be to mitigate the evils of the system. In expressing his intention to vote for the bill as it came from the House, he wished it to be distinctly understood that he should not have supported it as a measure of compromise. They had no authority to compromise the rights of their constituents on great questions deeply affecting their interests. Nor would he, if he possessed the authority, exercise it in reference to this question.

He was hostile, on principle, to the whole protecting system; and, while he was honored with a seat in that body, he would contribute his humble efforts, on all proper occasions, to eradicate from our laws a principle which he believed incompatible with the enlightened spirit of the age, and of free Government. This much he had deemed

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Adjournment.—The Bank Veto.—The Tariff.

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it his duty to say in reference to the bill as it came from the House. He would now assign, in a very few words, the reasons which would influence him to vote against it, as amended by the Senate. The amendments had, in his opinion, destroyed whatever of value was contained in the bill, by increasing the duties on the protected articles; and he viewed its passage, in its present shape, as substantially re-enacting some of the most obnoxious features of the tariff of 1828.

He must be permitted, with great deference to the opinions of the majority of the Senate who thought differently, to express his regret that any addition had been made to the rate of duties proposed by the bill from the House of Representatives. To that body the constitution had peculiarly given the power to originate bills on the delicate and interesting question of taxation. It emanated directly from the great body of the people, and was presumed to represent fairly their wishes in relation to that subject; and it had, by a most decided majority, expressed its opinion in favor of a reduction of duties.

The extraordinary spectacle was presented in our country of continuing a system of unjust and oppressive taxation, not called for by the exigencies of the nation, but to benefit a few monopolists. He hoped that the justice, intelligence, and patriotism of the people would correct this evil, and save the Union from the disastrous consequences which were likely to result from persevering in such a system.

Mr. CLAY made a few remarks in reply, when

The question was taken, and the bill was passed by the following vote:

YEAS.—Messrs. Bell, Benton, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Hill, Holmes, Johnston, Knight, Marcy, Naudain, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—32.

NAYS.—Messrs. Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Kane, King, Mangum, Miller, Moore, Poindexter, Tazewell, Troup, Tyler, White.—16.

ADJOURNMENT.

On motion of Mr. CLAY, the Senate then proceeded to consider the resolution from the House, appointing this day for the day of adjournment.

Mr. CLAY moved to amend the resolution by striking out "9th" and inserting "16th."

Mr. GRUNDY suggested Thursday as the best day for adjournment, and proposed that the Senate should disagree to the resolution from the House, and that he would then lay a resolution on the table to adjourn on Thursday, which might lie on the table until to-morrow.

Mr. WEBSTER stated that there was an important measure under the consideration of the Executive, which he was not compelled to return to this House in less than ten days, (Sundays excluded.) He therefore suggested to insert Tuesday, the 17th.

Mr. CLAY moved to strike out the word "ninth," and said he should then move to lay the resolution on the table until to-morrow.

Mr. WEBSTER moved to lay the whole subject on the table. Negatived—yeas 19, nays 27.

Mr. GRUNDY stated that the fixing of Tuesday was holding out the idea that Congress would not adjourn until the message expected from the President shall be received, and that he could not vote for it.

Mr. CLAY said that the city was full of rumors; and although gentlemen who voted against the great measure to which he referred, might find no difficulty in making their peace with their constituents, gentlemen on the other side would be placed in an awkward situation.

Mr. MANGUM said he had no fear that any attempt would be made in any quarter to evade proper responsi-

bility. He thought that such evasion would be disreputable, and he would vote with those who desired the full ten days to be allowed to the President.

The motion to strike out the 9th, and insert the 16th, was then agreed to; and the resolution, as amended, was concurred in.

TUESDAY, JULY 10.

THE BANK VETO.

A message was received from the President of the United States, by the hands of Mr. Donelson, his private Secretary, returning the act to modify and continue the act to incorporate the subscribers to the Bank of the United States, with his objections to the same. [See Appendix.]

Mr. WEBSTER said that the constitution made it the duty of the House to which such communication was made, on receipt of it, to cause it to be recorded at length on its journals, and then solemnly to take the question whether the act shall become a law, the President's objections to the contrary notwithstanding. The constitution prescribes that the House shall proceed to this decision thereupon. It was the practice of Congress to give a proper time for the transcript of the message, and for a respectful consideration of the subject. In cases of less importance, it was the custom to proceed immediately to the decision. But, in this case, it was respectful to the President, to the length of the paper which had been read, to the high character of the various topics which it embraced, and to the general importance of the subject, that the Senate should assign such day and hour for taking the message into consideration, as would be agreeable under the existing circumstances. Presuming that the presiding officer would direct the message to be entered on the journals, he would now move to postpone the further consideration of this communication until eleven o'clock to-morrow, [to-day.]

The motion was agreed to.

The Senate disposed of a number of bills, without debate, and then spent the remainder of the day in executive business.

WEDNESDAY, JULY 11.

THE TARIFF.

The Senate then proceeded to consider the message from the House of Representatives, agreeing to some, and disagreeing to other of the amendments of the Senate to the bill to alter and amend the act imposing duties on imports.

Mr. WILKINS moved that the Senate now ask a conference of the House of Representatives, and that a committee be appointed to confer with such committee as may be appointed by the House. His object was to do every thing which could be done to reconcile the differences between the two Houses. His idea was to ask for a conference; and, in the mean time, to retain the bill in the Senate, so that, afterwards, the Senate might either recede or insist.

Mr. DICKERSON seconded the motion. It was his wish that the session should not pass away without the passage of this bill; and he thought this object more likely to be obtained if a conference were to be held in this stage, rather than after the Senate should have insisted on their amendments. It would be more likely now to be productive of good feeling.

Mr. CLAY considered the motion to be strictly in order. He considered that a conference might be held in every stage of the disagreement. He was of opinion, however, that the best mode would be to take the question first on insisting on the amendments. But as the chairman of the

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Committee on Manufactures had assented to the other course, he could not have any objection.

Mr. KING was of opinion that the course prescribed by this motion, although in order, was unusual; and he had a preference for the ordinary course.

Mr. WEBSTER was of opinion that, with a view to economy of time, it might be better to take the conference course, in order to diminish the points of difference. He hoped, therefore, that the motion would be adopted.

Mr. BROWN and Mr. HAYNE opposed the motion.

Mr. CLAYTON stated that he should vote in its favor. He considered the bill endangered if the two Houses should fail to agree to these amendments. If the question were first taken on a motion to recede or insist, the opinions of Senators would be committed, and the probability of agreement would thus be weakened. All, therefore, who felt a desire for an adjustment of the tariff at this session, should vote in favor of the motion.

Mr. CHAMBERS took a similar view. He thought that, by having a conference now, the differences which existed might be settled in a spirit of compromise. He wished the country to know that there were individuals in the Senate who were disposed to make every effort to obtain an adjustment.

Mr. GRUNDY thought it would be the preferable mode to take the question first on a motion to recede or insist, and let the conference follow.

After a few remarks from Mr. POINDEXTER in favor of, and Mr. FORSYTH against the motion, the latter moved to lay the bill and amendments on the table. Negatived, as follows:

YEAS.—Messrs. Benton, Clay, Ellis, Forsyth, Grundy, Hayne, Holmes, Kane, King, Mangum, Miller, Moore, Poindexter, Smith, Tazewell, Tyler, Waggaman, White.—19.

NAYS.—Messrs. Bell, Brown, Buckner, Chambers, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Hendricks, Hill, Johnston, Knight, Marcy, Naudain, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Troup, Webster, Wilkins.—29.

The question was then taken on the motion of Mr. WILKINS, and decided as follows:

YEAS.—Messrs. Bell, Buckner, Chambers, Clay, Clayton, Dallas, Dickerson, Dudley, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Poindexter, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—26.

NAYS.—Messrs. Benton, Brown, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Robinson, Smith, Tazewell, Tipton, Troup, Tyler, White.—21.

So the motion was agreed to, and the following members appointed to compose the committee, viz.

Messrs. WILKINS, DICKERSON, and HAYNE.

THE BANK VETO.

The hour of eleven having arrived, the Senate proceeded to the consideration of the bill for renewing and modifying the charter of the Bank of the United States, with the message of the President of the United States, assigning his reasons for refusing to approve and sign the same. And the question being on passing the bill, said objections notwithstanding.

Mr. WEBSTER rose, and addressed the Senate as follows:

Mr. President, no one will deny the high importance of the subject now before us. Congress, after full deliberation and discussion, has passed a bill for extending the duration of the Bank of the United States, by decisive majorities in both Houses. It has adopted this measure not until its attention had been called to the subject in three successive annual messages of the President. The

bill having been thus passed by both Houses, and having been duly presented to the President, instead of signing and approving it, he has returned it with objections. These objections go against the whole substance of the law originally creating the bank. They deny, in effect, that the bank is constitutional; they deny that it is expedient; they deny that it is necessary for the public service.

It is not to be doubted that the constitution gives the President the power which he has now exercised; but, while the power is admitted, the grounds upon which it has been exerted become fit subjects of examination. The constitution makes it the duty of Congress, in cases like this, to reconsider the measure which they have passed, to weigh the force of the President's objections to that measure, and to take a new vote upon the question.

Before the Senate proceeds to this second vote, I propose to make some remarks upon these objections. And, in the first place, it is to be observed that they are such as to extinguish all hope that the present bank, or any bank at all resembling it, or resembling any known similar institution, can ever receive his approbation. He states no terms, no qualifications, no conditions, no modifications, which can reconcile him to the essential provisions of the existing charter. He is against the bank, and against any bank constituted in a manner known either to this or any other country. One advantage, therefore, is certainly obtained by presenting him the bill. It has caused his sentiments to be made known. There is no longer any mystery, no longer a contest between hope and fear, or between those prophets who predicted a veto, and those who foretold an approval. The bill is negatived; the President has assumed the responsibility of putting an end to the bank; and the country must prepare itself to meet that change in its concerns, which the expiration of the charter will produce. Mr. President, I will not conceal my opinion that the affairs of this country are approaching an important and dangerous crisis. At the very moment of almost unparalleled general prosperity, there appears an unaccountable disposition to destroy the most useful and most approved institutions of the Government. Indeed, it seems to be in the midst of all this national happiness, that some are found openly to question the advantages of the constitution itself; and many more ready to embarrass the exercise of its just power, weaken its authority, and undermine its foundations. How far these notions may be carried, it is impossible yet to say. We have before us the practical result of one of them. The bank has fallen, or is to fall.

It is now certain that, without a change in our public councils, this bank will not be continued, nor will any other be established, which, according to the general sense and language of mankind, can be entitled to the name. In three years and nine months from the present moment, the charter of the bank expires; within that period, therefore, it must wind up its concerns. It must call in its debts, withdraw its bills from circulation, and cease from all its ordinary operations. All this is to be done in three years and nine months; because, although there is a provision in the charter rendering it lawful to use the corporate name for two years after the expiration of the charter, yet this is allowed only for the purpose of suits, and for the sale of the estate belonging to the bank, and for no other purpose whatever. The whole active business of the bank, its custody of public deposits, its transfers of public moneys, its dealing in exchange, all its loans and discounts, and all its issues of bills for circulation, must cease and determine on or before the 3d day of March, 1836; and, within the same period, its debts must be collected, as no new contract can be made with it, as a corporation, for the renewal of loans, or discount of notes or bills, after that time.

The President is of opinion that this time is long enough to close the concerns of the institution without inconve-

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nience. His language is: "The time allowed the bank to close its concerns is ample, and, if it has been well managed, its pressure will be light, and heavy only in case its management has been bad. If, therefore, it shall produce distress, the fault will be its own." Sir, this is all no more than general statement, without fact or argument to support it. We know what the management of the bank has been, and we know the present state of its affairs. We can judge, therefore, whether it be probable that its capital can be all called in, and the circulation of its bills withdrawn, in three years and nine months, by any discretion or prudence in management, without producing distress. The bank has discounted liberally, in compliance with the wants of the community. The amount due to it on loans and discounts, in certain large divisions of the country, is great; so great, that I do not perceive how any man can believe that it can be paid within the time now limited, without distress. Let us look at known facts. Thirty millions of the capital of the bank are now out, on loans and discounts, in the States on the Mississippi and its waters: ten of these millions on the discount of bills of exchange, foreign and domestic, and twenty millions loaned on promissory notes. Now, sir, how is it possible that this vast amount can be collected in so short a period, without suffering, by any management whatever? We are to remember that when the collection of this debt begins, at that same time the existing medium of payment, that is, the circulation of the bills of the bank, will begin also to be restrained and withdrawn, and thus the means of payment must be limited just when the necessity of making payment becomes pressing. The whole debt is to be paid, and within the same time the whole circulation withdrawn.

The local banks, where there are such, will be able to afford little assistance; because they themselves will feel a full share of the pressure. They will not be in a condition to extend their discounts; but, in all probability, obliged to curtail them. Whence, then, are the means to come for paying this debt, and in what medium is payment to be made? If all this may be done, with but slight pressure on the community, what course of conduct is to accomplish it? How is it to be done? What other thirty millions are to supply the place of these thirty millions, now to be called in? What other circulation or medium of payment is to be adopted, in the place of the bills of the bank? The message, following a singular strain of argument which had been used in this House, has a loud lamentation upon the suffering of the Western States, on account of their being obliged to pay even interest on this debt. This payment of interest is, itself, represented as exhausting their means, and ruinous to their prosperity. But if the interest cannot be paid without pressure, can both interest and principal be paid in four years without pressure? The truth is, the interest has been paid, is paid, and may continue to be paid, without any pressure at all; because the money borrowed is profitably employed by those who borrow it, and the rate of interest which they pay is at least two per cent. lower than the actual value of money in that part of the country. But to pay the whole principal in less than four years, losing, at the same time, the existing and accustomed means and facilities of payment created by the bank itself, and to do this without extreme embarrassment, without absolute distress, is, in my judgment, impossible. I hesitate not to say that, as this veto travels to the West, it will depreciate the value of every man's property, from the Atlantic States to the capital of Missouri. Its effects will be felt in the price of lands, the great and leading article of Western property; in the price of crops; in the products of labor; in the repression of enterprise; and in embarrassment to every kind of business and occupation. I take this opinion strongly, because I have no doubt of its truth, and am willing its

correctness should be judged by the event. Without personal acquaintance with the Western States, I know enough of their condition to be satisfied that what I have predicted must happen. The people of the West are rich, but their riches consist in their immense quantities of excellent land, in the products of these lands, and in their spirit of enterprise. The actual value of money, or rate of interest, with them is high, because their pecuniary capital bears little proportion to their landed interest. At an average rate, money is not worth less than eight per cent. per annum throughout the whole Western country, notwithstanding that it has now a loan, or an advance, from the bank of thirty millions, at six per cent. To call in this loan at the rate of eight millions a year, in addition to the interest on the whole, and to take away, at the same time, that circulation which constitutes so great a portion of the medium of payment throughout that whole region, is an operation which, however wisely conducted, cannot but inflict a blow on the community of tremendous force and frightful consequences. The thing cannot be done without distress, bankruptcy, and ruin to many. If the President had seen any practicable manner in which this change might be effected, without producing these consequences, he would have rendered infinite service to the community by pointing it out. But he has pointed out nothing, he has suggested nothing; he contents himself with saying, without giving any reason, that if the pressure be heavy, the fault will be the bank's. I hope this is not merely an attempt to forestall opinion, and to throw on the bank the responsibility of those evils which threaten the country, for the sake of removing it from himself.

The responsibility justly lies with him, and there it ought to remain. A great majority of the people are satisfied with the bank as it is, and desirous that it should be continued. They wished no change. The strength of this public sentiment has carried the bill through Congress, against all the influence of the administration, and all the power of organized party. But the President has undertaken, on his own responsibility, to arrest the measure, by refusing his assent to the bill. He is answerable for the consequences, therefore, which necessarily follow the change which the expiration of the bank charter may produce: and if these consequences shall prove disastrous, they can fairly be ascribed to his policy only, and to the policy of his administration.

Although, sir, I have spoken of the effects of this veto in the Western country, it has not been because I considered that part of the United States exclusively affected by it.

Some of the Atlantic States may feel its consequences, perhaps, as sensibly as those of the West, though not for the same reasons. The concern manifested by Pennsylvania for the renewal of the charter, shows her sense of the importance of the bank to her own interest, and that of the nation. That great and enterprising State has entered into an extensive system of internal improvements, which necessarily makes heavy demands on her credit and her resources; and by the sound and acceptable currency which the bank affords, by the stability which it gives to private credit, and by occasional advances made in anticipation of her revenues, and in aid of her great objects, she has found herself benefited, doubtless in no inconsiderable degree. Her Legislature has instructed her Senators here to advocate the renewal of the charter at this session; they have obeyed her voice, and yet they have the misfortune to find that, in the judgment of the President, the measure is unconstitutional, unnecessary, dangerous to liberty, and is, moreover, ill-timed. But, Mr. President, it is not the local interest of the West, nor the particular interest of Pennsylvania, or any other State, which has influenced Congress in passing this bill.

It has been governed by a wise foresight, and by a desire to avoid embarrassment in the pecuniary concerns of

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the country, to secure the safe collection and convenient transmission of public moneys, to maintain the circulation of this country, sound and safe as it now happily is, against the possible effects of a wild spirit of speculation. Finding the bank highly useful, Congress has thought fit to provide for its continuance.

As to the time of passing this bill, it would seem to be the last thing to be thought of as a ground of objection by the President; since, from the date of his first message to the present time, he has never failed to call our attention to the subject with all possible apparent earnestness. So early as December, 1829, in his message to the two Houses, he declares that he "cannot, in justice to the parties interested, too soon present the subject to the deliberate consideration of the Legislature, in order to avoid the evils resulting from precipitancy, in a measure involving such important principles and such deep pecuniary interests." Aware of this early invitation given to Congress to take up the subject, by the President himself, the writer of the message seems to vary the ground of objection, and, instead of complaining that the time of bringing forward this measure was premature, to insist, rather, that, after the report of the committee of the other House, the bank should have withdrawn its application for the present! But that report offers no just ground, surely, for such withdrawal. The subject was before Congress; it was for Congress to decide upon it, with all the light shed by the report; and the question of postponement was lost, having been made in both Houses, by clear majorities in each. Under such circumstances, it would have been somewhat singular, to say the least, if the bank itself had withdrawn its application. It is indeed known to every body, that the report of the committee, or any thing contained in that report, was very little relied on by the opposers of the renewal. If it has been discovered elsewhere that that report contained matter important in itself, or which should have led to further inquiry, it may be proof of superior sagacity; but certainly no such thing was discerned by either House of Congress.

But, sir, do we not now see that it was time, and high time; to press this bill, and to send it to the President? Does not the event teach us that the measure was not brought forward one moment too early? The time had come when the people wished to know the decision of the administration on the question of the bank. Why conceal it, or postpone its declaration? Why, as in regard to the tariff, give one set of opinions for the North, and another for the South?

An important election is at hand, and the renewal of the bank charter is a pending object of great interest, and some excitement. Should not the opinions of men high in office, and candidates for re-election, be known, on this as on other important public questions? Certainly, it is to be hoped that the people of the United States are not yet mere man-worshippers, that they do not choose their rulers without some regard to their political principles, or political opinions. Were they to do this, it would be to subject themselves voluntarily to the evils which the hereditary transmission of power, independent of all personal qualifications, inflicts on other nations. They will judge their public servants by their acts, and continue, or withhold, their confidence, as they shall think it merited, or as they shall think it forfeited. In every point of view, therefore, the moment had arrived, when it became the duty of Congress to come to a result in regard to this highly important measure. The interests of the Government, the interest of the people, the clear and indisputable voice of public opinion, all called upon Congress to act without further loss of time. It has acted, and its act has been negatived by the President; and this result of the proceedings here places the question, with all its connexions and all its incidents, fully before the people.

Before proceeding to the constitutional question, there are some other topics, treated in the message, which ought to be noticed. It commenced by an inflated statement of what it calls the "favor" bestowed upon the original bank by the Government, or, indeed, as it is phrased, the "monopoly of its favor and support;" and through the whole message all possible changes are rung on the "gratuity," the "exclusive privileges," and "monopoly," of the bank charter. Now, sir, the truth is, that the powers conferred on the bank are such, and no other, as are usually conferred on similar institutions. They constitute no monopoly, although some of them are, of necessity, and with propriety, exclusive privileges. "The original act," says the message, "operated as a gratuity of many millions to the stockholders." What fair foundation is there for this remark? The stockholders received their charter not gratuitously, but for a valuable consideration in money, prescribed by Congress, and actually paid. Sometimes the stock has been above par, at other times below par, according to prudence in management, or according to commercial occurrences. But if, by a judicious administration of its affairs, it had kept its stock always above par, what pretence would there be, nevertheless, for saying that such augmentation of its value was a "gratuity" from Government? The message proceeds to declare that the present act proposes another donation, another gratuity, to the same men, of at least seven millions more. It seems to me that this is an extraordinary statement, and an extraordinary style of argument, for such a subject and on such an occasion. In the first place, the facts are all assumed; they are taken for true without evidence. There are no proofs that any benefit to that amount will accrue to the stockholders, nor any experience to justify the expectation of it. It rests on random estimates, or mere conjecture. But suppose the continuance of the charter should prove beneficial to the stockholders, do they not pay for it? They give twice as much for a charter of fifteen years, as was given before for one of twenty. And if the proposed bonus or premium be not, in the President's judgment, large enough, would he, nevertheless, on such a mere matter of opinion as that, negative the whole bill? May not Congress be trusted to decide, even on such a subject as the amount of the money premium to be received by Government for a charter of this kind? But, sir, there is a larger and a much more just view of this subject. The bill was not passed for the purpose of benefiting the present stockholders. Their benefit, if any, is incidental and collateral. Nor was it passed on any idea that they had a right to a renewed charter, although the message argues against such right, as if it had been somewhere set up and asserted. No such right has been asserted by any body.

Congress passed the bill, not as a bounty or a favor to the present stockholders, nor to comply with any demand of right on their part, but to promote great public interests, for great public objects. Every bank must have some stockholders, unless it be such a bank as the President has recommended, and in regard to which he seems not likely to find much concurrence of other men's opinions; and if the stockholders, whoever they may be, conduct the affairs of the bank prudently, the expectation is always, of course, that they will make it profitable to themselves, as well as useful to the public. If a bank charter is not to be granted, because it may be profitable, either in a small or great degree, to the stockholders, no charter can be granted. The objection lies against all banks. Sir, the object aimed at by such institutions is to connect the public safety and convenience with private interests. It has been found by experience that banks are safest under private management, and that Government banks are among the most dangerous of all inventions. Now, sir, the whole drift of the message is to reverse the settled judgment of all the civilized world, and

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to set up Government banks, independent of private interest, of private control. For this purpose the message labors, even beyond the measure of all its other labors, to create jealousies and prejudices, on the ground of the alleged benefit which individuals will derive from the renewal of this charter. Much less effort is made to show that Government, or the public, will be injured by the bill, than that individuals will profit by it. Following up the impulses of the same spirit, the message goes on gravely to allege that the act, as passed by Congress, proposes to make a present of some millions of dollars to foreigners; because a portion of the stock is holden by foreigners. Sir, how would this sort of argument apply to other cases? The President has shown himself not only willing, but anxious, to pay off the three per cent. stocks of the United States at par, notwithstanding that it is notorious that foreigners are owners of the greater part of it. Why should he not call that a donation to foreigners of many millions?

I will not dwell particularly on this part of the message. Its tone and its arguments are all in the same strain. It speaks of the certain gain of the present stockholders, of the value of the monopoly; it says that all monopolies are granted at the expense of the public; that the many millions which this bill bestows on the stockholders, come out of the earnings of the people; that if Government sells monopolies, it ought to sell them in open market; that it is an erroneous idea that the present stockholders have a prescriptive right either to the favor or the bounty of Government; that the stock is in the hands of a few, and that the whole American people are excluded from competition in the purchase of the monopoly. To all this I say, again, that much of it is assumption without proof; much of it is an argument against that which nobody has maintained or asserted, and the rest of it would be equally strong against any charter, at any time. These objections existed in their full strength, whatever that was, against the first bank. They existed, in like manner, against the present bank at its creation, and will always exist against all banks. Indeed, as to the bill now before us, all the fault found with that is, that it proposes to continue the bank substantially as it now exists. "All the objectionable principles of the existing corporation," says the message, "and most of its odious features, are retained without alleviation;" so that the measure is aimed against the bank, as it has existed from the first, and against any and all others resembling it in its general features! Allow me now, sir, to take notice of an argument, founded on the practical operation of the bank. That argument is this. Little of the stock of the bank is held in the West, being chiefly owned by citizens of the Southern and Eastern States, and by foreigners. But the Western and Southwestern States owe the bank a heavy debt, so heavy that the interest amounts to a million six hundred thousand a year. This interest is carried to the Eastern States, or to Europe, annually, and its payment is a burden on the people of the West, and a drain of their currency, which no country can bear without inconvenience and distress. The true character and the whole value of this argument are manifest by the mere statement of it. The people of the West are, from their situation, necessarily large borrowers. They need money capital, and they borrow it because they can derive a benefit from its use, much beyond the interest which they pay. They borrow at six per cent. of the bank, although the value of money with them is at least as high as eight. Nevertheless, although they borrowed at this low rate of interest, and although they use all they borrow thus profitably, yet they cannot pay the interest without "inconvenience and distress;" and then, sir, follows the logical conclusion, that although they cannot pay even the interest without inconvenience and distress, yet less than four years is ample time for the bank to call in the whole, both principal and interest,

without causing more than a light pressure! This is the argument. Then follows another, which may be thus stated. It is competent to the States to tax the property of their citizens vested in the stock of this bank, but the power is denied of taxing the stock of foreigners; therefore, the stock will be worth ten or fifteen per cent. more to foreigners than to residents, and will of course inevitably leave the country, and make the American people debtors to aliens in nearly the whole amount due the bank, and send across the Atlantic from two to five millions of specie every year, to pay the bank dividends. Mr. President, arguments like these might be more readily disposed of, were it not that the high and official source from which they proceed imposes the necessity of treating them with respect. In the first place, it may safely be denied that the stock of the bank is any more valuable to foreigners than to our own citizens, or an object of greater desire to them, except in so far as capital may be more abundant in the foreign country, and therefore its owners more in want of opportunity of investment. The foreign stockholder enjoys no exemption from taxation. He is, of course, taxed by his own Government for his incomes derived from this as well as other property; and this is a full answer to the whole statement. But it may be added, in the second place, that it is not the practice of civilized States to tax the property of foreigners under such circumstances. Do we tax, or do we ever tax, the foreign holders of our public debt? Does Pennsylvania, New York, or Ohio tax the foreign holders of stock in the loans contracted by either of these States? Certainly not. Sir, I must confess I had little expected to see, on such an occasion as the present, a labored and repeated attempt to produce an impression on the public opinion, unfavorable to the bank, from the circumstance that foreigners are among its stockholders. I have no hesitation in saying that I deem such a strain of remark as the message contains, on this point, coming from the President of the United States, to be injurious to the credit and character of the country abroad; because it manifests a jealousy, a lurking disposition not to respect the property of foreigners invited hither by our own laws. And, sir, what is its tendency but to excite this jealousy, and create groundless prejudices?

From the commencement of the Government it has been thought desirable to invite, rather than to repel, the introduction of foreign capital. Our stocks have all been open to foreign subscriptions, and the State banks, in like manner, are free to foreign ownership. Whatever State has created a debt, has been willing that foreigners should become purchasers, and desirous of it. How long is it, sir, since Congress itself passed a law, vesting new powers in the President of the United States over the cities in this District, for the very purpose of increasing their credit abroad, the better to enable them to borrow money to pay their subscriptions to the Chesapeake and Ohio canal? It is easy to say that there is danger to liberty, danger to independence, in a bank open to foreign stockholders—because it is easy to say any thing. But neither reason nor experience proves any such danger. The foreign stockholder cannot be a director. He has no voice even in the choice of directors. His money is placed entirely in the management of the directors appointed by the President and Senate, and by the American stockholders. So far as there is dependence, or influence, either way, it is to the disadvantage of the foreign stockholder. He has parted with the control over his own property, instead of exercising control over the property or over the actions of others. And, sir, let it now be added, in further answer to this whole class of objections, that experience has abundantly confuted them all. This Government has existed forty-three years, and has maintained, in full being and operation, a bank, such as is now proposed to be renewed, for thirty-six years out of the forty-three. We have never

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for a moment had a bank not subject to every one of these objections. Always foreigners might be stockholders; always foreign stock has been exempt from State taxation, as much as at present; always the same power and privileges; always all that which is now called a "monopoly," a "gratuity," a "present," has been possessed by the bank. And yet there has been found no danger to liberty, no introduction of foreign influence, and no accumulation of irresponsible power in a few hands. I cannot but hope, therefore, that the people of the United States will not now yield up their judgment to those notions, which would reverse all our past experience, and persuade us to discontinue a useful institution, from the influence of vague and unfounded declamation against its danger to the public liberties. Our liberties, indeed, must stand upon very frail foundations, if the Government cannot, without endangering them, avail itself of those common facilities, in the collection of its revenues, and the management of its finances, which all other Governments, in commercial countries, find useful and necessary. In order to justify its alarm for the security of our independence, the message supposes a case. It supposes that the bank should pass principally into the hands of the subjects of a foreign country, and that we should be involved in war with that country, and then it exclaims, "what would be our condition?" Why, sir, it is plain that all the advantages would be on our side. The bank would still be our institution, subject to our own laws, and all its directors elected by ourselves: and our means would be enhanced, not by the confiscation and plunder, but by the proper use of the foreign capital in our hands. And, sir, it is singular enough, that this very state of war, from which this argument against a bank is drawn, is the very thing which, more than all others, convinced the country and the Government of the necessity of a national bank. So much was the want of such an institution felt in the late war, that the subject engaged the attention of Congress constantly, from the declaration of that war down to the time when the existing bank was actually established; so that, in this respect, as well as in others, the argument of the message is directly opposed to the whole experience of the Government, and to the general and long settled conviction of the country.

I now proceed, sir, to a few remarks upon the President's constitutional objections to the bank; and I cannot forbear to say, in regard to them, that he appears to me to have assumed very extraordinary grounds of reasoning. He denies that the constitutionality of the bank is a settled question. If it be not, will it ever become so, or what disputed question can be settled? I have already observed, that for thirty-six years out of the forty-three, during which the Government has been in being, a bank has existed, such as is now proposed to be continued.

As early as 1791, after great deliberation, the first bank charter was passed by Congress, and approved by President Washington. It established an institution, resembling, in all things now objected to, the present bank. That bank, like this, could take lands in payment of its debts; that charter, like the present, gave the States no power of taxation; it allowed foreigners to hold stock, it restrained Congress from creating other banks. It gave, also, exclusive privileges, and in all particulars it was, according to the doctrines of the message, as objectionable as that now existing. The bank continued twenty years. In 1816, the present institution was established, and has been ever since in full operation. Now, sir, the question of the power of Congress to create such institutions has been contested in every manner known to our constitution and laws. The forms of the Government furnish no new mode in which to try this question. It has been discussed over and over again, in Congress: it has been argued and solemnly adjudged in the Supreme Court; every President, except the present, has considered it a settled

question; many of the State Legislatures have instructed their Senators to vote for the bank; the tribunals of the States, in every instance, have supported its constitutionality; and, beyond all doubt and dispute, the general public opinion of the country has at all times given, and does now give, its full sanction and approbation to the exercise of this power as being a constitutional power. There has been no opinion questioning the power, expressed or intimated, at any time, by either House of Congress, by any President, or by any respectable judicial tribunal. Now, sir, if this practice of near forty years, if these repeated exertions of the power, if this solemn adjudication of the Supreme Court, with the concurrence and approbation of public opinion, do not settle the question, how is any question ever to be settled, about which any one may choose to raise a doubt? The argument of the message, upon the congressional precedents, is either a bold and gross fallacy, or else it is an assertion without proofs, and against known facts. The message admits that, in 1791, Congress decided in favor of a bank; but it adds that another Congress, in 1811, decided against it. Now, if it be meant that, in 1811, Congress decided against the bank on constitutional ground, then the assertion is wholly incorrect, and against notorious facts. It is perfectly well known that many members in both Houses voted against the bank in 1811, who had no doubt at all of the constitutional power of Congress. They were entirely governed by other reasons given at the time. I appeal, sir, to the honorable member from Maryland, [Mr. SMITH,] who was then a member of the Senate, and voted against the bank, whether he, and others who were on the same side, did not give those votes on other well known grounds, and not at all on the constitutional ground.

[Mr. SMITH here rose, and said that he voted against the bank in 1811, but not at all on constitutional grounds, and had no doubt such was the case with other members.]

We all know, sir, continued Mr. W., the fact to be as the gentleman from Maryland has stated it. Every man who recollects, or who has read the political occurrences of that day, knows it. Therefore, if the message intends to say that, in 1811, Congress denied the existence of any such constitutional power, the declaration is unwarranted—is altogether at variance with the facts. If, on the other hand, it only intends to say that Congress decided against the proposition then before it, on some other grounds, then it alleges that which is nothing at all to the purpose. The argument, then, either assumes for truth that which is not true, or else the whole statement is immaterial and futile. But, whatever value others may attach to this argument, the message thinks so highly of it, that it proceeds to repeat it. "One Congress," it says, "in 1815, decided against a bank; another, in 1816, decided in its favor. There is nothing in precedent, therefore, which, if its authority were admitted, ought to weigh in favor of the act before me." Now, sir, since it is known to the whole country, one cannot but wonder how it should remain unknown to the President, that Congress did not decide against a bank in 1815. On the contrary, that very Congress passed a bill for creating a bank by very large majorities. In one form, it is true, the bill failed in the House of Representatives, but the vote was reconsidered, the bill recommitted, and finally passed by a vote of one hundred and twenty to thirty-nine. There is, therefore, not only no solid ground, but not even any plausible pretence, for the assertion that Congress, in 1815, decided against the bank. That very Congress passed a bill to create a bank, and its decision, therefore, is precisely the other way, and is a direct practical precedent in favor of the constitutional power. What are we to think of a constitutional argument, which deals in this way with historical facts? When the message declares, as it does declare, that there is nothing in precedent which ought to weigh in favor of the

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power, it sets at naught repeated acts of Congress affirming the power, and it also states other acts which were, in fact, and which are well known to have been directly the reverse of what the message represents them. There is not, sir, the slightest reason to think that any Senate, or any House of Representatives, ever assembled under the constitution, contained a majority that doubted the constitutional existence of the power of Congress to establish a bank. Whenever the question has arisen, and has been decided, it has been always decided one way. The legislative precedents all assert and maintain the power; and these legislative precedents have been the law of the land for almost forty years. They settle the construction of the constitution, and sanction the exercise of the power in question so far as these ends can ever be accomplished by any legislative precedents whatever. But the President does not admit the authority of precedent. Sir, I have always found that those who habitually deny most vehemently the general force of precedent, and assert most strongly the supremacy of private opinion, are yet, of all men, most tenacious of that very authority of precedent whenever it happens to be in their favor. I beg leave to ask, sir, upon what ground, except that of precedent, and precedent alone, the President's friends have placed his power of removal from office. No such power is given by the constitution in terms, nor any where intimated throughout the whole of it; no paragraph or clause of that instrument recognises such a power. To say the least, it is as questionable, and has been as often questioned, as the power of Congress to create a bank; and, enlightened by what has passed under our own observation, we now see that it is, of all powers, the most capable of flagrant abuse. Now, sir, I ask, again, what becomes of this power, if the authority of precedent be taken away? It has all along been denied to exist, it is nowhere found in the constitution, and its recent exercise, or, to call things by their right names, its recent abuse, has, more than any other single cause, rendered good men either cool in their affections toward the Government of their country, or doubtful of its long continuance. Yet this power has precedent, and the President exercises it. We know, sir, that, without the aid of that precedent, his acts could never have received the sanction of this body, even at a time when his voice was somewhat more potential here than it now is, or, as I trust, ever again will be.

Does the President, then, reject the authority of all precedent, except what is suitable to his own purposes to use? And does he use, without stint or measure, all precedents which may augment his own power, or gratify his wishes? But if the President thinks lightly of the authority of Congress, in construing the constitution, he thinks still more lightly of the authority of the Supreme Court. He asserts a right of individual judgment on constitutional questions, which is totally inconsistent with any proper administration of the Government, or any regular execution of the laws. Social disorder, entire uncertainty in regard to individual rights and individual duties, the cessation of legal authority, confusion, the dissolution of free Government—all these are the inevitable consequences of the principles adopted by the message, whenever they shall be carried to their full extent. Hitherto it has been thought that the final decision of constitutional questions belonged to the supreme judicial tribunal. The very nature of free Government, it has been supposed, enjoins this: and our constitution, moreover, has been understood so to provide, clearly and expressly. It is true that each branch of the Legislature has an undoubted right, in the exercise of its functions, to consider the constitutionality of a law proposed to be passed. This is naturally a part of its duty, and neither branch can be compelled to pass any law, or do any other act, which it deems to be beyond the reach of its constitutional power. The President has the same right when a bill is presented for his approval;

for he is, doubtless, bound to consider, in all cases, whether such bill be compatible with the constitution, and whether he can approve it consistently with his oath of office. But when a law has been passed by Congress, and approved by the President, it is now no longer in the power, either of the same President, or his successors, to say whether the law is constitutional or not. He is not at liberty to disregard it; he is not at liberty to feel or to affect "constitutional scruples," and to sit in judgment himself on the validity of a statute of the Government, and to nullify it if he so chooses. After a law has passed through all the requisite forms; after it has received the requisite legislative sanction and the Executive approval, the question of its constitutionality then becomes a judicial question, and a judicial question alone. In the courts, that question may be raised, argued, and adjudged; it can be adjudged nowhere else.

The President is as much bound by the law as any private citizen, and can no more contest its validity than any private citizen. He may refuse to obey the law, and so may a private citizen; but both do it at their own peril, and neither of them can settle the question of its validity. The President may say a law is unconstitutional, but he is not the judge. Who is to decide that question? The judiciary, alone, possesses this unquestionable and hitherto unquestioned right. The judiciary is the constitutional tribunal of appeal, for the citizens, against both Congress and the Executive, in regard to the constitutionality of laws. It has this jurisdiction expressly conferred upon it: and when it has decided the question, its judgment must, from the very nature of all judgments that are final, and from which there is no appeal, be conclusive. Hitherto, this opinion, and a correspondent practice, have prevailed in America, with all wise and considerate men. If it were otherwise, there would be no government of laws; but we should all live under the government, the rule, the caprices of individuals. If we depart from the observance of these salutary principles, the Executive power becomes at once purely despotic; for the President, if the principle and the reasoning of the message be sound, may either execute, or not execute, the laws of the land, according to his sovereign pleasure. He may refuse to put into execution one law, pronounced valid by all the branches of the Government, and yet execute another, which may have been, by constitutional authority, pronounced void. On the argument of the message, the President of the United States holds, under a new pretence, a dispensing power over the laws, as absolute as was claimed by James the Second of England, a month before he was compelled to fly the kingdom. That which is now claimed for the President is, in truth, nothing less, and nothing else, than the old dispensing power asserted by the Kings of England in the worst of times—the very climax, indeed, of all the preposterous pretensions of the Tudor and the Stuart races.

According to the doctrines put forth by the President, although Congress may have passed a law, and although the Supreme Court may have pronounced it constitutional, yet it is, nevertheless, no law at all, if he, in his good pleasure, sees fit to deny its effect; in other words, to repeal and annul it. Sir, no President, and no public man, ever before advanced such doctrines in the face of the nation. There never was before a moment in which any President would have been tolerated in asserting such a claim to despotic power. After Congress has passed the law, and the Supreme Court has pronounced its judgment on the very point in controversy, the President has set up his own private judgment against its constitutional interpretation. It is to be remembered, sir, that it is the present law, it is the act of 1816, it is the present charter of the bank, which the President pronounces to be unconstitutional. It is no bank to be created, it is no law proposed to be passed; which he denounces; it is the

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law now existing, passed by Congress, approved by President Madison, and sanctioned by a solemn judgment of the Supreme Court, which he now declares unconstitutional, and which, of course, so far as it may depend on him, cannot be executed.

If these opinions of the President be maintained, there is an end of all law and all judicial authority. Statutes are but recommendations, judgments no more than opinions. Both are equally destitute of binding force. Such a universal power as is now claimed for him, a power of judging over the laws, and over the decisions of the tribunal, is nothing else than pure despotism. If conceded to him, it makes him, at once, what Louis the Fourteenth proclaimed himself to be, when he said, "I am the State."

The Supreme Court has unanimously declared and adjudged that the existing bank is created by a constitutional law of Congress. As has been before observed, this bank, so far as the present question is concerned, is like that which was established in 1791 by Washington, and sanctioned by the great men of that day. In every form, therefore, in which the question can be raised, it has been raised, and has been settled. Every process, and every mode of trial known to the constitution and laws, has been exhausted; and always, and without exception, the validity has been in favor of the law. But all this practice, all this precedent, all this public approbation, all this solemn adjudication directly on the point, is to be disregarded and rejected, and the constitutional power flatly denied. And, sir, if we are startled at this conclusion, our surprise will not be lessened when we examine the argument by which it is maintained.

By the constitution, Congress is authorized to pass all laws "necessary and proper" for carrying its own legislative powers into effect. Congress has deemed a bank to be "necessary and proper" for these purposes, and it has, therefore, established a bank. But although the law has been passed, and the bank established, and the constitutional validity of its charter solemnly adjudged, yet the President pronounces it unconstitutional, because some of the powers bestowed on the bank are, in his opinion, not necessary or proper. It would appear that powers which, in 1791 and 1816, in the time of Washington, and in the time of Madison, were deemed "necessary and proper," are no longer to be so regarded, and therefore the bank is unconstitutional. It has really come to this, that the constitutionality of a bank is to depend upon the opinion which one particular man may form of the utility or necessity of some of the clauses of its charter. If that individual chooses to think that a particular power contained in the charter is not necessary to the proper constitution of the bank, then the act is unconstitutional.

Hitherto it has always been supposed that the question was of a very different nature. It has been thought that the policy of granting a particular charter may be materially dependent on the structure, and organization, and powers of the proposed institution. But its general constitutionality has never before been understood to turn on such points. This would be making its constitutionality depend on subordinate questions, on questions of expediency, and questions of detail; upon that which one man may think necessary, and another may not. If the constitutional question were made to hinge on matters of this kind, how could it ever be decided? All would depend on conjecture, on the complexional feeling, on the prejudices, on the passions of individuals; or more or less practical skill, or correct judgment, in regard to banking operations, among those who should be the judges; on the impulse of momentary interest, party objects, or personal purposes. Put the question, in this manner, to a court of seven judges, to decide whether a particular bank was constitutional, and it might be doubtful whether they could come to any result, as they might well hold

very various opinions on the practical utility of many clauses of the charter.

The question, in that case, would be, not whether the bank, in its general frame, character, and objects, was a proper instrument to carry into effect the powers of the Government; but whether the particular powers, direct or incidental, conferred on a particular bank, were better calculated than all others to give success to its operations. For if not, then the charter would be unwarranted, according to this sort of reasoning, by the constitution. This mode of construing the constitution is certainly a novel discovery. Its merits belong entirely to the President and his advisers. According to this rule of interpretation, if the President should be of opinion that the capital of the bank was larger, by a thousand dollars, than it ought to be; or that the time for the continuance of the charter was a year too long; or that it was unnecessary to require it, under penalty, to pay specie; or needless to provide for punishing, as forgery, the counterfeiting of its bills; either of these reasons would be sufficient to render the charter, in his opinion, unconstitutional, invalid, and nugatory. This is a legitimate conclusion from the argument. Such a view of the subject has certainly never before been taken. This strain of reasoning has hitherto not been heard within the Halls of Congress, nor has any one ventured upon it before the tribunals of justice. The first exhibition, its first appearance, as an argument, is in a message of the President of the United States. According to that mode of construing the constitution, which was adopted by Congress in 1791, and approved by Washington, and which has been sanctioned by the judgment of the Supreme Court, and affirmed by the practice of near forty years, the question upon the constitutionality of the bank involves two inquiries: first, whether a bank, in its general character, and with regard to the general objects with which banks are usually connected, be, in itself, a fit means, a suitable instrument, to carry into effect the powers granted to the Government.

If it be so, then the second, and the only other question is, whether the powers given in a particular charter are appropriate for a bank. If they are powers which are appropriate for a bank, powers which Congress may fairly consider to be useful to the bank or the country, then Congress may confer these powers; because the discretion to be exercised in framing the constitution of the bank belongs to Congress. One man may think the granted powers not indispensable to the particular bank; another may suppose them injudicious, or injurious; a third may imagine that other powers, if granted in their stead, would be more beneficial; but all these are matters of expediency, about which men may differ; and the power of deciding upon them belongs to Congress. I again repeat, sir, that if, for reasons of this kind, the President sees fit to negative a bill, on the ground of its being inexpedient or impolitic, he has a right to do so; but remember, sir, that we are now on the constitutional question. Remember, that the argument of the President is, that because powers were given to the bank by the charter of 1816, which he thinks not necessary, that charter is unconstitutional. Now, sir, it will hardly be denied, or rather it was not denied or doubted before this message came to us, that, if there was to be a bank, the powers and duties of that bank must be prescribed in the law creating it. Nobody but Congress, it has been thought, could grant these powers and privileges, or prescribe their limitations. It is true, indeed, that the message pretty plainly intimates that the President should have been first consulted, and that he should have had the framing of the bill; but we are not yet accustomed to that order of things, in enacting laws, nor do I know a parallel to this claim, thus now brought forward, except that, in some peculiar cases in England, highly affecting the royal prerogatives, the assent of the monarch is necessary,

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before either the House of Peers or his Majesty's faithful Commons are permitted to act upon the subject, or to entertain its consideration. But supposing, sir, that our accustomed forms and our republican principles are still to be followed, and that a law creating a bank is, like all other laws, to originate with Congress, and that the President has nothing to do with it till it is presented for his approval, then it is clear that the powers and duties of a proposed bank, and all the terms and conditions annexed to it, must, in the first place, be settled by Congress. This power, if constitutional at all, is only constitutional in the hands of Congress. Any where else, its exercise would be plain usurpation. If, then, the authority to decide what powers ought to be granted to a bank belong to Congress, and Congress shall have exercised that power, it would seem little better than absurd to say that its act, nevertheless, would be unconstitutional and invalid, if, in the opinion of a third party, it had misjudged, on a question of expediency, in the arrangement of details. According to such a mode of reasoning, a mistake in the exercise of jurisdiction takes away the jurisdiction. If Congress decide right, its decision may stand; if it decide wrong, its decision is nugatory; and, whether its decision be right or wrong, another is to judge, although the original power of making the decision must be allowed to be exclusively in Congress. This is the end to which the argument of the message will conduct its followers. Sir, in considering the authority of Congress to invest the bank with the particular powers granted to it, the inquiry is not, and cannot be, how appropriate these powers are, but whether they be at all appropriate; whether they come within the range of a just and honest discretion; whether Congress may fairly esteem them to be necessary. The question is not, are they the fittest means, the best means, or whether the bank might not be established without them; but the question is, are they such as Congress, *bona fide*, may have regarded as appropriate to the end. If any other rule were to be adopted, nothing could ever be settled. A law would be constitutional to-day and unconstitutional to-morrow. Its constitutionality would altogether depend upon individual opinion, on a matter of mere expediency. Indeed, such a case as that is now actually before us. Mr. Madison deemed the powers given to the bank, in its present charter, proper and necessary. He held the bank, therefore, to be constitutional. But the present President, not acknowledging that the power of deciding on these points rests with Congress, nor with Congress and the then President, but, setting up his own opinions as the standard, declares the law now in being unconstitutional, because the powers granted by it are, in his estimation, not necessary and proper. I pray to be informed, sir, whether, upon similar grounds of reasoning, the President's own scheme for a bank, if Congress should do so unlikely a thing as to adopt it, would not become unconstitutional also, if it should so happen that his successor should hold his bank in as light esteem as he holds those established under the auspices of Washington and Madison.

If the reasoning of the message be well founded, it is clear that the charter of the existing bank is not a law. The bank has no legal existence; it is not responsible to Government; it has no authority to act; it is incapable of being an agent; the President may treat it as a nullity to-morrow, withdraw from it all the public deposits, and set afloat all the existing national arrangements of revenue and finance. It is enough to state these monstrous consequences, to show that the doctrine, principles, and pretensions of the message are entirely inconsistent with a Government of laws. If that which Congress has enacted be not the law of the land, then the reign of the law has ceased, and the reign of individual opinion has already begun.

The President, in his commentary on the details of the

existing bank charter, undertakes to prove that one provision, and another provision, is not necessary and proper; because, as he thinks, the same objects proposed to be accomplished by them might have been better attained in another mode; and, therefore, such provisions are not necessary, and so not warranted by the constitution. Does not this show that, according to his own mode of reasoning, his own scheme would not be constitutional, since another scheme, which probably most people would think a better one, might be substituted for it? Perhaps, in any bank charter, there may be no provisions which may be justly regarded as absolutely indispensable; since it is probable that, for any of them, some others might be substituted. No bank, therefore, ever could be established, because there never has been, and never could be, any charter, of which every provision should appear to be indispensable, or necessary and proper, in the judgment of every individual. To admit, therefore, that there may be a constitutional bank, and yet to contend for such a mode of judging of its provisions and details, as the message adopts, involves an absurdity. Any charter which may be framed may be taken up, and each power conferred by it successively denied, on the ground that, in regard to each, either no such power is "necessary or proper" in a bank, or, which is the same thing in effect, some other power might be substituted for it, and supply its place. That can never be necessary in the sense in which the message understands that term, which may be dispensed with; and it cannot be said that any power may not be dispensed with, if there be some others which might be substituted for it, and which would accomplish the same end. Therefore, no bank could ever be constitutional; because none could be established, which should not contain some provisions, which might have been omitted, and their place supplied by others. Mr. President, I have understood the true and well established doctrine to be, that after it has been decided that it is competent for Congress to establish a bank, then it follows that it may create such a bank as it judges, in its discretion, to be best, and invest it with all such power as it may deem fit and suitable; with this limitation, always, that all is to be done in the *bona fide* execution of the power to create a bank. If the granted powers are appropriate to the professed end, so that the granting of them cannot be regarded as usurpation of authority by Congress, or an evasion of constitutional restrictions under color of establishing a bank, then the charter is constitutional, whether these powers be thought indispensable by others or not, or whether even Congress deemed them absolutely indispensable, or only thought them fit and suitable; whether they are more or less appropriate to their end. It is enough that they are appropriate; it is enough that they suited to produce the effects designed; and no comparison is to be instituted, in order to try their constitutionality, between them and others which may be suggested. A case analogous to the present is found in the constitutional power of Congress over the mail. The constitution says no more than that "Congress shall have power to establish post offices and post roads;" and in the general clause, "all powers necessary and proper" to give effect to this. In the execution of this power, Congress has protected the mail, by providing that robbery of it shall be punished with death. Is this infliction of capital punishment unconstitutional? Certainly it is not, unless it be both "proper and necessary." The President may not think it necessary or proper; the law, then, according to the system of reasoning enforced in the message, is of no binding force, and the President may disobey it, and refuse to see it executed. The truth is, Mr. President, that if the general object, the subject-matter, properly belongs to Congress, all its incidents belong to Congress, also. If Congress is to establish post offices and post roads, it may, for that end, adopt one set of re-

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regulations or another; and either would be constitutional. So the details of one bank are as constitutional as those of another, if they are confined, fairly and honestly, to the purpose of organizing the institution, and rendering it useful. One bank is as constitutional as another bank. If Congress possess the power to make a bank, it possesses the power to make it efficient, and competent to produce the good derived by it. It may clothe it with all such power and privileges, not otherwise inconsistent with the constitution, as may be necessary, in its own judgment, to make it what Government deems it should be. It may confer on it such immunities as may induce individuals to become stockholders, and to furnish the capital; and since the extent of these immunities and privileges is matter of discretion, and matter of opinion, Congress only can decide it, because Congress alone can frame or grant the charter. A charter, thus granted to individuals, becomes a contract with them, upon their compliance with its terms. The bank becomes an agent, bound to perform certain duties, and entitled to certain stipulated rights and privileges, in compensation for the proper discharge of these duties; and all their stipulations, so long as they are appropriate to the object professed, and not repugnant to any other constitutional injunction, are entirely within the competency of Congress. And yet, sir, the message of the President toils through all the commonplace topics of monopoly, the right of taxation, the suffering of the poor, and the arrogance of the rich, with as much painful effort, as if one, or another, or all of them, had something to do with the constitutional question.

What is called the "monopoly," is made the subject of repeated rehearsal, in terms of special complaint. By this "monopoly" I suppose is understood the restriction contained in the charter, that Congress shall not, during the twenty years, create another bank. Now, sir, let me ask, who would think of creating a bank, inviting stockholders into it, with large investments, imposing upon it heavy duties, as connected with the Government, receiving some millions of dollars as a bonus, or premium, and yet retaining the power of granting, the next day, another charter, which would destroy the whole value of the first? If this be an unconstitutional restraint on Congress, the constitution must be strangely at variance with the dictates both of good sense and sound morals. Did not the first Bank of the United States contain a similar restriction? And have not the States granted bank charters, with a condition that, if the charter should be accepted, they would not grant others? States have certainly done so; and, in some instances, where no bonus or premium was paid at all, but from the mere desire to give effect to the charter, by inducing individuals to accept it, and organize the institution. The President declares that this restriction is not necessary to the efficiency of the bank; but that is the very thing which Congress and his predecessor in office were called on to decide, and which they did decide, when the one passed, and the other approved the act. And he has now no more authority to pronounce his judgment on that act, than any other individual in society. It is not his province to decide on the constitutionality of statutes which Congress has passed, and his predecessors approved.

There is another sentiment, in this part of the message, which we should hardly have expected to find in a paper which is supposed, whoever may have drawn it up, to have passed under the review of professional characters. The message declares that this limitation to create no other bank is unconstitutional, because, although Congress may use the discretion vested in them, "that they may not limit the discretion of their successors." This reason is almost too superficial to require an answer. Every one at all accustomed to the consideration of such subjects, knows that every Congress can bind its successors to the same extent that it can bind itself: the power

of Congress is always the same; the authority of law always the same. 'It is true we speak of the twentieth Congress, and the twenty-first Congress, but this is only to denote the period of time, or to mark the successive periodical elections of its members. As a politic body, as the legislative power of the Government, Congress is always continuous, always identical. A particular Congress, as we speak of it, for instance, the present Congress, can no further restrain itself from doing what it may chance to do at the next session, than it can restrain any succeeding Congress from doing what it may choose. Any Congress may repeal the act or law of its predecessor, if in its nature it be repealable, just as it may repeal its own act; and if a law, or an act, be irrevocable in its nature, it can no more be repealed by a subsequent Congress than by that which passed it. All this is familiar to every body. And Congress, like every other Legislature, often passes acts which, being in the nature of grants, or contracts, are irrevocable ever afterwards. The message, in a strain of argument which it is difficult to treat with ordinary respect, declares that this restriction on the power of Congress, as to the establishment of other banks, is a palpable attempt to amend the constitution by an act of legislation. The reason on which this observation purports to be founded, is, that Congress, by the constitution, is to have exclusive legislation over the District of Columbia; and when the bank charter declares that Congress will create no new bank within the District, it annuls this power of exclusive legislation! I must say that this reasoning hardly rises high enough to entitle it to a passing notice. It would be doing too much credit to call it plausible. No one needs to be informed that exclusive power of legislation is not unlimited power of legislation; and, if it were, how can that legislative power be unlimited that cannot restrain itself, that cannot bind itself by contract? Whether, as a Government, or as an individual, that being is fettered and restrained which is not capable of binding itself by ordinary obligation. Every Legislature binds itself whenever it makes a grant, enters into a contract, bestows an office, or does any other act or thing which is in its nature irrevocable. And this, instead of detracting from its legislative power, is one of the modes of exercising that power. And the legislative power of Congress over the District of Columbia would not be full and complete if it might not make just such a stipulation as the bank charter contains.

As to the taxing power of the State, about which the message says so much, the proper avenue to all it says, is, that the States possessed the power to tax any instrument of the Government of the United States. It was no part of their power before the constitution, and they derive no such power from any of its provisions. It is nowhere given to them. Could a State tax the coin of the United States at the mint? Could a State lay a stamp tax on the process of the courts of the United States, and on custom-house papers? Could it tax the transportation of the mail, or the ships of war, or the ordnance, or the munitions of war, of the United States? The reason that they cannot be taxed by a State, is, that they are means and instruments of the Government of the United States. The establishment of a bank, exempt from State taxation, takes away no existing right in a State. It leaves it all it ever possessed; but the complaint is, that the bank charter does not confer the power of taxation. This, certainly, though not new, (for the same argument was urged here,) appears to me to be a strange mode of ascertaining and maintaining State rights. The power of taxation is a sovereign power; and the President, and those who think with him, are of opinion, in a given case, that this sovereign right should be conferred on the States by an act of Congress. There is, if I mistake not, sir, as little compliment to State sovereignty, in this idea, as there is of sound constitutional doctrine. Sovereign rights, held

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under the grant of an act of Congress, present a proposition quite new in constitutional law.

The President himself even admits that an instrument of the United States ought not, as such, to be taxed by the States; yet he contends for such a power of taxing property connected with this instrument, and essential to its very being, as places its whole existence in the pleasure of the States. It is not enough that the States may tax all the property of their own citizens, wherever invested, or however employed. The complaint is, that the power of State taxation does reach so far as to take cognizance over persons out of the State, and to tax them, or a franchise, lawfully exercised under the authority of the United States. Sir, when did the power of the States, or indeed of any Government, go to such an extent as that? Clearly, never.

The taxing power of all communities is necessarily and justly limited to the property of its own citizens, and to the property of others, having a distinct local existence, as property within its jurisdiction; it does not extend to rights and franchises rightly exercised under the authority of other Governments, nor to persons beyond its jurisdiction. As the constitution has left the taxing power of the States as the bank charter leaves it, Congress has not undertaken either to take away, or to confer a taxing power; nor to enlarge, or to restrain it: if it were to do either, I hardly know which of all would be the least excusable.

I beg leave to repeat, Mr. President, that what I have now been considering are the President's objections not to the policy or expediency, but to the constitutionality of the bank; and not to the constitutionality of any new or proposed bank, but of the bank as it now is, and as it has long existed. If the President had declined to approve this bill because he thought the original charter unwisely granted, and the bank, in point of policy and expediency, objectionable or mischievous, and in that view only had suggested the reasons now urged by him, his argument, however inconclusive, would have been intelligible, and not, in its whole frame and scope, inconsistent with all well established first principles. His rejection of the bill, in that case, would have been, no doubt, an extraordinary exercise of power; but it would have been, nevertheless, the exercise of a power belonging to his office, and trusted by the constitution to his discretion. But when he puts forth an array of arguments, such as the message employs, not against the expediency of the bank, but against its constitutional existence, he confounds all distinctions, mixes questions of policy and questions of right together, and turns all constitutional restraints into mere matters of opinion. As far as its power extends, either in its direct effects, or as a precedent, the message not only unsettles every thing which has been settled, under the constitution, but would show, also, that the constitution itself is utterly incapable of any fixed construction, or definite interpretation; and that there is no possibility of establishing, by its authority, any practical limitations on the powers of the respective branches of the Government.

When the message denies, as it does, the authority of the Supreme Court to decide on constitutional questions, it effects, so far as the opinion of the President and his authority can effect, a complete change in our Government. It does two things: first, it converts a constitutional limitation of power into mere matters of opinion, and then strikes the judicial department, as an efficient department, out of our system. But the message by no means stops even at this point. Having denied to Congress the authority of judging what powers may be constitutionally conferred on a bank, and having erected the judgment of the President himself into a standard by which to try the constitutional character of such powers, and having denounced the authority of the Supreme Court, and decided finally on constitutional questions, the mes-

sage proceeds to claim for the President, not the power of approval, but the primary power, the power of originating laws. The President informs Congress that he would have sent them such a charter, if it had been properly asked for, as they ought to possess. He very plainly intimates that, in his opinion, the establishment of all laws, of this nature, at least, belongs to the functions of the Executive Government, and that Congress ought to have waited for the manifestation of the Executive will, before it presumed to touch the subject. Such, Mr. President, stripped of their disguises, are the real pretences set up in behalf of the Executive power in this most extraordinary paper.

Mr. President, we have arrived at a new epoch. We are entering on experiments with the Government and the constitution of the country, hitherto untried, and of fearful and appalling aspect. This message calls us to the contemplation of a future, which little resembles the past. Its principles are at war with all that public opinion has sustained, and all which the experience of the Government has sanctioned. It denies first principles. It contradicts truths heretofore received as indisputable. It denies to the judiciary the interpretation of law, and demands to divide with Congress the origination of statutes. It extends the grasp of Executive pretension over every power of the Government. But this is not all. It presents the Chief Magistrate of the Union in the attitude of arguing away the powers of that Government over which he has been chosen to preside; and adopting, for this purpose, modes of reasoning which, even under the influence of all proper feeling towards high official station, it is difficult to regard as respectable. It appeals to every prejudice which may betray men into a mistaken view of their own interests; and to every passion which may lead them to disobey the impulses of their understanding. It urges all the specious topics of State rights, and national encroachment, against that which a great majority of the States have affirmed to be rightful, and in which all of them have acquiesced. It sows, in an unsparing manner, the seeds of jealousy and ill-will against that Government of which its author is the official head. It raises a cry that liberty is in danger, at the very moment when it puts forth claims to power heretofore unknown and unheard of. It affects alarm for the public freedom, when nothing so much endangers that freedom as its own unparalleled pretences. This, even, is not all. It manifestly seeks to influence the poor against the rich. It wantonly attacks whole classes of the people, for the purpose of turning against them the prejudices and resentments of other classes. It is a State paper which finds no topic too exciting for its use; no passion too inflammable for its address and its solicitation. Such is this message. It remains, now, for the people of the United States to choose between the principles here avowed and their Government. These cannot subsist together. The one or the other must be rejected. If the sentiments of the message shall receive general approbation, the constitution will have perished even earlier than the moment which its enemies originally allowed for the termination of its existence. It will not have survived to its fiftieth year.

Mr. WHITE, of Tennessee, next rose, and addressed the Senate as follows:

Mr. President, pressed as we are for time, I must crave the indulgence of the Senate, while I attempt some answer to the matters urged by the Senator from Massachusetts to the message accompanying the bill now to be reconsidered.

I rejoice that, for once, we have a document from the present Chief Magistrate, acknowledged by the opposition to be frank, plain, and susceptible of only one interpretation. Heretofore, the common complaint from that quarter has been that his important communications were so worded as to be interpreted one way in one section of

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the country, and in a different way in another. Here it is admitted we have a document so worded, as to be understood every where alike. The honorable Senator thinks this frankness, on the part of the Chief Magistrate, ought to be met in a corresponding spirit by those who differ from him in opinion. Approving of this course, I shall endeavor to be equally as explicit, in what I propose to say, in answer to his argument.

The Senator thinks, if the charter of this bank is not renewed, ruin to the country is to be the consequence, because the bank must wind up all its concerns. This is nothing but the old argument used in 1811, when the then existing bank applied for a renewal of its charter. Distress to the community, and ruin to the country, were predicted by the advocates of the bank. The predictions were not verified. The capital employed in the bank was not annihilated. It still existed; and in loans to individuals, or in some other shape, it was applied to the uses of the community. Debtors sought and obtained accommodations elsewhere: as the notes of that bank were withdrawn from circulation, their places were supplied by specie, or the paper of local institutions, and little or no inconvenience was experienced; and such will be the case again, should the charter of this bank be allowed to expire in 1836. Debtors worthy of credit will obtain accommodations from either individuals or other banks, and discharge their dues to this; and as the notes of this bank disappear, their places will be supplied by specie, or the paper of other banks, and the mass of the community will, in a short time, hardly be sensible that the operation of winding up has been performed. We have been told that, in the valley of the Mississippi alone, there is due to this bank thirty millions of dollars, twenty millions for loans made, and ten millions for domestic bills of exchange. That the press occasioned by the collection of this debt will be too severe to be borne. The charter has almost four years yet to run, and then two years are allowed for collections, making nearly six years. How often have we been told during this session of the general prosperity of the country, and especially that part of it in the valley of the Mississippi. If these statements have any resemblance to the fact, it ought to be entirely within the power of these debtors, in five or six years, to adjust and pay whatever they may owe. I must repeat what I said on a former occasion: If these debts are real transactions, the adjustment of them will be a simple operation. The paper evidencing these debts will be paid at maturity; and let the bank be careful not to discount when the charter is near expiring, and the whole object will be accomplished. If the transactions are not real, but fictitious, and the paper discounted has assumed the appearance of business paper, for the purpose of obtaining permanent loans, in other words, standing accommodations, the sooner the truth is known, the better to all concerned. The community has a deep interest in this matter: false credit given to individuals by false appearances is an injury to society, and of no actual benefit to individuals; and the sooner such transactions are brought to a close, all the better; the fewer will be the number of sufferers.

If I am not very much mistaken, this opinion was, some years ago, advanced, in a report from the Secretary of the Treasury, whose opinions upon such a subject are entitled to the highest respect.

But, sir, if, when this bank has been in operation only fifteen or sixteen years, the debts have become so numerous, and so large, that we must, on these accounts, renew the charter, I must be allowed to ask, what will be the state of things at the end of thirty-five years? Will they not be much worse? Most certainly they will. What, then, do gentlemen mean? Do they intend that this charter shall become perpetual? That this company, foreigners and all, shall have this monopoly forever? If this be not their intention, I must ask the Senator from Massachu-

setts to tell us at what time the institution can be wound up, with less inconvenience, than at the expiration of the present charter. When will the debtors in the valley of the Mississippi be better able to pay, than when this charter expires? If the argument of the Senator proves any thing, it proves that this corporation ought to exist forever. Is any gentleman willing to avow this? I am decidedly opposed to it. Pay-day for these debtors must arrive some time; and it appears to me that the affairs of this bank can probably be closed, with less inconvenience to the community, at the expiration of this charter, than they can be fifteen years afterwards.

The Senator says, the President alleges that the application to renew the charter is premature, and thinks we ought not to be chided by him for acting on the subject, as he had directed the attention of the nation and of Congress to this subject, in his message of 1829, and in two succeeding messages.

Mr. President, to me it is obvious that the notice taken of the bank in those messages was not to recommend to Congress to act upon the subject, at either of the sessions when those messages was delivered; but, as the subject was esteemed of vital interest to the community, to turn the attention of all to it, at an early period, so that the opinion might be well matured upon it, when the charter was about to expire, and when it would become necessary to act upon it.

But if Congress ought now to act upon it, because the subject is brought before us by those messages, why was it not acted on at the sessions when these messages were delivered? Why not at the session in 1829? The Senator has answered the question with frankness. He has told us it is material that it should be known before the Presidential election, whether the President would sign the act renewing the charter or not; because, if he would not, he ought to be turned out, and another put in his place, who will; and as the election is to take place the succeeding fall, application for the renewal could not be longer delayed.

I thank the Senator for the candid avowal, that unless the President will sign such a charter as will suit the directors, they intend to interfere in the election, and endeavor to displace him. With the same candor I state that, after this declaration, this charter shall never be renewed with my consent.

Let us look at this matter as it is. Immediately before the election, the directors apply for a charter, which they think the President at any other time will not sign, for the express purpose of compelling him to sign contrary to his judgment, or of encountering all their hostility in the canvass, and at the polls. Suppose this attempt to have succeeded, and the President, through fear of his election, had signed this charter, although he conscientiously believes it will be destructive of the liberty of the people who have elected him to preside over them, and preserve their liberties, so far as in his power. What next? Why, whenever the charter is likely to expire hereafter, they will come, as they do now, on the eve of the election, and compel the Chief Magistrate to sign such a charter as they may dictate, on pain of being turned out and disgraced. Would it not be far better to gratify this moneyed aristocracy, to the whole extent at once, and renew their charter forever? The temptation to a periodical interference in our elections would then be taken away.

Sir, if, under these circumstances, the charter is renewed, the elective franchise is destroyed, and the liberties and prosperity of the people are delivered over to this moneyed institution, to be disposed of at their discretion, against this I enter my solemn protest.

The honorable Senator next adverts to what the President says on the constitutionality of this act, and animadvert on what is stated in relation to there being two precedents in Congress, where this power is asserted, and two

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in which it was denied; and then asserts that since the year 1791, when the first bank was chartered, Congress has never denied this power.

Mr. President, it appears to me that, whether the President can show any recorded vote, denying this power or not, the Senator ought not to be too severe upon the Executive for this mistake, if it be one. When a renewal of the charter was applied for in 1811, its constitutionality was argued, and ably argued, by those opposed to it, and the application was rejected. The bank then applied for time to wind up its business; the petition was referred to a committee who reported against the application, alleging that it was unconstitutional, and this report was concurred in. Afterwards, in 1815, when a bank charter was under consideration in the House of Representatives, a member from Massachusetts, in his place, then acting under the same high obligations which the President acts under, arguing against the charter, states expressly that the renewal of the charter had been refused because it was unconstitutional. The President, without doubt, has read this argument, and seen this resolution; and if he reposed confidence in these statements, and was thereby misled, which I suppose he was not, I submit to the honorable Senator whether, under such circumstances, he would not have been entitled to milder treatment from him, than he has received.

The attention of the Senate has been next called to that part of the message found in page six, in which the decisions of the Supreme Court are spoken of.

The honorable Senator argues that the constitution has constituted the Supreme Court a tribunal to decide great constitutional questions, such as this, and that, when they have done so, the question is put at rest, and every other department of the Government must acquiesce. This doctrine I deny. The constitution vests "the judicial power in a Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish." Whenever a suit is commenced and prosecuted in the courts of the United States, of which they have jurisdiction, and such suit is decided by the Supreme Court, as that is the court of the last resort, its decision is final and conclusive between the parties. But as an authority, it does not bind either the Congress or the President of the United States. If either of these co-ordinate departments is afterwards called upon to perform an official act, and conscientiously believe the performance of that act will be a violation of the constitution, they are not bound to perform it, but, on the contrary, are as much at liberty to decline acting, as if no such decision had been made. In examining the extent of their constitutional power, the opinion of so enlightened a tribunal as our Supreme Court has been, and I hope ever will be, will always be entitled to great weight; and, without doubt, either Congress or the President would always be disposed, in a doubtful case, to think its decisions correct; but I hope neither will ever view them as authority binding upon them. They ought to examine the extent of their constitutional powers for themselves; and when they have had access to all sources of information within their reach, and given to every thing its due weight, if they are satisfied the constitution has not given a power to do the act required, I insist they ought to refrain from doing it.

Suppose the House of Representatives to have passed an act on a given subject for a number of successive sessions, and from want of time the Senate had not acted on it, and the constitutionality of such an act to come before the Senate, would any member think those opinions of the House authorities by which he was bound? Certainly not. They would have due weight, and be respectfully considered, but disregarded in the decision made by the Senate, if shown to be incorrect. In principle there can be no difference between such cases and the judicial decisions. Suppose the President to recommend, never so

often, the passage of an act which he may think constitutional, would the Senate, the House of Representatives, or the courts, feel themselves bound by his opinions? I think not. Each co-ordinate department, within its appropriate sphere of action, must judge of its own powers, when called upon to do its official duties; and if either blindly follows the others, without forming an opinion for itself, an essential check against the exercise of unconstitutional power is destroyed. A mistake by Congress in passing an act, inconsistent with the constitution, followed by a like mistake by the Supreme Court, in deciding such act to be constitutional, might be attended with the most fatal consequences. Let each department judge for itself, and we are safe. If different interpretations are put upon the constitution by the different departments, the people is the tribunal to settle the dispute. Each of the departments is the agent of the people, doing their business according to the powers conferred; and where there is a disagreement as to the extent of these powers, the people themselves, through the ballot boxes, must settle it. The Senator, if I heard him correctly, has said that the President has asserted that the Supreme Court has no power to decide upon the constitutionality of an act of Congress. The gentleman has not attended to the message with his usual accuracy. No such opinion is advanced, but the contrary, that each department within its appropriate sphere of action has the right to judge for itself, and is not bound by the opinion of both, or either of the others; and this I incline to think is the correct constitutional view of the subject. The honorable Senator thinks the President entirely mistaken when he supposes Congress cannot deprive itself of some of its legislative powers. Let us for a few minutes attend to the view of this part of the subject presented by the message, and then examine its correctness.

The Congress is vested with exclusive legislative powers over the District of Columbia. It therefore has an undoubted power to establish, within the District, as many banks, with as much capital to each, as it chooses. By this charter, it is stipulated that Congress shall not establish any bank within the District, nor shall it increase the capital of existing banks. This the President thinks is unconstitutional. By this agreement, the present Congress, and its successors, are deprived of the powers of establishing any bank, no matter how pressing the public interest may require one. Congress by this agreement will have stripped itself of all power to legislate upon a subject during the existence of the charter, when the constitution had vested the most ample powers. Is this constitutional? Ought we to be bound by such an agreement for fifteen or twenty years, and permit the best interests of society to be sacrificed for the want of a power which the constitution has conferred, but which we have bartered away? The message supposes we are not at liberty to dispose of our legislative powers in this manner, and therefore this act is unconstitutional. This is certainly a very important point. If we make such an agreement, we ought to be bound by it; and yet I think cases might occur, in which we ought not to be, nor would we be, bound by any such agreement. The public safety, the public interest, might, long before the expiration of the charter, imperiously demand the establishment of one or more banks within the District, and I do not believe we can constitutionally deprive ourselves or our successors of the power to do so.

The Senator insists, in many cases, we derive our powers not from express grants, but by constructions, and asks how we acquire power to pass laws to hang those who rob the mail. He says it might be argued that fine and imprisonment would be sufficiently severe.

To this I answer, that when an express power is granted to Congress to accomplish a given object, and no means for its accomplishment are pointed out, there we must, by

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struction, have the necessary and appropriate means. In the case of the mail robber, we have the power to hang, and we have an undoubted power to carry the mail and deliver its contents safely, and unless those who violate it can be punished criminally, this granted power cannot be carried into effect; and as putting to death the man who will break open the mail and steal its contents is a necessary and appropriate means for preventing such a crime, Congress has the power thus to punish. But this is not to furnish a precedent for exercising the power to confer upon a bank created ostensibly for public and national purposes, a set of powers and privileges not in the least necessary or proper for enabling it to perform the duties to be required of it by the Government. The honorable Senator has wearied himself a good deal with a criticism upon the word "monopoly." He says it is used at least twenty times in this message, and never correctly. That the act only confers exclusive privileges, and the word monopoly means the sole power of trading. Mr. President, I do think upon this great subject the words of statesmen may be more profitably employed, and in close criticisms upon the definition of particular words; but I am content to take the Senator's definition, and insist it is appropriately used. The charter does grant the sole power of banking for fifteen years to this company. They, therefore, have the sole power of trading in the manner pointed out in that charter for the period of its duration. To make it a monopoly, the company should not have the exclusive right of trading in every thing; the sole right to carry on a particular branch of business is sufficient; and as this company is to have this sole or exclusive right, it appears to me the word is properly used. The honorable Senator fears much mischief will follow from the objections urged against foreigners owning stock in the bank, unless something shall be done to remove these erroneous impressions. He says we are interested in encouraging them to make loans for public purposes to the General and State Governments, and that heretofore it has been our policy to encourage them to hold property among us. Mr. President, this never has been our policy as to banks; the respective States have, and ought ever to have, the exclusive right to determine who shall hold lands within their limits. It has generally been, and probably will be, their policy to prevent aliens from acquiring lands within their limits. This policy of theirs, we have no constitutional power to interfere with. As to our public stocks, I think with the Senator, foreigners may not make loans to the Government, or purchase stock owned by our citizens. Much benefit may result from this, and we have no injury to fear. As to our public stocks, foreigners owning them can have no agency whatever in creating them, or managing them. At the end of each quarter, the Government pays the stipulated interest, and at the time agreed on discharges the principal. The holder of the stock, by no act of his, can make his profits more or less. But the case is not so as to bank stock. Although the foreigner can neither vote, nor be a director, yet he can in many instances have an indirect influence on the operations of the bank, and, by regulations, exchanges favorably for the bank and injuriously for our citizens, can increase the profits of the establishment, and thus benefit himself. Will any gentleman say he is of opinion the Barings, who own a million of stock, can have no influence on the profits to be made by this institution? I think not.

Some of the views taken in this message of the manner in which this stock may, and probably will be, managed by our own citizens and foreigners, are very forcible; as they strike my mind.

Under the old charter, the bank could not be taxed by the State Governments, according to the decision of the Supreme Court; but citizen stockholders might be taxed

by the States in which they reside for the stock which they hold. The assessors in Connecticut applied to the bank in that State for the names of the stockholders residing there. The names were not furnished, and the like application was made to the president of the principal bank, who, by the advice of counsel, returned a very polite answer, declining to give the names, as the bank could not lend their aid to enforce penalties against their stockholders. To remedy this mischief under the renewed charter, provision is made that the names of citizen stockholders shall be furnished. The President thinks that, under this renewed charter, the construction will be that the bank cannot be taxed, therefore you cannot tax foreigners; but that citizens may be taxed for the stock they own; therefore this stock will be worth one per cent. per annum more to the foreigner than to the citizen. That, with this inducement, foreigners will purchase out all the stock except enough to be left in the hands of a few citizens, who will have a power every year to elect themselves directors. That this company, thus formed of a few citizens, and foreign stockholders, will manage the institution for their own particular benefit in time of peace, and that in time of war it will possess a power dangerous to the Government itself. The honorable Senator says the message frequently repeats that the institution may be "dangerous" to our liberty, dangerous to our prosperity, &c.; that he can see nothing dangerous in it.

Mr. President, we must remember that, in case of a war, this bank, if in existence, must be our main dependence for raising money; and yet there is no provision by which it is bound to loan us one cent. Now, suppose it to have existed during the last war, and the stock to have been owned by British subjects and a few of our own citizens, and those citizens to have belonged to that sect in politics who were seeking to change our federal rulers—who thought it wicked to thank God for our victories upon either land or water—who had sent an embassy to this city to request the then President to resign: does any man believe the administration could have procured a loan for one cent? Those politicians, I am willing to suppose, were acting honestly; that they believed the war impolitic, unjust, and wicked, so much so that they would not aid it with their good wishes. Does any one suppose that they would not have held it treason against good morals to have loaned pecuniary aid? Surely they would. We must then have been without money, and without the means of obtaining any. Peace must have been made, and upon any terms dictated by the bank, or by the enemy.

I put, then, the question to the Senate—to the Senator from Massachusetts—to answer me if they can see no danger in this state of things.

The honorable Senator next recurs to that part of the message which speaks of the bonus. The President supposes that this is proof upon the face of the act, that more power and greater privileges are conferred than were necessary for the performance of the public business to be done by the bank. The Senator thinks this small affair is within a nut-shell, and that shell not worth cracking; that any one capable of taking the view of a statesman, would have seen that the other powers were necessary to make a bank of any use for public or private purposes.

Mr. President, I have endeavored to expand my mind so as to take this enlarged view of the subject, and what I find is, that the advocates of this bank, upon the plea that the bank is necessary for the fiscal concerns of the Government, wish, by construction, to acquire the power to create a bank; and, having thus possessed themselves of the power, wish to use it so as to confer powers not in any degree necessary for a bank to possess, to enable it to do all which the Government may wish to have done, but through which the stockholders may enrich themselves and their friends, and acquire an influence greater than the Government itself, and control all our political con-

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cerns in such manner as to gratify their ambition and promote their interests to any extent they may wish. In short, it appears to me that, in creating the bank, the pretence is, through it to do the public business; and as soon as created, the public business is a mere insignificant incident; and private emolument, without limit, is the main design.

But it is said we have the President's project for a bank. It is to be one without money, without credit, and to do no business.

Others, before the honorable Senator, have supposed the President to mean any sort of bank that could be most easily turned into ridicule. I do not know where the honorable member has seen the project of which he speaks. I have never seen or heard of any such thing from the President.

The Senator seems to suppose the President's fears upon the subject of the States not being allowed to impose a tax, entirely too great.

How stands this matter? The Supreme Court has decided that the States cannot tax the bank. This charter imposes no condition upon the bank that it shall pay any tax to any State, and provides a mode by which resident stockholders may be taxed for their stock. What, then, will be the construction under this renewed charter? No man can doubt it. As no provision is made, no tax can be collected. I hold that in every State where a branch is situated, that as the State laws must protect the persons who manage the affairs of this corporation, and must protect the property within their limits, it is strictly just that a reasonable tax should be paid for this protection.

All this might have been easily provided for. Although Congress cannot confer upon a State the power of taxation, it certainly can impose a condition upon this corporation that it shall pay a tax, or the charter be forfeited. As no such condition is imposed, the States must lose the tax, under the decision of the Supreme Court. I take the liberty of saying, further, that the reasoning in that case, if correct and carried out, will produce a class of persons exempt from taxation that would be highly inconvenient. The principle established is, that the bank is necessary for the Federal Government; that the State Government is an adversary power, and, if allowed the power to tax, could tax so heavily as to exclude the bank and branches from the States. Carry out the same principle, and you must exempt from State taxation the houses and other property of every federal officer of every grade. If the bank is necessary to the United States in an individual State, and that State cannot tax it, because it may by taxing exclude it, I ask, are not federal judges necessary; marshals, clerks, collectors, and a host of officers? Why shall the States tax them or their property? They may be taxed out of the States by this adversary power, and therefore they must be freed from taxation. I am not prepared to yield my assent to a doctrine leading to such a result. The President must be right in wishing to preserve for the States all the powers of taxation which they have not, in express terms, surrendered in the constitution. These are few. He says, imports and exports. The objects of taxation are only limited by their discretion. Persons and property of every description, real and personal, corporeal and incorporeal, with the exception mentioned, are, and of right ought to be, liable to State taxation; yet under this charter they will be deprived of it for want of some such provision as it was attempted to introduce here, and which was rejected.

The honorable member has alluded to that part of the message which speaks of the investigation of the bank being unwillingly yielded; and at the same time he says, as it does not allude to this branch of the Legislature, we cannot notice it.

Sir, is not the statement true? Was not the creation of a committee opposed? The bank had its agents here, no

doubt. Gentlemen of the House, confiding in the statements of the agent, thought the investigation useless, therefore they opposed it. It was unwillingly yielded. Who is blamed for this in the message? Not the House; not the members of the House. Let any candid mind examine the whole paragraph, and he must see it is those who applied for a renewal of the charter, and persisted in the application, after this limited and unsatisfactory examination. The honorable Senator thinks the message is unfortunate in ascribing to the patriots of the revolution the spirit of compromise, which ought not to be imitated. Mr. President, if the message did read as the Senator has read it, it would have been substantially correct. The leading patriots of the revolution were the leading men in framing and adopting the constitution; and it is the spirit of compromise which these men manifested in adopting the constitution we are called upon to imitate, not that displayed during the revolution in fighting the enemy. But the paragraph was misread by the Senator, no doubt unintentionally, and furnishes no color, when correctly read, for the criticism we have heard upon it. It has been argued that it is strange the message should intimate the Executive ought to have been called upon for a draught of the project of a bank.

I submit, Mr. President, that it is not at all strange. In every instance, heretofore, the bank projects have proceeded from the treasury; and so they ought. Although the bank established in General Washington's day may have been the best that could be devised, as things then were, yet the increase of population—numerous changes in almost every thing, might make it a very unsuitable plan at this time. The Secretary of the Treasury, whose duty it is to watch the finances of the country, and the operations of the bank, could better judge of the details proper for a bill, than any other officer; and now, as in time past, ought to have been consulted.

Mr. President, in submitting this message, one of the highest duties of the Chief Magistrate has been performed. Under peculiar and trying circumstances he has given his sentiments, plainly and frankly, as he believed his duty required.

When the excitement of the time in which we act shall have passed away, and the historian and biographer shall be employed in giving his account of the acts of our most distinguished public men, and comes to the name of Andrew Jackson; when he shall have recounted all the great and good deeds done by this man in the course of a long and eventful life, and the circumstances under which this message was communicated shall have been stated, the conclusion will be, that, in doing this, he has shown a willingness to risk more to promote the happiness of his fellow-men, and to secure their liberties, than by the doing of any other act whatever.

Mr. HOLMES followed in opposition to the message, and spoke some time, when the Senate took a recess till five o'clock in the afternoon; at which time it met, and resumed the subject of the veto message, when

Mr. EWING took the floor. He said he had thus far been an attentive listener to the discussion which the subject had elicited. In the progress of that discussion, his own views had been in many particulars anticipated. Some parts, however, of the message which, in his opinion, required examination, had been but briefly noticed, and others passed over in silence. To such of them, said Mr. E., as I deem the most important, I will now ask the attention of the Senate. But in this discussion I shall be brief—carefully avoiding, as far as may be, a repetition of the subjects already dwelt upon, and arguments already advanced.

This message contains the Executive condemnation of the Bank of the United States; a universal, unqualified, condemnation of all that it is, and all that Congress had proposed to make it. There is no objection, however un-

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founded, no argument, however unsound, which has been urged against this institution for years past, both in and out of this capitol, but are collected and thrown together here to make up this extraordinary paper. But its general merits have been already considered. The parts to which I would now more especially invite your attention, are found on the third page of the printed message, in which, after saying that "all the objectionable principles of the existing corporation, and most of its odious features, are retained without alleviation" in the bill under consideration, proceeds:

"The fourth section provides 'that the notes or bills of the said corporation, although the same be on the faces thereof respectively made payable at one place only, shall, nevertheless, be received by the said corporation at the bank, or at any of the offices of discount and deposit thereof, if tendered in liquidation or payment of any balance or balances due to said corporation, or to such office of discount and deposit, from any other incorporated bank.' This provision secures to the State banks a legal privilege in the Bank of the United States, which is withheld from all private citizens. If a State bank in Philadelphia owe the Bank of the United States, and have notes issued by the St. Louis branch, it can pay the debt with those notes; but if a merchant, mechanic, or other private citizen, be in like circumstances, he cannot, by law, pay his debt with those notes, but must sell them at a discount, or send them to St. Louis to be cashed. This boon conceded to the State banks, though not unjust in itself, is most odious; because it does not measure out equal justice to the high and the low, the rich and the poor. To the extent of its practical effect, it is a bond of union among the banking establishments of the nation, erecting them into an interest separate from that of the people: and its necessary tendency is to unite the Bank of the United States and the State banks in any measure which may be thought conducive to their common interests."

And this is one prominent objection to the bill extending the charter of the Bank of the United States, and one of the reasons for refusing it the sanction of the Executive! This bank, sir, with its present charter, has existed about fifteen years. During that period, its effects upon the country have been tried and tested. The present charter has faults and imperfections. Men of business, pursuing the various avocations of life in a state of society highly complicated, and in its various branches connected and intertwined in a thousand forms of combination, have, in that long period of time, felt all the good and all the evil it contained; but with all its good and all its evil, taken as a whole, it has proved highly beneficial to our country. That it has so, is certain from the united opinion of all men of business, and almost all the local banks in the United States, whose petitions for its renewal load your table—petitions, not of one place, or of one party, or one class of men, but of the people of all classes, all parties, and almost all sections of the Union—and generally in those petitions they call for an extension of the charter of the bank, without suggesting either variation or modification. Others do suggest existing evils, and ask for a modification which will remove them; but in no one, and from no quarter, do we hear it urged as a complaint that the notes of the bank, wherever payable, are not made a tender at all places for the payment of individual debts to the bank. Was it necessary, then, or was it proper, to insert such provision? Certainly not, unless some evil was to be avoided, or some good to be produced by it.

The present charter of the bank permits them to pay out and put in circulation, at any one of their branches, bills payable at any other branch. The bill before us restricts them, and requires that no notes of a denomination which constitutes currency shall be paid out or put in circulation which are not made payable at the place where they are so issued. If, then, an individual borrow money

at a branch, and agree to pay it at the same place, is it, I ask, necessary for his protection, or consistent with mercantile habits and principles, that he should be allowed, as a legal right, to tender in payment of this loan the notes of the person (or the bank) of whom he borrows, payable a thousand miles off? It may be just enough, once adopted as a rule of law; but it would be embarrassing in the extreme to the lender, and would compel him to diminish the amount of his loans in order to sustain his credit. But can any injury happen to the borrower by the want of such provision? Every individual who borrows at a bank knows when pay-day comes, and if he be provident, he prepares for it. Should the bank hold him to the strict law, and require him to pay in the notes of the branch, or specie, he has time to prepare himself with such funds as may suit his purpose, by exchanges, which are always easily effected. As, for example, a trader or mechanic at Cincinnati borrows money payable at that place, and he is required to pay in notes of that branch, or specie: now the notes that, under this charter, would circulate there, are those of Cincinnati, Louisville, and Pittsburg. If the debtor had one-third of the amount due in notes of each of those branches, and the bank at Cincinnati should refuse to receive any but its own notes, every man of business knows that an hour would be ample time to exchange to the amount of any moderate loan, and without a premium, for such funds as the branch could not refuse. But the supposition that this would ever be required by the bank, is perfectly idle. They have to deal with the people, and the good will of their customers is the source both of their convenience and their profit. It would be wanton folly in them to refuse notes of any of their branches in payment of the debts due them, whenever obtained by a borrower in the due course of business, and fairly offered for that purpose. They never have, that I have ever heard of, as yet, in the whole course of their business, and I presume they never will, unless their officers become insane, or an unexpected change in business should render it necessary for self-preservation. But compel them by law to do that which they now do voluntarily, and great mischief might follow. In the fluctuations of trade there will frequently be heavy drains upon the specie of our great commercial cities. In those cities flows from every part of the Union the paper of all the branches, brought there by traders as the funds easiest of transportation for the purchase of merchandise. There, too, the heaviest loans are made to individuals, and the amount becoming due to the bank, in a single day, is sometimes immense. Now, in this state of things, suppose one of these sudden and heavy pressures upon the money market in New York, and the Bank of the United States and the other banks in that city are drawn on at once for one or two millions of dollars of specie, and this bank compelled to receive the paper of remote branches in payment of debts, is it not obvious at once that they would bear the whole pressure, in the first instance, at least to the extent of all the notes of all the branches in the money market of the place? The Manhattan bank, for example, has \$100,000 of the paper of the remote branches, and wishes to make it available at once in specie: that bank would, through the medium of brokers, bid up a small premium in the bills on remote branches, for those payable at the branch in New York, and the debtors who were about to pay the money on their own notes would make the exchange and take the premium, and the Manhattan bank would return the notes of the branch in New York, and compel the payment of specie. Thus every sudden pressure would be cast wholly upon this institution, their business would be cramped, and their discounts limited, and no good or useful purpose whatever effected by it. So much as to the propriety of this extension of the general privilege of tender to individuals.

With respect to banks, the case is wholly different.

They are the rivals, not the customers, of this institution. If their jealousy should ever be excited against any; if they should, from any cause, attempt the oppression or overthrow of any interest in the country, it would be the local institutions, the other chartered banks in the United States; and it is against the possibility of such oppression that this fourth section was intended to guard.

Banks are essentially creatures of credit, no matter how safe and solvent they may be in fact; if they ever refuse payment of their engagements but for a single day, under circumstances where they are legally required, the public confidence is shaken, their credit is gone, and their ruin is complete.

Banks, too, are unlike individuals in this; they do not know what day or hour, or to what amount, they may be called on to redeem their notes. They cannot, therefore, be prepared, by a given day, to meet a given sum, which they know they must pay, and which is all that they must pay. But a heavy claim may come without a moment's notice, and must be paid within the day, or the credit of the bank is destroyed.

Again, sir, several branches may have a motive, and without this provision they would have the power to combine against a State bank to injure and oppress it, while they have neither the motive nor the power so to operate against individuals. I would instance the case of the three branches of Pittsburg, Cincinnati, and Louisville, the notes of all which circulate within the range of business of the Commercial bank of Cincinnati. They each of them receive the notes of that bank, and it receives theirs. Suppose that each of these branches has in its vaults \$30,000 of the notes of the Commercial bank, and that it has at the same time an equivalent amount of theirs. The two remote branches may, if they choose to do so, under the present charter, send all those notes to the Cincinnati branch for collection—this branch presents them at the Commercial bank and demands payment; they must take in exchange the 30,000 dollars of paper on the Cincinnati branch, but are not bound to take the 60,000 on the Pittsburg and Louisville branches. The Commercial bank might, therefore, be compelled to pay the balance of 60,000 dollars in specie, to its great injury, when equity required that not a dollar should be drawn. A case like this could not arise as to an individual. And was it not right to provide against this possible evil? And can it be that this provision is "most odious" to a wise Executive and an honest and intelligent people, because another provision, fraught with mischief, and productive of no good, has not also been inserted?

But this boon, it is said, is most odious, "because it does not measure out equal justice to the high and low, rich and poor." Now, sir, I cannot see the connexion of this conclusion, with any of the premises or arguments which precede it, if, indeed, it be intended as a conclusion. If it be an assertion, I can by no means admit its truth in point of fact. The rich and poor, in the capacity of borrowers, are certainly, in the provisions of this bill, placed upon the same footing precisely—all subject to the same obligations, and all having the same rights. But banking institutions, being particularly liable to danger, have had a shield thrown over them as a defence, which private borrowers, who are not exposed to the same danger, did not want, and, therefore, did not receive. But the "high and low, rich and poor," what does it mean as applied to the State institutions? The banks themselves are neither the one thing nor the other; but if it have any application at all, it must be to the stockholders in such bank. Now, sir, if it be true that the stockholders in our State banks are, as a body, richer than the borrowers from the Bank of the United States, it is a fact which I have yet to learn. The stock in those banks is generally held in small sums by men who have, during an active life, saved something for their old age; or by the widows and orphans of such

persons, deceased. The borrowers of the Bank of the United States are the young, the active, and the enterprising, who are using their talents and industry to rise in the world. Neither class, as compared with the other, is rich, and neither poor; and I know not upon what sound, statesmanlike principle an assertion or assumed conclusion of this kind could have found its place in this message.

But it is further said, and it is the last mischief discussed under this head, that the necessary tendency of this provision is "to unite the Bank of the United States and the State banks in any measure which may be thought conducive to their common interest."

There is but one possible mode in which this provision of the charter would produce the effect proposed, and that is by removing a source of controversy and discord between them, preventing future collisions, and enabling them to pursue more harmoniously the general objects of their creation; for unless strife and discord prevent it, all men and all institutions who possess an ordinary share of wisdom and foresight, will pursue that which is conducive to their interest; and if the same object be conducive to the interest of the whole people, or a whole class of incorporated institutions, they will, unless the predominance of evil passions prevent it, unite in its pursuit. This provision might have had the effect of removing causes of animosity between the national and State institutions, and have allayed or prevented the occurrence of hostile or unkindly feelings between those who directed them, and thus have enabled them to pursue their common interest without jealousy or collision, and by their united means to advance the common interests of our country. But I cannot, for myself, divine why the removal of a subject of discord between that and the State institutions should be made an objection fatal to the bill. This difficulty, if it be one, lies too deep for my intellect to fathom it. Surely the President did not intend to convey the idea that the Bank of the United States and the State banks would, by this provision, be induced "necessarily" to unite in oppressing the people. No man possessing ordinary intelligence could entertain an opinion of this kind, and, if not entertained, certainly it could not be intentionally advanced. Unite against the people! Why, sir, let this bank and the State bank settle their accounts with each other as they will, or let the law settle for them as it may, they are still, and always must be, rivals in trade, and their competition compels them, and must always compel them, to treat their customers not only with justice, but with courtesy; and no man in this age and nation will believe, let it be insinuated from what quarter it may, that a law compelling the Bank of the United States to receive the paper of the branches in payment from the State banks, will form a bond of union between them, and unite them against the people, on whose good will they both depend.

Passing from this subject, the message proceeds to say that

"The ninth section of the act recognises principles of worse tendency than any provision of the present charter.

"It enacts that 'the cashier of the bank shall annually report to the Secretary of the Treasury the names of stockholders who are not resident citizens of the United States, and, on the application of the treasurer of any State, shall make out and transmit to such treasurer a list of stockholders residing in, or citizens of such State, with the amount of stock owned by each.'"

This principle, so fraught with evil, is the right of the States to tax stockholders resident within their limits.

Now, sir, no right of this kind is, or could be, granted, nor is it professed to be granted by this bill. The ninth section furnishes the several States the means of knowing what stock is owned within their limits, and who are the proprietors, but it confers no rights upon the States—it gives them no power—it does not even suggest or intimate the use which the States may make of this information—

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and it is hardly a fair presumption that the States will so far abuse their information, that the merely telling them the secret will sap the liberties and destroy the prosperity of the commonwealth.

But, sir, the right of the States to tax the stock held in this bank by persons residing within their limits, has never been doubted. Many of the States have exercised it; and all have the power to do it, and to compel the stockholder, by various modes, generally that of arbitrary assessment, to disclose under oath the amount of stock which he owns. But the ninth section of this charter obviates that necessity, and it does nothing more. So much for the effect of this provision, which is said to be fraught with principles of such dangerous tendency. But a word more as to the principles which it does not recognise, but which, nevertheless, do exist in law.

I have said that the States have an undoubted right to tax the stockholders residing within their limits for all the stock which they hold in the Bank of the United States. The right of taxation, as to debts, contracts, stocks, every thing which is of intangible nature, (not issuing out of real estate,) and is, therefore, of no place, is determined by the domicile of the owner; it is supposed to exist there, and, if taxed at all, it is in the State or kingdom in which its owner resides. Take, for example, the case of a man resident in Virginia, loaning money to a citizen of Ohio. Could Ohio tax the lender in consequence of the loan? Certainly not. But the money in the hands of the borrower, dispose of it however he might—whether he retained it on hand, or converted it into property, or loaned it again—would become at once a subject of taxation in Ohio. It is the same between kingdoms as States; a long established principle of international law, never departed from in times of peace and amity: and even in war, confiscation, or the suspension of the rights of the creditor, and not taxation, is the usual resort against the credits of the alien enemy. But a word as to the justice of this principle, as applied to the Bank of the United States, and the policy of permitting the stock to be owned by foreigners.

The bonus of three millions of dollars, and the several burdens imposed by the bill, was the price which it was proposed should be paid by the bank for its privilege to exist, and loan money as a corporation. This was the medium sum in the judgment of those who had reflected on the subject; and every thing considered was about a just equivalent. This matter, however, I do not intend to discuss—suffice it that it was the price proposed for the privilege of the charter. The individual stockholders, then, must, in this bonus, pay an equivalent for vesting their money in the corporate joint stock concern; and, having done so, they ought to stand in every other respect upon precisely the same footing with individual money lenders—no better and no worse. If an individual residing in Boston send a hundred thousand dollars to his agent at Cincinnati, who lends it for him and in his name, the State of Ohio cannot, as I have already explained, tax the Bostonian on account of the loan. The State of Massachusetts may, but Ohio cannot, for the debt is drawn to the domicile of the lender, and is property there, and not in Ohio. So, if the lender resides in England, and loans his money in the United States, the same principle applies; we cannot tax him for the loan, but his own Government can. These are principles which we cannot alter, and keep within those rules which are respected by all civilized nations. Now, the same principles apply, in all their force, to stockholders in the Bank of the United States. They stand in the situation of lenders, and, having paid for the privilege of a corporate existence, are, all beyond the peculiar privilege so purchased, in effect, private money lenders, to the amount of their stock; and where is the hardship of all this? Ought we to complain that foreigners come here and lend their money or invest their capital? Does Pennsylvania complain that her canal stock

is purchased in England? Or does Ohio feel grieved that her stock is owned in New York, Philadelphia, and in London? No such thing. It is, of all others, that which advances our prosperity. They have capital which we want. We have industry, enterprise, and the means of applying capital, which they do not possess. It is, therefore, for the common benefit that the transfer should be made. It is true it would be better if we had this capital of our own, without paying interest; but, as we have it not, it is well that we can obtain it on favorable terms from other States, or from foreign nations. No one ever heard of any nation prohibiting its citizens from borrowing money of foreigners; and it would be equally absurd in us to prohibit ours from selling them stocks in our banks, or our public works.

Capital is, indeed, the great desideratum in our country; it is the want of it which disables us from competing with foreigners in many articles of manufacture, and all the capital which we have received, or shall receive, from England, or elsewhere abroad, and all the interest we pay them, is saved thrice told, in the products of our home industry, which it creates and sustains.

There is another clause in the third page of the message, to which I now ask the attention of the Senate.

“It has been urged as an argument in favor of rechartering the present bank, that the calling in its loans will produce great embarrassment and distress. The time allowed to close its concerns is ample; and if it has been well managed, its pressure will be light, and heavy only in case its management has been bad. If, therefore, it shall produce distress, the fault will be its own; and it would furnish a reason against renewing a power which has been so obviously abused. But will there ever be a time when this reason will be less powerful? To acknowledge its force, is to admit that the bank ought to be perpetual; and, as a consequence, the present stockholders, and those inheriting their rights as successors, be established a privileged order, clothed both with great political power, and enjoying immense pecuniary advantages, from their connexion with the Government.”

This whole clause is assumption, without argument or proof to sustain it. The question whether the time to close the concern of the bank is or is not ample, is one which depends upon a variety of circumstances, of which the most important are the amount of its loans, and ability of the individuals and of the country to pay those loans without serious pressure upon business, and consequent individual and public distress; but the message avers that if the management of the bank has been good, the pressure, on the withdrawal of its loans, will be light, and heavy only in case its management has been bad. It would seem, therefore, according to the ideas conveyed in the message, that the bank ought to have made no loans except to individuals who were full handed and always ready to pay; and that they should not have been liberal of their loans in any portion of the country where money was scarce, and the business and the enterprise of the people dependent on their capital to put it in motion. In other words, it were, according to the message, good management to loan to the rich who are full of capital, and can always pay, and to refuse to the poorer and more enterprising sections and citizens of our country, who borrow to create capital from the proceeds of their industry, aided by their loans. In this I differ from the message to the whole extent. This bank was little needed in that portion of our country where capital has been accumulating for ages, and therefore abounds. It was not wanted in Boston—they could do well enough without it in New York, Philadelphia, and Baltimore—but in the West, the younger sisters of our confederacy, Ohio, Kentucky, Indiana, Illinois, and Missouri, where the whole wealth of the people has sprung from small savings of the industry and enterprise of the present generation, who themselves

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entered and subjugated the wilderness, which they have covered with fruitful fields and flourishing villages. In these sections of our country, capital—accumulated capital—does not, and, in the very nature of things, cannot, exist; and there, of all places else, is there need of capital to sustain the enterprise and aid the industry of the people.

If the Bank of the United States was designed to confer all the benefit, in a national point of view, of which it was capable, this is exactly the portion of the country to which its liberal loans would have effected that object. By lending freely in this youthful section of our country, to the industrious, the honest, and the enterprising, who could apply the loans advantageously, so as to pay the interest and accumulate capital out of the residue of the profits, those who managed the concerns of this institution not only did wisely for the interest of the concern, but well for the general benefit of the nation. But these are, of all others, the loans which it is the most difficult to withdraw, without the pressure being severely felt; precisely for the reason that they were the loans, of all others, the most needed when made. It does not, therefore, appear to me to be true in fact, that if the bank cannot withdraw its business without injury to the country, it affords evidence of its mismanagement; but, on the contrary, it proves that it now ministers to the actual wants of the country; and when those wants cease to be supplied, and the fund is withdrawn, it will produce misery and distress. I, sir, am not the eulogist of the Bank of the United States, nor in any respect its especial friend. I am not, and have not been, its supporter, except so far as I have seen and felt its existence blended with the interests of my country, and more especially for the time being, with the vital interests of that portion of the country which I in part represent, and whose welfare I most especially regard; and I cannot look forward to the crisis which awaits that country without feelings of anxiety and alarm. If this institution is really to be prostrated, if it have now received its death blow, and is but to await and prepare for its final fall, the distress and ruin which it will occasion, rests not with the wealthy money holder, whose funds have found an investment in its stocks; if it did, and this were all, for him I would care little; but it must come with fatal and unbroken force upon the industry, the enterprise, the public prosperity, and the private comfort of the whole extended West.

I have already said that in that section of the Union we are without capital. The Bank of the United States, in pursuing its own interest, has done what motives of public spirit would have prompted. It loaned extensively where it found capital deficient, and the means of employing it abundant—and at this time we have in the valley of the Mississippi thirty millions of its funds invested and employed.

That the employment of that fund has brought with it public improvement and general prosperity, no one who has watched the progress of that section of the Union since the first establishment of the branches of this bank within its limits, can for a moment doubt. How steady and how rapid has been our advance, by the aid of this institution, and other concurring causes, from a state of financial and commercial depression, to one of almost unrivalled prosperity.

But, sir, the scene is now to be changed. If the days of this institution be numbered, every principle of self-protection must constrain it at once to prepare for its final termination. The capital of the stockholders, now invested in this bank, must be withdrawn, in order to seek another investment. Those who have its direction, must, therefore, as a matter of duty to their employers, call in their loans and issues, and prepare for its final withdrawal; and I now ask the attention of the Senate to its operation upon my own section of the Union, not with the hope of changing the opinion, or the course of any portion of that

minority who voted originally against the bill, and without whose aid our struggle here is fruitless and unavailing; but I speak that my own may be heard beyond these walls by those whom I represent, that they at least may know that I have not been blind to their interest, or unmindful of my duty towards them.

Sir, of the whole thirty millions loaned in the Western States, but one hundred and forty thousand two hundred dollars is owned as stock in that section of the country. All besides of the whole thirty millions must be, within the coming five years, collected and withdrawn from our circulation. But this is not all: there is owned by foreigners something more than eight millions of the stock of the bank. This sum can find, at this time, no other safe investment in our country. That eight millions must be shipped from our seaboard in gold and silver to the capitalists of Europe.

The withdrawal of that sum from the actual specie capital of our country must of itself cause a sensible pressure in the money market; and that pressure, though striking first on the commercial cities, will be felt throughout the Union, especially in the West, which has always maintained with them a constant and close connexion: for, sir, scarcely less quickly do the nerves in the animal frame carry sensation between the extremities and the brain, their common centre, than do the rapid lines of commercial intercourse bear the vibrations of money capital, the relation of demand and supply in the commercial world, from our cities, the centre and emporium of that commerce, to the extreme points of our Union. What man of business who has heard of a sudden claim on one of the commercial cities for a few millions of dollars, but has felt at once the extended pressure upon the remote point which he may have occupied? The transportation of this eight millions of specie, if it stood alone, and with the Bank of the United States to aid us, and break the force of the shock, we should feel, and sensibly feel, even to the farthest West.

But sensibly as this would be felt in common times, and under ordinary circumstances, it will be lost in the magnitude of the fiscal and commercial evils of which it must be but an attendant. In the first place, the issues of the Bank of the United States must cease. The man of business, whether engaged in the transportation of the produce of the country—the building and equipping of steamboats for the navigation of our waters—the improvement of our cities—the trade to Santa Fe—or the fur trade on the heads of the Mississippi, or the Northwest coast, finds at once the resources on which he relied to aid his enterprise, cut off—the fountain dried up at its very source. Next, in the whole extent of business, those to whom these funds, in the hands of the first adventurers, had furnished employment as laborers and artisans, or the farmers to whom it had supplied a cash market for the surplus produce of their fields, are thrown out of employment, and their products left on their hands, or sold for credit to the exporter, with all the vexations of delay in payment, and the risk of loss.

But the bank must not only cease its issues, it must withdraw its paper from circulation, and compel the payment of its loans; the thirty millions which we owe it in the West must be called in. All the paper of the Bank of the United States in circulation among us will make but a mere pittance of that sum. That must be, in the first place, all withdrawn; and how is the void to be filled? The Senator from Tennessee [Mr. WHITE] has said the State banks may increase their issues; but never was there a more egregious error. The State banks must, in self-defence, cease their loans and withdraw their issues also. Look for a moment at its operation: there is not, including the whole circulating medium—United States paper, the paper of the State banks, and specie—an amount large enough in the Western States to pay the

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debt which we owe that bank. All the embryo riches of the earth we have—every thing which constitutes the germ of great future wealth. It is inherent in our soil and population; but it requires time and means to develop and call it into being. But, sir, of money, gold and silver, and that which will at once command them, we have not in the whole country an amount sufficient to pay this debt. If the State banks enlarge their issues, to supply the pressing wants of the community, their paper, either at once, or after going a few short rounds of trade, must fall into the hands of the debtors of the Bank of the United States; they pay it in, in liquidation of their debts, and it is returned to the State banks, and specie drawn from their vaults, and exported from the country. Is not this, sir, the natural and necessary course of things? Surely it is; and it will be understood at once by the State institutions, which are solvent and wish to continue so; and they, too, must and will lock their counters against their customers, and withdraw their issues. Then follows a scene of calamity and suffering which we have once experienced in that section of the country, and with which I had hoped in God we should never have again been visited. I allude to the commercial revulsions which followed the close of the late war, the consequences of which were so heavily felt, and are still fresh in the recollection of us all.

The Bank of the United States must, then, withdraw its issues and call in its loans, or as much of them as the amount of money in the country will meet. As this medium disappears from among us, the property of every individual—land, houses, stock—the fruits of the earth—the labor of the farmer, the mechanic, and all the products of their labor, must go down, almost to nothing: still, for years, this debt will press heavier and heavier upon our resources. The man who owes the bank will have his debtors, and must press them in order to cast off the burden from himself. Suits, sales of property under the hammer by the officers of the law, come next in the progress of events—and this, sir, not upon the rich and purse-proud, the monopolist and the aristocratic son of fortune, to whom the President seems to think the bank is alone of importance, but upon the industrious farmer and mechanic, the bone and sinew of our republic, they who support the Government by their honest industry, and whom the rulers of our land ought, in all things, most carefully to guard. In this state of things the industrious poor would be in effect delivered over, bound hand and foot, to the voracious moneyed speculator. He who could come into the country in the midst of a scene like that which we once witnessed, and which is again at hand, armed with a few thousands of ready cash, might, if he had the hardness of heart to do it, buy himself a dukedom out of the farms of our industrious but ruined yeomanry.

But this is not all. You sap the morals at the same time you thus rudely shake the prosperity of a people. Their first resort will be to legislative aid, and relief laws follow, or, in other words, laws to prevent the collection of debts, (for what Legislature can withstand the appeals of a whole people suffering under a general visitation?) or if not that, the creation of a host of banks with fictitious capital, which may seem for a time to suspend the blow, but will make it fall the heavier at last. And then, instead of the safe and sound currency which we now enjoy, we shall again have a depreciated and worthless mass of trash, which will pass into the hands of the people, and there sink into nothing, leaving them to bear the loss. And at last, when the pressure becomes intolerable; when the father of a family who, but a brief space before, thought himself prosperous, rising in the world by his industry to a happy competence, and able to rear and educate and settle his children, sees at once, without any fault of his, his whole property stripped from him to pay a small debt, which, when it was contracted, was entirely within his means—

when his farm, his stock, his household goods, are, one after the other, passing from his hands, and hardly producing the cost of sale, few can withstand the temptation to fictitious sales, transfers fraudulent in law, and evasions generally leading on to high legal crime, ending at last in disgrace as well as ruin. Such are the scenes which we once have witnessed; with such are we again threatened: but their second coming, may Heaven in its mercies avert!

But, on the supposition that the evils which have been anticipated must flow from the present destruction of the United States' Bank, the President in this message inquires, "will there ever be a time when this reason will be less powerful?" and adds, "that to acknowledge its force is to admit that the bank ought to be perpetual."

Now, sir, I must confess I cannot see any clear and cogent reason why we should, at this day, look forward with anxiety to see the final destruction of this bank, any more than to see the ruin of any other of the institutions of our country. If advantages are enjoyed by the stockholders, and their possession of these advantages confer an equal benefit on the people, why should we wish to deprive them of a benefit from which the Government and the people all derive their share of blessing? And is it wise to hasten to do evil to them, with the perfect assurance before us that the evil will recoil with double force upon us who inflict it? I can answer for it, that the nation has no feeling of envy against the bank or its stockholders, or any desire to mar their prosperity.

But if it be essential that the bank should one day be put down, and that we should hazard our own prosperity for the purpose of destroying it, does wisdom dictate that the present time should be chosen, when it is certainly in our power to postpone the mischief to a distant day? Shall we rush at once upon a national calamity, because, perchance, it must hereafter come? This, sir, is not the principle by which we are governed in the affairs of common life, where plain, unsophisticated reason teaches us to grasp the good, and put far off the evil which is before us. Why, we know even now, while in the enjoyment of life, and health, and vigor, that sickness, and pain, and death necessarily await us; but it were folly and madness in us, or those who would counsel us, to wilfully waste at once our health, or destroy our being, because we cannot enjoy life and health forever. We know, too, if we reason from analogies of the past, that our rising republic, with all that gives it energy and grace—its power, its happiness, the freedom of its institutions, at some future day, far distant, I trust, must sink, too, into ruin, and share the fate of the empires and republics which have gone before it—for nothing human is made to endure forever.

Debemur morti nos, nostraque.

But should we, therefore, with rash impatience and a reckless hand, hurry our country and its institutions to its destruction? Sir, an argument like this is unworthy the high source from which it has emanated.

In casting my eyes over the message, I find much more on which I would wish to comment; but all else has been touched by other hands, and time admonishes me that I should have done. I have addressed you, sir, not in behalf of this institution; for, as such, and in the abstract, it has no special regard of mine, and none of my sympathies; but in behalf of my country, over whose interests, while here, I am bound to watch as an honest and faithful sentinel, and whose destinies are now so deeply involved in the fate of this institution, I have felt that without this last effort to avert the evil which I foresee, or give warning of its approach, my duty would not have been performed.

Mr. CLAYTON rose, he said, for the purpose of adding to what had been suggested by gentlemen who had gone before him in the debate, his own views of the true issue tendered by the President to the country in the

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message under consideration. It was not merely the question whether the present Bank of the United States should be rechartered, but whether any bank whatever should be established by the Government after the expiration of the act of Congress incorporating that institution.

This message contains, said Mr. C., two sentences which I will venture to predict will be artfully quoted in the coming contest, to prove the very reverse of the position which I have laid down, and to delude the people who are to decide this question as to the real opinions of the President in reference to the whole subject. We shall be told, sir, that, in the very first page of this document, the President has admitted that "a Bank of the United States is, in many respects, convenient for the Government, and useful to the people;" and that, on the twelfth page of the same paper, he has said "that a Bank of the United States, competent to all the duties which may be required by the Government, might be so organized as not to infringe on our own delegated powers, or the reserved rights of the States, I do not entertain a doubt." Without stopping to inquire for what purpose these declarations have been introduced into the message, we cannot but anticipate the uses to be made of them hereafter; and as it is of importance to the whole country that no false coloring should be given to the Executive opinion, by the use of these isolated passages, I will consume so much of your time as may be necessary to dispel the illusion they are calculated to create.

I repeat, then, sir, that, from the opinions of the President, as fully developed in this paper, it is not to be expected that during his administration, and while these sentiments remain unchanged, any bank whatever can be established by this Government; and to show it, I will content myself by referring to a few paragraphs in that part of his argument which labors to prove the present bank charter unconstitutional.

"On two subjects only does the constitution recognise in Congress the power to grant exclusive privileges or monopolies. It declares that 'Congress shall have power to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.' Out of this express delegation of power have grown our laws of patents and copyrights. As the constitution expressly delegates to Congress the power to grant exclusive privileges, in these cases, as the means of executing the substantive power 'to promote the progress of science and useful arts,' it is consistent with the fair rules of construction to conclude that such a power was not intended to be granted as a means of accomplishing any other end. On every other subject which comes within the scope of congressional power, there is an ever-living discretion in the use of proper means, which cannot be restricted or abolished without an amendment of the constitution. Every act of Congress, therefore, which attempts, by grants of monopolies, or sale of exclusive privileges for a limited time, or a time without limit, to restrict or extinguish its own discretion in the choice of means to execute its delegated powers, is equivalent to a legislative amendment of the constitution, and palpably unconstitutional."

Here, and elsewhere throughout the document, the grant of a charter to individuals for banking purposes is denounced as the "grant of a monopoly"—the "sale of exclusive privileges"—the "grant of exclusive privileges or monopolies," "equivalent to a legislative amendment of the constitution, and palpably unconstitutional." If a grant to one incorporated company be a monopoly, we must also consider as monopolies several grants to several such companies. Twenty such grants to twenty such companies are as much sales of exclusive privileges to them, as that which is the peculiar and present subject of the President's animadversion. This objection,

fatal to all charters by which private individuals are permitted to hold stock, could be obviated only by a grant of charters for banking purposes to all who ask them—a mode of avoiding the constitutional objection, not to be supposed to have entered into the imagination of him who informed us, in his message of 1829, that even the present bank had entirely failed in the great object of establishing a sound and uniform currency.

What manner of a national bank is that, sir, in which the people of our country are to be prohibited from holding stock? Another important feature of this project is disclosed on the ninth page of the message:

"The Government is the only 'proper' judge where its agents should reside and keep their offices, because it best knows where their presence will be 'necessary.' It cannot, therefore, be 'necessary' or 'proper' [that is, it is unconstitutional] to authorize the bank to locate branches where it pleases to perform the public service, without consulting the Government, and contrary to its will."

The inference is then distinctly drawn, that a bank, which can locate branches where it pleases, must be a bank "for other than public purposes"—or, in other words, that the power to establish two branches in any State, "without the injunction or request of the Government," is unconstitutional, because it is not necessary to the due execution of the powers delegated to Congress.

If any thing were wanted to demonstrate that the only bank to the existence of which the President will ever yield his assent, is that "Government bank founded on the revenues of the country," recommended in his former messages to Congress, we have it here. For it is in effect held by him that no bank can be constitutionally created over which the Executive is not to exercise absolute control. The "Government" must have the power at all times to locate branches where it pleases; and as the power to establish or create involves the power to destroy or remove, it must, of necessity, exercise the authority to withdraw those branches whenever, in the exercise of its discretion, such branches shall appear not "necessary" or "proper." By the word "Government," as here used, is meant the Executive alone, and by the Executive is meant the President. That is apparent from the whole context: Congress not being generally in session half the year, could not be alluded to as that "Government," without the injunction or request of which no branch bank ought to be established in the opinion of the President. It could not exercise the power. The fiscal concerns of the Government are entrusted to the Executive, in the absence of Congress, which is a body too unwieldy to manage their details, when it is in session, and (with deference to our dignity be it spoken) too ignorant of the practical science of banking to decide properly on the ten thousand questions which would enter into such a subject, were it divested of every political or party inducement to act improperly when its members shall be converted into bankers and bank directors. The plan disclosed as the only constitutional scheme is, to establish a bank as a "branch of the Treasury Department"—that department whose head or Secretary is, by constitutional construction, removable by the President alone at his pleasure. In this bank or "branch of the treasury," the funds of the nation—all the revenues of the Government, are to be kept by the Secretary, who, being a quasi president and cashier of the bank, can never "locate branches" or withdraw them, without the will of the President; and who, while in perfect subservience to the same will, is to check the issues of all the State banks, by refusing to take their notes in deposit and for exchange, or by accepting them at pleasure.

In order that the views expressed in the passages cited may be more distinctly understood, I quote the messages of the President for the years 1829 and 1830, which furnish the soundest commentaries on that before us, and

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exhibit to us fully that plan of a bank which, as we have already seen, can have no stockholders, lest exclusive privileges should be granted, and the branches of which are to be located when and where the Executive may direct.

In the message of 1829, the President thus introduces the subject to Congress:

"The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles, and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too soon present it to the deliberate consideration of the Legislature and the people. Both the constitutionality and the expediency of the law creating this bank are well questioned by a large portion of our fellow-citizens; and it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency.

"Under these circumstances, if such an institution is deemed essential to the fiscal concerns of the Government, I submit to the wisdom of the Legislature whether a national one, founded upon the credit of the Government and its revenues, might not be devised, which would avoid all constitutional difficulties, and, at the same time, secure all the advantages to the Government and country that were expected to result from the present bank."

In this message, the favorite, and, to the view of the President, the only constitutional project of a Government bank is very respectfully submitted to the wisdom of Congress, although, in the veto message under consideration, Congress is lectured because it did not submit the matter to the Executive before it dared to act. In the message of 1829, the Government bank is suggested as one that would avoid all constitutional difficulties. In the veto message of 1832, all other banks are pronounced to be unconstitutional: first, because they have stockholders, and therefore are grants of exclusive privileges; and, secondly, because they are not under the sole guidance and control of the Executive.

The President, in his message of 1830, is still more explicit.

"The importance of the principles involved in the inquiry whether it will be proper to recharter the Bank of the United States, requires that I should again call the attention of Congress to the subject. Nothing has occurred to lessen in any degree the dangers which many of our citizens apprehend from that institution, as at present organized. In the spirit of improvement and compromise which distinguishes our country and its institutions, it becomes us to inquire whether it be not possible to secure the advantages afforded by the present bank, through the agency of a Bank of the United States, so modified in its principles and structure as to obviate constitutional and other objections. It is thought practicable to organize such a bank, with the necessary officers, as a branch of the Treasury Department, based on the public and individual deposits, without power to make loans or purchase property, which shall remit the funds of the Government, and the expenses of which may be paid, if thought advisable, by allowing its officers to sell bills of exchange to private individuals at a moderate premium. Not being a corporate body, having no stockholders, debtors, or property, and but few officers, it would not be obnoxious to the constitutional objections which are urged against the present bank; and having no means to operate on the hopes, fears, or interests of large masses of the community, it would be shorn of the influence which makes that bank formidable. The States would be strengthened by having in their hands the means of furnishing the local paper currency through their own banks; while the Bank of the United States, though issuing no paper, would check the issues of the State banks,

by taking their notes in deposit and for exchange, only so long as they continue to be redeemed with specie. In times of public emergency, the capacities of such an institution might be enlarged by legislative provisions."

We see, then, why all other banks except this Government bank are held to be unconstitutional. The reasons for which the Government bank is considered as the only constitutional compromise to which the President can accede, are,

First, because it is not to be a corporate body. Of course it is not liable before any court, should it violate its duties, trample the State laws under foot, and prostitute itself to every political and ambitious design of the President, who would hold it in his power as absolutely as the very pen with which he signed this message. Wielding the immense revenues of the whole country, more than twenty millions annually, and vested with all the additional power which the whole credit of the nation could confer, it would, at the same time, stand above every law to the enforcement of which a judicial tribunal should be requisite.

Secondly, because it is to have no stockholders; of course, no countervailing check to Executive influence is to be suffered to exist in the patriotism or interest of the people.

Thirdly, because it is to have no debtors; and consequently it is no part of its design to relieve the commercial embarrassments of the country during any of those fluctuations in trade which will often occur in any community. It is to furnish no relief to distress under any circumstances, and still it is to be a benefit to the poor.

Fourthly, because it is to have no property. By this is meant that it shall hold nothing but money. The same idea is thus enforced in the veto message:

"The Government of the United States have no constitutional power to purchase lands within the States, except 'for the erection of forts, magazines, arsenals, dock yards, and other needful buildings,' and even for these objects only 'by the consent of the Legislature of the State in which the same shall be.' By making themselves stockholders in the bank, and granting to the corporation the power to purchase lands for other purposes, they assume a power not granted in the constitution, and grant to others what they do not themselves possess. It is not necessary to the receiving, safe keeping, or transmission of the funds of the Government, that the bank should possess this power; and it is not proper that Congress should thus enlarge the powers delegated to them in the constitution."

Of course, if it receives the notes of a State bank in payment of the revenue, which should become insolvent, or whose paper should depreciate, it can take no land or other property in compromise of the debt.

Another feature of this Government bank is, that it is to have no loans, and issue no paper. Yet it is to accomplish what it is said by the President even the present bank has failed to achieve—the establishment of a uniform and sound currency. A thousand State banks, emitting a thousand different kinds of paper, in different parts of the whole country, with different degrees of credit attached to them, are thus to "furnish the local paper currency," which is to be uniform. Stock, note, and paper banks, springing up as they did in 1812, and after the expiration of the charter of the old Bank of the United States, in every part of our immense territory, are to form for us a sound currency. Such have been the views of the President, since December, 1829, to this day, of a Bank of the United States. At every period, under any and all circumstances, he holds no bank to be constitutional, but such as I have described. Thus, in his message at the commencement of the present session, he maintains the same views, and puts himself upon the country for a verdict in his favor while he expresses them:

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"Entertaining the opinions heretofore expressed in relation to the Bank of the United States as at present organized, I felt it my duty, in my former messages, frankly to disclose them, in order that the attention of the Legislature and the people should be seasonably directed to that important subject, and that it might be considered and finally disposed of in a manner best calculated to promote the ends of the constitution, and subserve the public interests. Having thus conscientiously discharged a constitutional duty, I deem it proper, on this occasion, without a more particular reference to the views of the subject then expressed, to leave it for the present to the investigation of an enlightened people and their representatives."

I put it solemnly, now, to honorable men of all parties and opinions, to be answered in candor at this crisis in our affairs, what is this scheme, this only constitutional scheme of a national bank? What were the features of that bank, than which there is no other which can obtain the Executive sanction? It is, sir, that plan of a Government bank which has been denounced by every other intelligent man, of every political party, in every part of the country. No one—not the most zealous political partisan—not even a single ribald editor, seeking office, has ever yet dared to stand up in the face of the country, and proclaim the opinion that such a bank could be tolerated in a free country. Both in and out of these Halls such a scheme has been ridiculed by men of all parties. The Committee of Ways and Means of the other House, composed of his strongest political friends, in the first year of his administration, in their report on this part of the President's message of 1829, speaking of the "corrupting influence which such an institution would exercise over the elections of the country," declared it to be "irresistible," and added, "No matter by what means an administration might get into power, with such a tremendous engine in their hands, it would be almost impossible to displace them without some miraculous interposition of Providence."

I ask, what is to be done for the country? All thinking men must now admit that, as the present bank must close its concerns in less than four years, the pecuniary distress, the commercial embarrassments, consequent upon its destruction, must exceed any thing which has ever been known in our history, unless some other bank can be established to relieve us. Eight and a half millions of the bank capital, belonging to foreigners, must be drawn from us to Europe. Seven millions of the capital must be paid to the Government, not to be loaned again, but to remain, as the President proposes, deposited in a branch of the treasury, to check the issues of the local banks. The immense available resources of the present institution, amounting, as appears by the report in the other House, to \$82,057,483, are to be used for banking no longer, and nearly fifty millions of dollars in notes discounted, on personal and other security, must be paid to the bank. The State banks must pay over all their debts to the expiring institution, and curtail their discounts to do so, or resort, for the relief of their debtors, to the old plan of emitting more paper, to be bought up by speculators at a heavy discount. The prediction of Mr. Lowndes in 1819 must be fulfilled, "That the destruction of the United States' Bank would be followed by the establishment of paper money, he firmly believed; he might also say he knew. It was an extremity, he said, from which the House would recoil." The farmer must again sell his grain to the country merchant for State bank paper at a discount of from ten to twenty, or even thirty per cent. in the nearest commercial city. The merchant must receive from the farmer the same paper in exchange for all the merchandise he consumes. The merchant with his money must purchase other merchandise in the cities, and must often sell it, at an advance on that price,

to the farmer, of twenty per cent. to save himself from loss.

The depreciation of the paper thus operates as a tax on the farmer, the mechanic, and all the consumers of merchandise, to its whole amount. The loss of confidence among men, the total derangement of that admirable system of exchanges which is now acknowledged to be better than exists in any other country on the globe, overtrading and speculation on false capital in every part of the country, that rapid fluctuation in the standard of value for money, which, like the unseen pestilence, withers all the efforts of industry, while the sufferer is in utter ignorance of the cause of his destruction; bankruptcies and ruin, at the anticipation of which the heart sickens, must follow in the long train of evils which are assuredly before us. Where, then—where, then, I demand to know, sir, is the remedy to save us? In a Government bank—a branch of the treasury—without stock holders or property—without the power to issue a dollar of paper, or to loan a dollar of any kind—without the ability to deal in exchanges, except so far as may be necessary to pay its officers for standing behind the counter—controlling the State bank emissions of unsound currency only by refusing to take their notes in payment of the custom-house bonds when the Executive may think them about to prove refractory at an election.

To such a bank no Congress ever did nor ever will consent while we remain free men. I say, then, sir, that while these remain the opinions of the President, this Government can establish no bank whatever.

The veto message before us does also prescribe, as an indispensable requisite to the formation of a constitutional bank, the insertion of a clause in any act for its establishment, granting to the States the right to tax the branches. All around me know, and the President well knew when he signed this, that Congress will never give their assent to such a principle—a principle by which the people of States which have no branches are to be taxed by States having branches. For that reason, also, I repeat, we can have no bank. Let the country understand it.

The President complains of us as if we had really invaded his privileges in omitting to ask his opinion, before we dared to act on this subject. He not only claims the right to reject our bill when passed, but tells us roundly that had the Executive been called upon to furnish the project of a bank, he does not doubt but he could have directed us how to make a constitutional bank; and he adds "this duty would have been cheerfully performed by him." What duty? The duty of prescribing the whole course of our legislation, while he reserves the right to reject it, when we have done it. When we wished to ask him the reasons for the removal of public officers, we were told that our demand on him would be a mere *brutum fulmen* which he would disregard. When we desired to know even of one of the heads of department why he had removed a thousand faithful public servants, his friends suppressed all inquiry into his conduct, lest it might disclose impeachable matter. When we knock, we find the doors locked; when we fail to knock, we are censured for neglect of duty. Sir, we did put this question to the President in the mode prescribed by the constitution, and in no other. We passed a bill liable to no objection from constitutional scruples, as we thought; we restricted the powers of the present bank in every provision of the bill, diminished the term of its charter from twenty to fifteen years, while we increased the amount of tax upon it from a million and a half (the former bonus) to three millions of dollars. We complied, as we thought, with every proper suggestion of the Secretary of the Treasury, the Executive officer, and the only officer whose duty it was by law to advise us on the subject, and who at the beginning of this session told us how important it was to recharter this very bank to enable him to collect the reve-

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nue and conduct the fiscal concerns of the Government. Yet we are gravely taxed for not asking "the Executive" what we should have done, and are reminded that it was his duty not only to reject our doings, but to legislate in advance of us—thus leaving us only to register his rescripts and submit to his will. If this doctrine be sound, it was idle to speak of "submitting this measure to the wisdom of Congress" three years ago. The President had need only to have declared to us *sic volo, sic jubeo, sic vult*, and we might at once have returned to our homes. Sir, it would have been an infinitely more unimportant usurpation of power had the Senate, at the commencement of the present session, claimed it as their duty to inform the President what officers he should nominate for their advice and consent.

I should not have prolonged this debate at this late hour, by any remarks of mine, had I not felt the necessity of calling the attention of the Senate and the country to the true issue now tendered for our acceptance. The question once understood—whether we shall have any bank to regulate our currency and relieve our distresses, I cannot doubt—I will not suffer myself to doubt—what will be the verdict of that country on the issue joined.

Mr. CLAY next took the floor, but, it being late, he moved an adjournment, and, at eight o'clock, the Senate adjourned.

THURSDAY, JULY 12.

THE BANK VETO.

The Senate having resumed the consideration of the veto message of the President,

Mr. CLAY rose. He said he had some observations to submit on this question, which he would not trespass on the Senate in offering, but that it had some command of leisure, in consequence of the conference which had been agreed upon in respect to the tariff.

A bill to recharter the bank had recently passed Congress, after much deliberation. In this body, we know that there are members enough, who entertain no constitutional scruples, to make, with the vote by which the bill was passed, a majority of two-thirds. In the House of Representatives, also, it is believed there is a like majority in favor of the bill. Notwithstanding this state of things, the President has rejected the bill, and transmitted to the Senate an elaborate message, communicating at large his objections. The constitution requires that we should reconsider the bill, and that the question of its passage, the President's objections notwithstanding, shall be taken by yeas and nays. Respect to him, as well as the injunctions of the constitution, require that we should deliberately examine his reasons, and reconsider the question.

The veto is an extraordinary power, which, though tolerated by the constitution, was not expected by the convention to be used in ordinary cases. It was designed for instances of precipitate legislation, in unguarded moments. Thus restricted, and it had been thus restricted by all former Presidents, it might not be mischievous. During Mr. Madison's administration of eight years, there had occurred but two or three cases of its exercise. During the last administration, I do not now recollect that it was once. In a period little upwards of three years, the present Chief Magistrate has employed the veto four times. We now hear quite frequently, in the progress of measures through Congress, the statement that the President will veto them, urged as an objection to their passage.

The veto is hardly reconcilable with the genius of representative Government. It is totally irreconcilable with it, if it is to be frequently employed in respect to the expediency of measures, as well as their constitutionality. It is a feature of our Government borrowed from a prerogative of the British King. And it is remarkable

that in England it has grown obsolete, not having been used for upwards of a century. At the commencement of the French revolution, in discussing the principles of their constitution, in the National Convention, the veto held a conspicuous figure. The gay, laughing population of Paris bestowed on the King the appellation of *Monsieur Veto*, and on the Queen that of *Madame Veto*. The convention finally decreed that if a measure rejected by the King should obtain the sanction of the two concurring Legislatures, it should be a law, notwithstanding the veto. In the constitution of Kentucky, and perhaps in some other of the State constitutions, it is provided that if, after the rejection of a bill by the Governor, it shall be passed by a majority of all the members elected to both Houses, it shall become a law, notwithstanding the Governor's objections. As a co-ordinate branch of the Government, the Chief Magistrate has great weight. If, after a respectful consideration of his objections urged against a bill, a majority of all the members elected to the Legislature shall still pass it, notwithstanding his official influence and the force of his reasons, ought it not to become a law? Ought the opinion of one man to overrule that of a legislative body twice deliberately expressed?

It cannot be imagined that the convention contemplated the application of the veto to a question which has been so long, so often, and so thoroughly scrutinized, as that of the Bank of the United States, by every department of the Government, in almost every stage of its existence, and by the people, and by the State Legislatures. Of all the controverted questions which have sprung up under our Government, not one has been so fully investigated as that of its power to establish a Bank of the United States. More than seventeen years ago, in January, 1815, Mr. Madison then said in a message to the Senate of the United States: "Waiving the question of the constitutional authority of the Legislature to establish an incorporated bank, as being precluded, in my judgment, by repeated recognitions, under varied circumstances, of the validity of such an institution, in acts of the legislative, executive, and judicial branches of the Government, accompanied by indications, in different modes, of a concurrence of the general will of the nation." Mr. Madison, himself opposed to the first Bank of the United States, yielded his own convictions to those of the nation, and all the departments of the Government thus often expressed. Subsequent to this true, but strong statement of the case, the present Bank of the United States was established, and numerous other acts of all the departments of the Government, manifesting their settled sense of the power, have been added to those which existed prior to the date of Mr. Madison's message.

No question has been more generally discussed, within the last two years, by the people at large, and in State Legislatures, than that of the bank; and this consideration of it has been prompted by the President himself. In his first message to Congress, (in December, 1829,) he brought the subject to the view of that body and the nation, and expressly declared that it could not, for the interests of all concerned, be "too soon" settled. In each of his subsequent annual messages, in 1829 and in 1831, he again invited the attention of Congress to the subject. Thus, after an interval of two years, and after the intervention of the election of a new Congress, the President deliberately renews his recommendation to consider the question of the renewal of the charter of the Bank of the United States. And yet his friends now declare the agitation of the question to be premature! It was not premature in 1829 to present the question, but it is premature in 1832 to consider and decide it!

After the President had directed public attention to this question, it became not only a topic of popular conversation, but was discussed in the press, and employed as a theme in popular elections. I was myself interrogated on

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more occasions than one, to make a public expression of my sentiments; and a friend of mine, in Kentucky, a candidate for the State Legislature, told me, near two years ago, that he was surprised, in an obscure part of his county, (the hills of Benson,) where there was but little occasion for banks, to find himself questioned on the stump as to the recharter of the Bank of the United States. It seemed as if a sort of general order had gone out from head quarters to the partisans of the administration everywhere, to agitate and make the most of the question. They have done so: and their condition now reminds me of the fable invented by Dr. Franklin of the Eagle and the Cat, to demonstrate that Esop had not exhausted invention, in the construction of his memorable fables. The eagle, you know, Mr. President, pounced, from his lofty flight in the air, upon a cat, taking it to be a pig. Having borne off his prize, he quickly felt most painfully the paws of the cat thrust deeply into his sides and body. Whilst flying, he held a parley with the supposed pig, and proposed to let go his hold, if the other would let him alone. No, says puss, you brought me from yonder earth below, and I will hold fast to you until you carry me back; a condition to which the eagle readily assented.

The friends of the President, who have been for near three years agitating this question, now turn round upon their opponents who have supposed the President quite serious and in earnest, in presenting it for public consideration, and charge them with prematurely agitating it. And that for electioneering purposes! The other side understands perfectly the policy of preferring an unjust charge in order to avoid a well founded accusation.

If there be an electioneering motive in the matter, who have been actuated by it? Those who have taken the President at his word, and deliberated on a measure which he has repeatedly recommended to their consideration; or those who have resorted to all sorts of means to elude the question? By alternately coaxing and threatening the bank; by an extraordinary investigation into the administration of the bank; and by every species of postponement and procrastination, during the progress of the bill.

Notwithstanding all these dilatory expedients, a majority of Congress, prompted by the will and the best interests of the nation, passed the bill. And I shall now proceed, with great respect and deference, to examine some of the objections to its becoming a law, contained in the President's message, avoiding, as much as I can, a repetition of what gentlemen have said who preceded me.

The President thinks that the precedents, drawn from the proceedings of Congress, as to the constitutional power to establish a bank, are neutralized, by there being two for and two against the authority. He supposes that one Congress in 1811, and another in 1815, decided against the power. Let us examine both of these cases. The House of Representatives, in 1811, passed the bill to recharter the bank, and, consequently, affirmed the power. The Senate during the same year were divided, 17 and 17, and the Vice President gave the casting vote. Of the 17 who voted against the bank, we know, from the declaration of the Senator from Maryland, [Mr. SMITH,] now present, that he entertained no doubt whatever of the constitutional power of Congress to establish a bank, and that he voted on totally distinct ground. Taking away his vote, and adding it to the 17 who voted for the bank, the number would have stood 18 for, and 16 against the power. But we know, further, that Mr. Gaillard, Mr. Anderson, and Mr. Robinson, made a part of that 16; and that in 1815 all three of them voted for the bank. Take those three votes from the 16, and add them to the 18, and the vote of 1811, as to the question of the constitutional power, would have been 21 and 13. And of these thirteen, there might have been others still who were not governed in their votes by any doubts of the power.

In regard to the Congress of 1815, so far from their having entertained any scruples in respect to the power to establish a bank, they actually passed a bank bill, and thereby affirmed the power. It is true that, by the casting vote of the Speaker of the House of Representatives, (Mr. Cheves,) they rejected another bank bill, not on grounds of want of power, but upon considerations of expediency in the particular structure of that bank.

Both the adverse precedents, therefore, relied upon in the message, operate directly against the argument which they were brought forward to maintain. Congress, by various other acts, in relation to the Bank of the United States, has again and again sanctioned the power. And I believe it may be truly affirmed that, from the commencement of the Government to this day, there has not been a Congress opposed to the Bank of the United States upon the distinct ground of a want of power to establish it.

And here, Mr. President, I must request the indulgence of the Senate, whilst I express a few words in relation to myself.

I voted, in 1811, against the old Bank of the United States, and I delivered on the occasion a speech, in which, among other reasons, I assigned that of its being unconstitutional. My speech has been read to the Senate during the progress of this bill, but the reading of it excited no other regret than that it was read in such a wretched, bungling, mangling manner.* During a long public life, (I mention the fact not as claiming any merit for it,) the only great question in which I have ever changed my opinion, is that of the Bank of the United States. If the researches of the Senator had carried him a little further, he would, by turning over a few more leaves of the same book from which he read my speech, have found that which I made in 1816, in support of the present bank. By the reasons assigned in it for the change of my opinion, I am ready to abide in the judgment of the present generation and of posterity. In 1816, being Speaker of the House of Representatives, it was perfectly in my power to have said nothing and done nothing, and thus have concealed the change of opinion which my mind had undergone. But I did not choose to remain silent and escape responsibility. I chose publicly to avow my actual conversion. The war, and the fatal experience of its disastrous events, had changed me. Mr. Madison, Governor Pleasants, and almost all the public men around me, my political friends, had changed their opinions from the same causes.

The power to establish a bank is deduced from that clause of the constitution which confers on Congress all powers necessary and proper to carry into effect the enumerated powers. In 1811, I believed a Bank of the United States not necessary, and that a safe reliance might be placed on the local banks, in the administration of the fiscal affairs of the Government. The war taught us many lessons; and, among others, demonstrated the necessity of a Bank of the United States to the successful operations of the Government. I will not trouble the Senate with a perusal of my speech in 1816, but ask its permission to read a few extracts:

"But how stood the case in 1816, when he was called upon again to examine the powers of the General Government to incorporate a national bank? A total change of circumstances was presented—events of the utmost magnitude had intervened.

"A general suspension of specie payments had taken place, and this had led to a train of consequences of the most alarming nature. He beheld, dispersed over the immense extent of the United States, about three hundred banking institutions, enjoying, in different degrees, the confidence of the public, shaken as to them all, under no direct control of the General Government, and subject to no actual responsibility to the State authorities. These

* It is understood to have been read by Mr. HILL.—Editors.

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institutions were emitting the actual currency of the United States—a currency consisting of paper, on which they neither paid interest nor principal, whilst it was exchanged for the paper of the community, on which both were paid. We saw these institutions, in fact, exercising what had been considered, at all times, and in all countries, one of the highest attributes of sovereignty—the regulation of the current medium of the country. They were no longer competent to assist the treasury in either of the great operations of collection, deposit, or distribution of the public revenues. In fact, the paper which they emitted, and which the treasury, from the force of events, found itself constrained to receive, was constantly obstructing the operations of that department; for it would accumulate where it was not wanted, and could not be used where it was wanted, for the purposes of Government, without a ruinous and arbitrary brokerage. Every man who paid to or received from the Government, paid or received as much less than he ought to have done, as was the difference between the medium in which the payment was effected and specie. Taxes were no longer uniform. In New England, where specie payments had not been suspended, the people were called upon to pay larger contributions than where they were suspended. In Kentucky as much more was paid by the people in their taxes, than was paid, for example, in the State of Ohio, as Kentucky paper was worth more than Ohio paper. * * *

“Considering, then, that the state of the currency was such that no thinking man could contemplate it without the most serious alarm; that it threatened general distress, if it did not ultimately lead to convulsion and subversion of the Government, it appeared to him to be the duty of Congress to apply a remedy, if a remedy could be devised. A national bank, with other auxiliary measures, was proposed as that remedy. Mr. CLAY said he determined to examine the question with as little prejudice as possible arising from his former opinion; he knew that the safest course to him, if he pursued a cold, calculating prudence, was to adhere to that opinion, right or wrong. He was perfectly aware that, if he changed, or seemed to change it, he should expose himself to some censure; but, looking at the subject with the light shed upon it by events happening since the commencement of the war, he could no longer doubt. * * * He preferred, to the suggestions of the pride of consistency, the evident interests of the community, and determined to throw himself upon their justice and candor.”

The interest which foreigners hold in the existing Bank of the United States is dwelt upon in the message as a serious objection to the recharter. But this interest is the result of the assignable nature of the stock; and if the objection be well founded, it applies to Government stock, to the stock in local banks, in canal and other companies, created for internal improvements, and every species of money or moveables in which foreigners may acquire an interest. The assignable character of the stock is a quality conferred, not for the benefit of foreigners, but for that of our own citizens. And the fact of its being transferred to them is the effect of the balance of trade being against us—an evil, if it be one, which the American system will correct. All Governments wanting capital resort to foreign nations possessing it in superabundance, to obtain it. Sometimes the resort is even made by one to another belligerent nation. During our revolutionary war we obtained foreign capital (Dutch and French) to aid us. During the late war American stock was sent to Europe to sell; and, if I am not misinformed, to Liverpool. The question does not depend upon the place whence the capital is obtained, but the advantageous use of it. The confidence of foreigners in our stocks is a proof of the solidity of our credit. Foreigners have no voice in the administration of this bank; and if they buy its stock, they are obliged to submit to citizens of the United States to man-

age it. The Senator from Tennessee [Mr. WHITE] asks what would have been the condition of this country, if, during the late war, this bank had existed, with such an interest in it as foreigners now hold? I will tell him. We should have avoided many of the disasters of that war; perhaps those of Detroit, and at this place. The Government would have possessed ample means for its vigorous prosecution; and the interest of foreigners (British subjects especially) would have operated upon them, not upon us. Will it not be a serious evil to be obliged to remit in specie to foreigners the eight millions which they now have in this bank, instead of retaining that capital within the country to stimulate its industry and enterprise?

The President assigns in his message a conspicuous place to the alleged injurious operation of the bank on the interests of the Western people. They ought to be much indebted to him for his kindness manifested towards them; although I think they have much reason to deprecate it. The people of all the West owe to this bank about thirty millions, which have been borrowed from it; and the President thinks that the payments for the interest, and other facilities which they derive from the operation of this bank, are so onerous as to produce “a drain of their currency, which no country can bear without inconvenience and occasional distress.” His remedy is to compel them to pay the whole of the debt which they have contracted in a period short of four years. Now, Mr. President, if they cannot pay the interest without distress, how are they to pay the principal? If they cannot pay a part, how are they to pay the whole? Whether the payment of the interest be or be not a burden to them, is a question for themselves to decide, respecting which they might be disposed to dispense with the kindness of the President. If, instead of borrowing thirty millions from the bank, they had borrowed a like sum from a Girard, John Jacob Astor, or any other banker, what would they think of one who should come to them and say—“Gentlemen of the West, it will ruin you to pay the interest on that debt, and therefore I will oblige you to pay the whole of the principal in less than four years.” Would they not reply—“We know what we are about; mind your own business; we are satisfied that in ours we can make not only the interest on what we loan, but a fair profit besides.”

A great mistake exists about the Western operation of the bank. It is not the bank, but the business, the commerce of the West, and the operations of Government, that occasions the transfer annually of money from the West to the Atlantic States. What is the actual course of things? The business and commerce of the West are carried on with New Orleans, with the Southern and Southwestern States, and with the Atlantic cities. We transport our dead or inanimate produce to New Orleans, and receive in return checks or drafts of the Bank of the United States, at a premium of a half per cent. We send, by our drovers, our live stock to the South and Southwest, and receive similar checks in return. With these drafts or checks our merchants proceed to the Atlantic cities, and purchase domestic or foreign goods for Western consumption. The lead and fur trade of Missouri and Illinois is also carried on principally through the agency of the Bank of the United States. The Government also transfers to places where it is wanted, through that bank, the sums accumulated at the different land offices for purchases of the public lands.

Now, all these varied operations must go on—all these remittances must be made, Bank of the United States or no bank. The bank does not create, but it facilitates them. The bank is a mere vehicle; just as much so as the steamboat is the vehicle which transports our produce to the great mart of New Orleans, and not the grower of that produce. It is to confound cause and effect, to attri-

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bute to the bank the transfer of money from the West to the East. Annihilate the bank to-morrow, and similar transfers of capital, the same description of pecuniary operations, must be continued; not so well, it is true, but performed they must be, ill or well, under any state of circumstances.

The true questions are, how are they now performed? how were they conducted prior to the existence of the bank? how would they be after it ceased? I can tell you what was our condition before the bank was established; and, as I reason from past to future experience, under analogous circumstances, I can venture to predict what it will probably be without the bank.

Before the establishment of the Bank of the United States, the exchange business of the West was carried on by a premium, which was generally paid on all remittances to the East of two and a half per cent. The aggregate amount of all remittances, throughout the whole circle of the year, was very great; and, instead of the sum then paid, we now pay half per cent. or nothing, if notes of the Bank of the United States be used. Prior to the bank we were without the capital of the thirty millions which that institution now supplies, stimulating our industry and invigorating our enterprise. In Kentucky we have no specie-paying bank, scarcely any currency other than that of paper of the Bank of the United States and its branches.

How is the West to pay this enormous debt of thirty millions of dollars? It is impossible. It cannot be done. General distress, certain, wide-spread, inevitable ruin, must be the consequences of an attempt to enforce the payment. Depression in the value of all property, sheriff's sales and sacrifices—bankruptcy, must necessarily ensue; and, with them, relief laws, paper money, a prostration of the courts of justice, evils from which we have just emerged, must again, with all their train of afflictions, revisit our country. But it is argued by the gentleman from Tennessee [Mr. WHITE] that similar predictions were made, without being realized, from the downfall of the old Bank of the United States. It is, however, to be recollected that the old bank did not possess one-third of the capital of the present; that it had but one office west of the mountains, whilst the present has nine; and that it had little or no debt due to it in that quarter, whilst the present bank has thirty millions. The war, too, which shortly followed the downfall of the old bank, and the suspension of specie payments which soon followed the war, prevented the injury apprehended from the discontinuance of the old bank.

The same gentleman further argues that the day of payment must come; and he asks when, better than now? Is it to be indefinitely postponed; is the charter of the present bank to be perpetual? Why, Mr. President, all things—Governments, republics, empires, laws, human life—doubtless are to have an end; but shall we therefore accelerate their termination? The West is now young, wants capital, and its vast resources needing nourishment are daily developing. By and by, it will accumulate wealth, from its industry and enterprise, and possess its surplus capital. The charter is not made perpetual, because it is wrong to bind posterity perpetually. At the end of the term limited for its renewal, posterity will have the power of determining for itself whether the bank shall then be wound up, or prolonged another term. And that question may be decided, as it now ought to be, by a consideration of the interests of all parts of the Union, the West among the rest. Sufficient for the day is the evil thereof.

The President tells us that, if the Executive had been called upon to furnish the project of a bank, the duty would have been cheerfully performed; and he states that a bank, competent to all the duties which may be required by the Government, might be so organized as not to

infringe on our own delegated powers, or the reserved rights of the States. The President is a co-ordinate branch of the legislative department. As such, bills which have passed both Houses of Congress, are presented to him for his approval or rejection. The idea of going to the President for the project of a law, is totally new in the practice, and utterly contrary to the theory of the Government. What should we think of the Senate calling upon the House, or the House upon the Senate, for the project of a law?

In France, the King possessed the initiative of all laws, and none could pass without its having been previously presented to one of the Chambers by the Crown, through the ministers. Does the President wish to introduce the initiative here? Are the powers of recommendation, and that of veto, not sufficient? Must all legislation, in its commencement and in its termination, concentrate in the President? When we shall have reached that state of things, the election and annual sessions of Congress will be a useless charge upon the people, and the whole business of Government may be economically conducted by ukases and decrees.

Congress does sometimes receive the suggestions and opinions of the heads of departments, as to new laws. And, at the commencement of this session, in his annual report, the Secretary of the Treasury stated his reasons at large, not merely in favor of a bank, but in support of the renewal of the charter of the existing bank. Who could have believed that that responsible officer was communicating to Congress opinions directly adverse to those entertained by the President himself? When before has it happened that the head of a department recommended the passage of a law, which, being accordingly passed and presented to the President, is subjected to his veto? What sort of a bank it is, with a project of which the President would have deigned to furnish Congress, if they had applied to him, he has not stated. In the absence of such statement, we can only conjecture that it is his famous treasury bank, formerly recommended by him, from which the people have recoiled with the instinctive horror excited by the approach of the cholera.

The message states that "an investigation unwillingly conceded, and so restricted in time as necessarily to make it incomplete and unsatisfactory, discloses enough to excite suspicion and alarm." As there is no prospect of the passage of this bill, the President's objections notwithstanding, by a constitutional majority of two-thirds, it can never reach the House of Representatives. The members of that House, and especially its distinguished chairman of the Committee of Ways and Means, who reported the bill, are therefore cut off from all opportunity of defending themselves. Under these circumstances, allow me to ask how the President has ascertained that the investigation was unwillingly conceded? I have understood directly the contrary; and that the chairman already referred to, as well as other members in favor of the renewal of the charter, promptly consented to and voted for the investigation. And we all know that those in support of the renewal could have prevented the investigation, and that they did not. But suspicion and alarm have been excited. Suspicion and alarm! Against whom is this suspicion? The House, or the bank, or both?

Mr. President, I protest against the right of any Chief Magistrate to come into either House of Congress, and scrutinize the motives of its members; to examine whether a measure has been passed with promptitude or repugnance; and to pronounce upon the willingness or unwillingness with which it has been adopted or rejected. It is an interference in concerns which partake of a domestic nature. The official and constitutional relations between the President and the two Houses of Congress subsist with them as organized bodies. His action is confined to their consummated proceedings, and does not extend to

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measures in their incipient stages, during their progress through the Houses, nor to the motives by which they are actuated.

There are some parts of this message that ought to excite deep alarm; and that especially in which the President announces that each public officer may interpret the constitution as he pleases. His language is: "Each public officer, who takes an oath to support the constitution, swears that he will support it as he understands it, and not as it is understood by others." * * * "The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges; and, on that point, the President is independent of both." Now, Mr. President, I conceive, with great deference, that the President has mistaken the purport of the oath to support the constitution of the United States. No one swears to support it as he understands it, but to support it simply as it is in truth. All men are bound to obey the laws, of which the constitution is the supreme; but must they obey them as they are, or as they understand them? If the obligation of obedience is limited and controlled by the measure of information; in other words, if the party is bound to obey the constitution only as he understands it, what would be the consequence? The judge of an inferior court would disobey the mandate of a superior tribunal, because it was not in conformity to the constitution, as he understands it; a custom-house officer would disobey a circular from the Treasury Department, because contrary to the constitution, as he understands it; an American minister would disregard an instruction from the President, communicated through the Department of State, because not agreeable to the constitution, as he understands it; and a subordinate officer in the army or navy would violate the orders of his superior, because they were not in accordance with the constitution, as he understands it. We should have nothing settled, nothing stable, nothing fixed. There would be general disorder and confusion throughout every branch of administration, from the highest to the lowest officers—universal nullification. For what is the doctrine of the President but that of South Carolina applied throughout the Union? The President independent both of Congress and the Supreme Court! Only bound to execute the laws of the one and the decisions of the other as far as they conform to the constitution of the United States, as he understands it! Then it should be the duty of every President, on his installation into office, to carefully examine all the acts in the statute book, approved by his predecessors, and mark out those which he was resolved not to execute, and to which he meant to apply this new species of veto, because they were repugnant to the constitution, as he understands it. And, after the expiration of every term of the Supreme Court, he should send for the record of its decisions, and discriminate between those which he would, and those which he would not, execute, because they were or were not agreeable to the constitution, as he understands it.

There is another constitutional doctrine contained in the message, which is entirely new to me. It asserts that "the Government of the United States have no constitutional power to purchase lands within the States," except "for the erection of forts, magazines, arsenals, dock yards, and other needful buildings;" and even for these objects only "by the consent of the Legislature of the State in which the same shall be." Now, sir, I had supposed that the right of Congress to purchase lands in any State was incontestable: and, in point of fact, it probably, at this moment, owns lands in every State of the Union, purchased for taxes, or as a judgment or mortgage creditor. And there are various acts of Congress which regulate the purchase and transfer of such lands. The advisers of the President have confounded the faculty of purchasing lands with the exercise of exclusive jurisdiction, which is

restricted by the constitution to the forts and other buildings described.

The message presents some striking instances of discrepancy. 1st. It contests the right to establish one bank, and objects to the bill that it limits and restrains the power of Congress to establish several. 2d. It urges that the bill does not recognise the power of State taxation generally; and complains that facilities are afforded to the exercise of that power, in respect to the stock held by individuals. 3d. It objects that any bonus is taken, and insists that not enough is demanded. And, 4th. It complains that foreigners have too much influence; and that stock transferred loses the privilege of representation in the elections of the bank, which, if it were retained, would give them more.

Mr. President, we are about to close one of the longest and most arduous sessions of Congress under the present constitution; and, when we return among our constituents, what account of the operations of their Government shall we be bound to communicate? We shall be compelled to say that the Supreme Court is paralyzed, and the missionaries retained in prison in contempt of its authority, and in defiance of numerous treaties and laws of the United States; that the Executive, through the Secretary of the Treasury, sent to Congress a tariff bill which would have destroyed numerous branches of our domestic industry, and led to the final destruction of all; that the veto has been applied to the Bank of the United States, our only reliance for a sound and uniform currency; that the Senate has been violently attacked for the exercise of a clear constitutional power; that the House of Representatives has been unnecessarily assailed; and that the President has promulgated a rule of action for those who have taken the oath to support the constitution of the United States, that must, if there be practical conformity to it, introduce general nullification, and end in the absolute subversion of the Government.

Mr. BENTON succeeded, and occupied the floor until the hour of three; when the Senate, in pursuance of their previous order, took a recess.

EVENING SESSION.

The Senate was called to order at five o'clock.

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Mr. WILKINS, [with the consent of Mr. BENTON, who was entitled to the floor,] from the committee appointed on the part of the Senate to confer with the committee of the House of Representatives, in relation to the amendments of the Senate to the bill "to alter and amend the several acts imposing duties on imports," which amendments were disagreed to by the House of Representatives, made a report, as follows: The committee recommend that the Senate recede from all the amendments disagreed to by the House, and adhere to the amendments concurred in by the House.

Mr. BELL moved that the bill and amendments be indefinitely postponed. It was, he said, with great reluctance that he rose to make this motion. He had hoped that the bill from the House would have undergone such modifications as would have rendered it acceptable to the friends of domestic industry. He had hoped that amendments would have been adopted, by which the great interests of the country might have been preserved. But he did not believe that the bill, in its present form, would preserve those interests, and he did not believe that the bill would be acceptable to the people. At this stage of the session, he would not argue the question. He would express the opinion that the effects of the bill would be disastrous to the country generally, and particularly so to some sections of it. It would create greater and more general dissatisfaction than had, at any time, existed in this country. He would not consent to take any part of the responsibility of the passage of this bill. He therefore

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moved to postpone it indefinitely; and upon that motion he asked the yeas and nays, which were ordered.

Mr. DICKERSON said that he had reluctantly assented to the report of the committee. As long as there was a hope of doing any thing, he did not cease to make exertions. He felt desirous that the amendments of the Senate should prevail, and he was also desirous that the bill should pass. But he had found that, unless the Senate yielded, it would be impossible to get the bill through. He had urged upon the committee the necessity of adopting the amendments; and he had stated it as his belief, that, unless they were adopted, the friends of the protective system would postpone the bill indefinitely. He was free to confess that the bill was not what it ought to be; but, for one, he would rather pass it than go away without doing any thing. He was aware that many of the amendments of the Senate were of vital importance to the protection of some branches of industry. The increase of the duty on duck was highly desirable. A large duck manufactory had been established in New Jersey, which this bill will entirely destroy. He was willing to allow that justice had not been done to woollens; still he thought it would be better to pass the bill as it was, than to pass no bill. He was sorry that the motion for indefinite postponement had been made, and he should vote against it.

Mr. CLAY would be glad to know, he said, how this vote for receding from the amendments of the Senate had been obtained. He did not cast any reflections on the Chair for constituting the committee as he had done. The Chair had, in this respect, doubtless done its duty; but the majority of the committee was composed of two gentlemen representing two States which were especially and principally interested in the iron duty. I desire, said Mr. C., that the country should know how this matter rests. Kentucky is selected for one of the victims, and Louisiana for another. Cotton bagging and sugar were given up. The manufacturers of woollens, together with all who were concerned in the protection of the raw material, were also sacrificed. He wished to know, and he wished the country to know, who have concurred in a measure so destructive to the great interests of the country. When the scheme of the Secretary of the Treasury was produced, it was easy to see that it was intended to sacrifice and destroy the woollens interest, in both of its branches, and that iron was to be spared. The cotton interest, too, was to be spared; but the interests of Kentucky and Louisiana were to be sacrificed. Whatever might be his vote on the motion for indefinite postponement, he wished the country to know why, how, and by whom some interests had been destroyed, and others spared, to be sacrificed at some future day. He had been in hopes that, in respect to Kentucky, the Secretary would have been content, and that Congress would have been content, to strike out one-third of the price of the agricultural product of Kentucky. But that, it seemed, had not been deemed sufficient. He had, he must say, been unexpectedly disappointed in the result of the conference. But he had risen to ask what was the majority, and who composed it, by which these interests were singled out for sacrifice.

Mr. WILKINS said, I concurred in the report of the committee. Is the gentleman from Kentucky now satisfied? I am convinced that the principles on which I assented to the report are correct, and I still adhere to them. Is the gentleman from Kentucky satisfied now? [No, said Mr. CLAY; I shall never be satisfied.] Never? continued Mr. WILKINS. Then I am perfectly content that the gentleman should never be satisfied with any political act of mine. If the gentleman is disappointed, I apprehend that it is not the last time he will be disappointed. I apprehend that there are some other results to which he indulges expectations, in which he will be disappointed. I am responsible to my constituents and to the country

for the vote which I have given in this business. My friendship for the protective system is as firm and settled as that of the gentleman from Kentucky, though I have not spoken so frequently and loudly in its support, because I had no other object in view but the good of the country. After it was found that the committee of the House was averse to any compromise, great efforts were made to secure some of the amendments of the Senate. If he was asked what was most deeply agitated in the committee, he would say that it was the additional duty of seven per cent. on woollens. For the information of the gentleman from Kentucky, he would go on further, and state he was very anxious, for the purpose of compromise, to give up articles of minor importance, in order to gain something on woollens. The amendment adding seven per cent. to the duty of fifty per cent. on woollens, came up in course. I voted, said Mr. W., against receding from that amendment of the Senate. But the committee of the House, with only one dissenting voice, voted to adhere to the disagreement of the House to this amendment. This question was then passed over. The other amendments having been receded from, on my motion, the vote on the amendment adding seven per cent. to the duty on woollens was reconsidered. The committee of the House, however, showed a manifest determination not to yield, and I came to the conclusion that it was better to give it up than to incur the risk of losing the bill entirely. But, in the hope of a compromise, I moved fifty-five per cent., which was rejected. The Senator from New Jersey moved fifty-three and a half per cent., which was also refused. I then moved fifty-two per cent., and that was rejected. We were then reduced to the alternative of yielding the seven per cent. altogether, or of abandoning the bill. I thought, and the Senator from New Jersey agreed with me, that the difference of seven per cent. in this duty was too inconsiderable to keep the country in a state of agitation a single month or hour longer. As to the principle of protecting the domestic manufactures of the country, he supported it as firmly as any man. He was aware that this bill does not continue so much protection to manufactures as might, in good policy, be afforded; but it goes to that degree of protection with which Congress appears to be satisfied, and with which the country would, he believed, be satisfied. He did not think that the duty on sugar and on cotton bagging had undergone a disproportionate share of reduction. It had not been brought down to a lower proportionate scale than the duty on iron. He would remark, however, the subject of the iron duty was not one of those which came before the committee of conference; and there was no opportunity, even if there had been a wish, for the committee to exhibit any partiality to the iron interest.

Mr. CLAY said it was with some regret, and no little surprise, that he discovered a manifestation of feeling on the part of the gentleman from Pennsylvania, which he had neither expected nor contributed to produce. He had not been accurately informed as to the proceedings of the committee, having been all day otherwise engaged. He was, therefore, taken by surprise with the information that the committee had agreed to recede, not in part, but altogether, from the amendments of the Senate. He had asked for information as to the manner in which this result, so unexpected and mortifying, had been obtained. The Senate, he contended, had a right to this information. If we appoint a committee to treat with the other House, to represent our views and wishes in a conference, he apprehended that, before we ratified their treaty, we had a right to see their protocol—to see their negotiation in all its stages, as well as in its results. The chairman of the committee had not given this information. I rose, said Mr. C., and asked it. How does the gentleman treat the call? The gentleman replies that he is actuated by the public good, and insinuates that I am actu-

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ated by motives other than the public good. I wish the gentleman to explain whether this is what he meant or not.

Mr. WILKINS said he had no objection to explain his meaning. I meant to say that, as to myself, I was actuated by the public good. I believe the gentleman has an object in view which is identified with the course he has taken in regard to the tariff, and which I have no doubt is, in his opinion, likely to promote the public good. He was convinced that the gentleman had no objects which, in his own opinion, were inconsistent with the public good.

Mr. CLAY. I only say that if the gentleman insinuates that I am actuated by any other motive than the public good, he has said that which is untrue.

The PRESIDENT *pro tem.* interposed, and said, the Chair understands the Senator from Pennsylvania to explain that he did not impeach the motives of the Senator from Kentucky.

Mr. CLAY. No, sir, he has not thus explained his meaning. If he has, I take back the reply.

Mr. CLAY continued. The Senator intimates that I have other objects as to which I may be disappointed. Whether he rightly predicts future events, I do not know, nor whether he may himself add to the list of the disappointed. I have no objects, in my support of the protective policy, other than the public benefit; and Pennsylvania, whose Senators were instructed by the unanimous voice of her Legislature to maintain that policy unimpaired, is the last State in the Union from which the insinuation should come that I am actuated by selfish motives. The gentleman tells us that, as a member of the committee of conference, he held out for a compromise. How much did he yield for the sake of compromise? He tells us that he yielded the whole. Mr. C. insisted that the duties on sugar and cotton bagging were reduced in a greater proportion than the duties on iron. The duty on iron is reduced, but the reduction has an equivalent, or nearly an equivalent, in the prevention of fraudulent evasion of the duty. Louisiana never had but half a cent on sugar as a protective duty, which was given her in 1816. The rest was imposed and continued for revenue. The Senator, in yielding the half cent, yielded the whole of the protective duty on sugar; on woollens, too, he had yielded all that was in controversy.

Mr. MANGUM here rose to order. He submitted whether the discussion was in order.

Mr. KING said the discussion was improper in its commencement.

Mr. CLAY may bow, he said, to the decision of the Chair, but he must insist on his right to reply to the Senator from Pennsylvania.

The Chair has no doubt, said the PRESIDENT *pro tem.*, that it was irregular originally to demand the state of the vote in the committee, or to comment on the course taken by members of the committee. But, as the chairman of the committee had responded to the inquiry, and made explanations, it was now in order for the Senator from Kentucky to make his comments on those explanations.

Mr. MANGUM said, I call the Senator to order for addressing a member of the committee.

Mr. EWING required that the words to which the Senator from North Carolina took exception, should be committed to writing.

Mr. MANGUM wrote as follows: The Senator from Kentucky, speaking in reference to the duty on sugar, said that the Senator from Pennsylvania had yielded all the protection on sugar, &c.

Mr. CLAY admitted the words to be taken down correctly, and said that he had repeated them as the words of the Senator from Pennsylvania himself, who said that he had yielded all, but had intended to yield but little.

The CHAIR decided that the words were not out of order.

Mr. CLAY. I hope the Senator from North Carolina,

whose general deportment here is strictly correct, will now keep to the even tenor of his way, and suffer me to proceed without further interruption.

Mr. MANGUM. No one shall dictate to me my course.

Mr. CLAY. The Senator may then pursue any course that pleases him.

The CHAIR said the Senator from Kentucky will proceed.

Mr. CLAY. I will proceed when the gentleman will suffer me. I have, sir, continued Mr. C., entertained certain principles on which I have acted uniformly for sixteen years past, and I am not now to be instructed as to my course of conduct in reference to the interests of this country. These principles inculcate upon me the impropriety of preserving one interest to the sacrifice of another—of preserving it, too, only that it may be reserved for sacrifice at a future time. On this ground, I am opposed to any reduction which may injure any interest that ought to be sustained. I have no more to say as to the proposition to postpone the bill indefinitely. I will not say how I shall vote upon that. I reserve to myself the right to vote on each individual motion to recede or concur.

Mr. DICKERSON said that he agreed with the Senator from New Hampshire [Mr. BELL] that the woollens were not adequately protected—that, in fact, they were more neglected than any of the great interests which this bill proposed to protect. He had made his best efforts to increase the duties upon woollens, and would continue to do so, if there was the slightest prospect of success. He had proof that admitted of no doubt in his mind, that there would not be a majority in the Senate that would insist and adhere to the amendment by which the duties upon woollens were fixed at fifty-seven per cent. He had no hope of success but by a compromise in the committee of conference, by which an intermediate rate of duty between fifty and fifty-seven per cent. might be recommended to both Houses. This was found to be impracticable. There were some of the interests embraced in the Senate's amendments which it would be very important to support, but which met with the same difficulties that have decided the action of the committee of conference on the woollens. It now remains to decide whether it would be better to defeat the bill in consequence of its failure to give the entire amount of protection which it should give, or pass it, with a hope hereafter to make further provision for those interests which the bill neglected to protect. After the great labor bestowed on this bill, and the anxiety expressed by the people in every part of the United States that some tariff bill should pass at this session of Congress, he was in favor of its passage.

Mr. WEBSTER said one of the interests surrendered by this bill was so important to those who sent him here, that he should not properly do his duty, unless he expressed his entire dissatisfaction at the manner in which this whole business, from the beginning to the end, had been managed. When a gentleman, who was not a member of the Committee on Manufactures, and who had not taken a prominent part in the debates on the bill, made a motion for the appointment of a committee of conference, which, by courtesy, necessarily placed him at the head of the committee, he was somewhat surprised, but he gave his assent to the appointment of the committee, thinking that he was voting for the appointment of commissioners to treat with the House, and to represent, in the negotiation, the views of the majority of the Senate. Had he supposed that he was giving a power of attorney, signed, sealed, and ready to be delivered, giving up every thing for which the Senate had contended, he would not have voted for the proposition. The Senator from Pennsylvania says that, when he came to the woollens duty, he surrendered it, because it was but a little matter. True, it was little, and it was little because the Senator had previously refused to make it larger. He expressed

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his deep dissent, as lasting as it was deep, with the whole proceeding of the committee. It appeared to him that the committee was not appointed nor empowered to yield every thing to the House. If they disagreed from the House committee, they might have said so, and so reported, leaving it to the Senate to determine upon the propriety of receding from their amendments. He alluded to the results of the conference, not to the motives of the conferees; and he would say that they had surrendered and sacrificed the interests of his constituents. He knew the importance of tranquillizing the country—the importance of passing some bill at this session. There was much in this bill to commend—much to render him desirous of passing it into a law. But surely, in settling the details and principles of a measure of such vast and general importance, the Senate had a right to exercise some influence, to take some part. He had no doubt—from the first he was confident—that the Senate, by standing firm to their amendments, with a steady and decisive majority, would have sustained them. The course of the committee had defeated that expectation. Whatever might be the vote of the Senate now, we could expect nothing. He condemned the whole procedure, and much regretted that the honorable Senator from New Jersey had lent it his countenance.

Mr. DICKERSON said he owed it to the Senator from Pennsylvania to say that, although he differed from him as to a number of the amendments submitted to the committee, he had assented to the report as made, and, therefore, felt himself responsible for that report, as much as if he had agreed with his two colleagues as to the several questions decided upon by the committee. The subjects upon which he felt the most anxiety, were the woollens, cotton bagging, and sail duck, upon all which I urged a compromise, but in vain. I regret extremely, said Mr. D., that I can be supposed to have abandoned any of those interests while there was a possibility of preserving them, and the more so, as the motive suggested is that, as the iron was provided for, I was ready to acquiesce in provisions which left other interests without adequate protection. The manufacture of sail duck is of great importance to New Jersey, and I consider it abandoned by the bill. Senators should recollect that, by the bill, there was a heavy reduction upon iron. He had made no effort to amend the bill of the House by increasing the duty upon that article. Had such an amendment been adopted by the Senate, it would, no doubt, have been disagreed to by the House, and in the committee of conference would have shared the same fate with the other amendments. I should have acquiesced in the surrender of such an amendment, as I have done in the other cases where nothing else could be done. I have, said Mr. D., abandoned no interest that could be sustained. He would not be made an instrument in defeating the bill, and he was anxious that it should pass in its present form, if it could not be put into a better. He was anxious to have the question settled, for he wished it to be at rest.

Mr. HAYNE said that as he happened, though very much out of place, to be a member of this committee of conference, it was incumbent on him to make some explanations as to his course in the conference. Nothing surprised him so much as the views that were taken of the consequences of the rejection of those amendments. The smallest of all small questions ever brought into a legislative body, appeared to him to be these questions, whether the duty on woollens should be fifty or fifty-seven per cent.; whether the duty on sugar should be two and a half or three cents a pound; and whether the duty on cotton bagging should be half a cent a yard more or less. Mr. H. went on, at some length, to show that, by the change in the valuation of the pound sterling, and by the diminution of credits on duties, the duties on those articles were carried beyond the tariff of 1824, and but little short

of that of 1828. As to iron, he believed that the duties on that article were increased, the reduction being more than compensated by other equivalents. But, really, when gentlemen, in settling this great question, hang so pertinaciously on pins and particles, is it not a proof that there is a determination not to surrender a single hair of the protective system, to hold on upon every thing which in the least affects the protected interests? The whole conference presented this appalling fact, that when a duty was spoken of, it was mentioned only in reference to the interest of the manufacturer of the article taxed. As to the woollens, out of seven members of the committee, five were of the opinion that they were adequately protected by the bill as it passed the House. One member produced the authority of one of the first manufacturers in the country, for the opinion that the bill was more favorable to woollens than the bill of 1828. He had himself examined the subject very closely, and had found that woollens paid a higher tax under this bill than under that of 1828. Perhaps the duty was not so good to the manufacturer, but it was more oppressive upon the consumers. Here let me allude, said Mr. H., to the erroneous supposition that the Senator from New Jersey exhibited any disposition to surrender anything in the conference. He agreed to yield every thing but three, viz. woollens, sugar, and cotton bagging, upon which he insisted. I, on every amendment, moved to recede; sometimes I carried with me the Senator from New Jersey, and sometimes the Senator from Pennsylvania, and, in that way, I got along through all the amendments.

[Mr. DICKERSON prompted the Senator from South Carolina, reminding him of jappanned harness and other articles, upon which he wished to adhere to the Senate's amendments.]

It is possible, said Mr. H., I may be wrong. I recollect as to the harness. It was said that the manufacture of jappanned harness had been commenced by a person in New Jersey, and that was urged as a reason why the people of the United States should not have their harness cheap. But, after some inquiry, it was found that the reduction of duty did not affect the manufacturer, his being a different article, and the amendment was abandoned. The committee at length agreed to recede from all but the woollens, and upon that they hung. They worked hard for fifty-five per cent., for fifty-three and a half, and for fifty-two. But the House committee would not assent even to the addition of two per cent. They were about going off, to report an irreconcilable disagreement, when the gentleman from Pennsylvania, being satisfied the bill was a very advantageous one to him, and that woollens were adequately protected under it, agreed to recede from the amendment. Mr. H. repeated that the bill was worse than the existing system, so far as it concerned the interest of consumers. It introduced several new and dangerous principles, put an inquisitorial power into the hands of the appraisers, and, taking item by item, renders the protective duties higher than they now are. Under these circumstances, he should oppose the passage of the bill. He should vote against the pending motion for indefinite postponement, with the intention to move a recommitment of the bill, with instructions for its modification. If that attempt failed, he should renew the motion for the indefinite postponement of the bill.

Mr. HOLMES thought it would be so; nay, he had no doubt of it; nullification is abroad.

Mr. HAYNE. I did not mention nullification in the whole course of this debate. I have cautiously avoided that topic, as every Senator will bear me witness. But I now say that, if any gentleman wishes to go into the discussion of nullification, I am prepared for it.

Mr. HOLMES resumed. I undertake to say that the doctrine of nullification, and the doctrine of the unconstitutionality of the protective system, are identical.

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Mr. MOORE called the Senator from Maine to order.

The CHAIR said that the Senator must recollect that the question was on the indefinite postponement of the bill.

Mr. HOLMES. New England is sacrificed.

Mr. KING called the Senator to order.

Mr. HOLMES continued.

The CHAIR pronounced that he was out of order.

Mr. HOLMES. The Senator from South Carolina tells us that he appealed to New Jersey for the surrender of one interest, and to Pennsylvania for the surrender of another interest, and, with the assistance of the one or the other of his colleagues, he always found himself in the majority.

The CHAIR again interrupted Mr. HOLMES.

Mr. HOLMES. It is proper for me to reply, or it was improper for the Senator from South Carolina to make the remarks. The Senator from Pennsylvania suggests that the Senator from Kentucky may be disappointed in the same important events.

The CHAIR here interposed; and declared that, unless the Senator confined himself to the question, he should be under the necessity of requesting him to take his seat.

Mr. CLAY remarked that the motion for indefinite postponement opened the entire subject for debate as wide as possible.

Mr. HOLMES proceeded to say that this was the first time it was ever declared to be out of order to comment on or reply to remarks which were in order. If one Senator stepped out of the way to make a remark, and was not called to order, it was too late to call another Senator to order for stepping out of the way to meet him. Why should the Senator from Pennsylvania remark that any of us may be disappointed in our expectations? There was more than one of us who had favorite objects in view, and more than one of us might be disappointed. It may be that he who predicts disappointment to others, will be himself sorely disappointed.

Mr. H. went on to speak of the surrender by the committee of the interests of New England. What did New England get? New England had no candidate for the Presidency, and never would have, and therefore the interests of New England should be protected. The farmer had a duty to protect his wool, but as the woollen manufacture was destroyed, he had no purchaser for his wool. However, in spite of the bill and every thing else, I believe we in New England will live all the days of our lives. Though we expect to be hewers of wood and drawers of water to the South, yet we do not intend to hew their wood and draw water for nothing.

The question was then taken, and decided as follows:

YEAS.—Messrs. Bell, Clayton, Foot, Holmes, Knight, Naudam, Robbins, Ruggles, Seymour, Waggaman.—10.

NAYS.—Messrs. Benton, Bibb, Brown, Buckner, Chambers, Clay, Dallas, Dickerson, Dudley, Ellis, Ewing, Forsyth, Frelinghuysen, Grundy, Hayne, Hendricks, Hill, Johnston, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Prentiss, Robinson, Silsbee, Smith, Sprague, Tazewell, Tipton, Tomlinson, Troup, Tyler, Webster, White, Wilkins.—38.

Mr. CLAY said that he had voted against the proposition for the indefinite postponement of the bill for various reasons, the first of which was that the bill contained a clear, distinct, and indisputable admission of the great principle of protection. That principle, coeval with the commencement of the Government, and which has been continued ever since, in peace and in war, now that the nation may be regarded out of debt, is again solemnly sanctioned, and by the concurrence of many votes from that quarter of the Union which has most complained of the exercise of the power. They have sanctioned it by voting against the indefinite postponement of the bill. Henceforward he hoped that the power would not be con-

troverted, and that the tranquillity so much needed by the country would be fully restored. Henceforward he hoped that the only question would be about the proper application of the power, giving it efficiency when more efficiency is required, and moderating its operation where the pressure of it may be unduly severe. There was another consideration which reconciled him to the passage of the bill. It contained a clear recognition of the principle which he had contended for at the commencement of the session, that the reduction of duties necessary to adapt the revenue of the country to the wants of Government should be thrown principally on the unprotected class, comprehending articles not produced within the country. That discrimination had been strenuously opposed in the early part of the session. It had been opposed with ridicule and derision, and a long list of trifling, and some of them laughable, articles, had been held up for the amusement of Congress. It had been argued that articles of luxury, used only by the rich, would be exempted from taxation, whilst articles essential to the comfort of the poor were heavily burdened. In the progress of the session, we have seen these objections abandoned by many of those who urged them, and who, finally, voted for the discrimination. And, in regard to the article of silks, the House had adopted ten per cent. ad valorem as the duty upon Chinese and French silks. The Committee on Manufactures of the Senate, in consequence of an established usage, proposed to make the duty on French silks lower than on those of China, and recommended six per cent. for the former. Not content with that measure of reduction, a Senator from Virginia [Mr. TAZEWELL] had proposed further to reduce it to five per cent., and his proposition had been adopted with the concurring votes of most of the Southern Senators. Now, if the object had been simply to preserve the distinction between the silks of the two countries, that object might have been accomplished by putting China silks at thirty or twenty per cent., and French at fifteen or ten per cent. The Secretary of the Treasury had recommended the retention of a duty of one per cent. on teas, and a half per cent. on coffee. Believing that the expense incident to weighing, marking, and cullifying, would absorb the duty, and unnecessarily keep up a host of officers, the Committee on Manufactures of the Senate had proposed to render those articles entirely free, and their amendment to that effect had also been concurred in by most of the Southern Senators. Whilst he rejoiced in the passage of the bill, for the reasons assigned, he could not vote for receding from the amendments as recommended by the committee of conference. He believed those amendments necessary to the interests which they were intended to protect. And if the bill should pass without them, as it will not go into operation until after the next session, he hoped, if then ascertained to be indispensable, they would be enacted into a law. And he also hoped that, if there should be discovered any other omissions or errors in the bill, they will then be corrected. He was aware that in voting against receding, as he should do, that the passage of the bill was not endangered. For he could not be ignorant of what he saw around him, that there was a majority, he would not say, as had been said on another occasion, an organized majority, to defeat those amendments. And now, Mr. President, said Mr. C., I hope we shall all go home in better temper, and resolve to explain to our constituents, fully and fairly, the operation of this established policy of the country, and with a firm determination to spare no efforts to reconcile them to it.

Mr. MANGUM said he had voted against indefinite postponement, because he wished to vote to recede from every amendment. He repudiated, for himself and his constituents, any thing in common with the American system, which originated in cupidity.

Mr. WEBSTER said there could be no commitment of

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the bill which had passed, and the only question now was on concurrence in the disagreement of the House. The gentleman from South Carolina had given a practical illustration of the art of dividing and conquering; and he had most skillfully contrived to carry his points with two to one against him.

Mr. HAYNE made some remarks in reply. He considered the motion to recommit as in order at any stage; and if the Senate would give him charge of the bill, he would undertake to bring it into the Senate to-morrow morning, in the form in which it ought to pass. He would make the motion whenever he could have the opportunity; and if that should fail, he would then move the indefinite postponement of the bill. He charged the Senator from Kentucky with a desire to drive the South from the support of the bill.

Mr. CLAY replied, and repelled the idea that he intended to drive any from the support of the bill. It was impossible for a motion for indefinite postponement to be entertained, now that amendments had been made by both Houses. The bill, as far as amendments were agreed to, was unchangeable. We must take the question on the amendments separately, and if we recede, the bill will only want the approval of the President to make it a law. He expressed his hope that the gentlemen from the South, who considered this a bill of abominations, would each come out and say so, that the country may understand it, and hear it from them.

Mr. DICKERSON said that, in his opinion, the Senator from South Carolina [Mr. HAYNE] had claimed a little more credit than he merited, for his address in managing his colleagues on the committee, and that the Senator from Massachusetts had given him a little more credit than he claimed. The Senator must have managed us very adroitly indeed, when we had no suspicion that there was any management in the case. I have only to say that the exhibition the Senator made in the committee, and that which he has just made in describing what took place in the committee, are very different things. He was by no means so clever there as here. It was there all solemn matter of fact—here not a little of fancy. The Senator is mistaken when he supposes that he induced one of his colleagues to yield upon one point, and the other upon another, and so on, alternately, till he carried all his points. Now, said Mr. D., there was no instance in which the Senator from Pennsylvania insisted upon any amendment, in which I did not agree with him. It is true that I yielded upon some points that I thought of minor importance, in order that I might have a better chance of succeeding upon those which I deemed of more importance, in all which I can assure the gentleman from South Carolina, his management had no influence. The Senator from Kentucky [Mr. CLAY] seems to think that we have made a concession to the South by our report. So far as it respects myself, I suspect I gain no credit with the Senator from South Carolina for such a concession, and certainly deserve none: for I conceded nothing which, in my opinion, could have been sustained without a moral certainty of losing the bill.

Mr. HAYNE acquitted the Senator from New Jersey of ever having shown any disposition to make the slightest concession to the South.

Mr. MILLER said, in reference to his vote against an indefinite postponement, if the vote of the Senate did not allow of a modification, he had voted in error: for, otherwise, he would have voted for its indefinite postponement. But he conceived the bill was still open to the last. According to the eleventh rule of their proceedings, the questions, among others, were still open "to lay on the table," "to postpone indefinitely," "to commit," and "to amend." This in view, he had voted against the motion till the amendments would come before them; but he would oppose the bill in every stage.

Mr. WEBSTER said it was plain the bill itself could not again come before them; it had been read a third time, and was agreed to by both Houses. But the amendments were within their power, and a motion to recommit them would be in order; but he conceived the best course for them to pursue would be to take the question of concurrence on each amendment.

Mr. POINDEXTER, believing that the bill would go to establish the principle of protection, could never give it his vote, in any shape. The principle of the present act was not that of Hamilton; what he recommended, looked in its object to revenue. Protection for any other purpose, he would have repudiated. If, in the present stage of the question, the opponents of the bill were in any dilemma, he [Mr. P.] would take care, if there were no other available mode, to renew his motion for indefinite postponement.

Mr. HAYNE said he should allow the question of concurrence to be taken on the several amendments, up to the last, which was a mere verbal one; but it was his intention then, before they should go beyond his reach, to move a recommitment of the whole measure.

Mr. DALLAS said, having anxiously consulted with several gentlemen around me, much better acquainted with the rules of order than myself, I am satisfied that the question now propounded for my suffrage is the final one on this bill. It came from the House of Representatives; it underwent many amendments in the Senate: those amendments have not all been concurred in by the House: and we are now called upon to say whether we will recede from those of our amendments which have been disagreed to. Should we recede, the law is complete, and already passed by both Houses of Congress. We cannot now recommit: we cannot alter what both the Senate and the House have approved: we may prolong altercation and difficulty by refusing to recede, or leave the matter unfinished and indefinitely postponed; but if we are to have any law enacted at this session, we must determine to have one by our present concluding vote. At this point of so arduous and interesting discussion, when even a committee of conference have exhausted their efforts, I cannot consent to give a silent vote. Always prepared heretofore, and resolved to be always prepared to assume any responsibility which may seem appropriate to the discharge of my public duties, I am now, and hereafter shall be, ready to meet my constituents upon this question, to tell them frankly and fully my motives and reason of action, and most cheerfully to abide by any conclusion of their judgment. I am only solicitous that my course on this final question in effect, and obviously a question of this bill or no bill, should be distinctly recorded and understood. Sir, at an early period of the session I announced the principles upon which I was governed in the labor of accommodating a new tariff of duties to the existing position of the country, to the reduced want of revenue, and to the payment of the public debt. Fully convinced of the wisdom of the great principle of protecting domestic industry; having imbibed a settled belief that it is essential to the maintenance of the best interests of the nation, and peculiarly important to the happiness and prosperity of my native State, I have uniformly taken my part in every exertion so to arrange the duties as to afford adequate and ample security to the manufacturers. My first rule of proceeding was, and invariably has been, to give to domestic manufactures, if possible, the whole aid of the whole revenue; to reserve all duties from imported articles which do not enter into competition with our own produce or fabric, and to make their entry free. In the bill under consideration, this principle is fully embodied and enforced. To that extent, therefore, it meets my unqualified approbation, and has been sanctioned by both Houses of Congress. Another rule of proceeding, early enunciated by my colleague, and readily embraced by many on

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this floor, was so to improve the regulations of collecting revenue, as to deduce from new arrangements a measure of protection to home industry somewhat proportionate to what might be lost in the mere reduction of the amount of duty. I need not remind the Senate of the debates of the bill in which, by various provisions, this object has also been incorporated and attained. The two principal ones are, the short credits to be hereafter allowed at our custom-houses for duties, and the justly augmented value of the pound sterling from four dollars and forty-four cents to four dollars and eighty-eight cents. The operations of these two provisions have undergone sufficient comment, and cannot now be mistaken by the Senate. The bill, Mr. President, has, in all its parts, engaged my most earnest and devoted study. To my mind, unaffected by the heats of this day, or of any former days, adequate protection is secured by this bill to all the great interests of the country, in the Union. I may be mistaken: my lights on this complicated matter may not be as extensive or accurate as are enjoyed by others. My information, my views, my convictions, are not derived from any thing heard on this floor from any speaker; nor have I regulated my votes or controlled my real sentiments under extraneous influence. I believe, firmly and sincerely believe, that if a few articles undergo a diminution in the amount of protection heretofore given them by law—a diminution somewhat disproportionate to that which characterizes the general scale—the difference is not of substantial importance, and cannot seriously or permanently affect them. Sir, there is not an absolute sacrifice of any one interest which has been before us. Louisiana cannot—cannot consistently with the unvarying tenor of every inquiry I have made—complain of the reduction of one half cent. upon sugar. Kentucky, as to the cent on cotton bagging, it will be recollected, was equally divided in the Senate; and the increase we made upon that article, as compared with the bill from the House, after having first been rejected, was finally adopted by a majority of one vote only. It was impossible to be wholly insensible to the discordant opinions of the two Kentucky Senators upon this subject; and although I voted before, and would willingly now vote, to make assurance doubly sure, to give the additional cent of duty, I cannot pretend, in this divided state of the best opinions, to have a deep and positive conviction one way or the other. The only really equivocal point is that which relates to woollens. We added to the fifty per cent. in the bill of the House, seven per cent. ad valorem. This addition has not been concurred in. It had my decided approbation; and could I secure it by any course of action consistent with a discharge of the general sum of my duties here, I would do so. The report of the committee of conference, however, precludes all prospects of that kind; and I cannot avoid entertaining the hope that, after all, this seven per cent., which some of its most ardent advocates would agree to make five per cent., cannot be absolutely and vitally necessary to the safety of those who are engaged in the manufacture. Sir, although determined to act upon the suggestion of my own independent mind and conscience, I must say, that if there be on this topic of the tariff a gentleman upon whose intelligence, sagacity, principles, and perseverance, I would pin my faith as to controverted facts about the efficiency or inefficiency of a given amount of protection, that gentleman is the chairman of the Senate's Committee on Manufactures, [Mr. DICKERSON.] He has devoted many years actively and ardently to the encouragement system and effectual protection of all branches and departments of domestic industry. He is here the official and selected guardian of the manufacturing interests; and we all know the unflinching fidelity with which his task is performed. Now, sir, that esteemed gentleman recommends us to forego our additional duty of seven per cent., and to be satisfied with the fifty per cent. ad valorem, ap-

proved by the House of Representatives. I go with him: I cannot be far out of the way when in his company; and I yield to the chairman of the Committee on Manufactures when he requests me to recede. Allusion has been made to the sentiments upon this great subject unanimously expressed, within the last month, by the Legislature of Pennsylvania. The resolutions of that highly respected body are now open before me. They manifest a complimentary reliance upon the discretion and fidelity of their Senators, which is appreciated with sensibility, and has not been, and shall not be, forgotten or disappointed, although couched in language which does not import they have all the force and efficacy of pointed instructions; and we have rigidly conformed to them, being both inclined to do so, and fully recognising the right of the General Assembly to direct our representative conduct. The present predicament of the subject may, indeed, seem to be one to which the resolutions do not apply, and to exact from myself and my colleague a course of proceeding which, in our judgments, will most strictly conform to this spirit and design. Sir, in determining to recede, I shall deeply regret if the manufacturing interests to which I have referred, or any others, shall experience any the least injury. Infalible legislation cannot be hoped for; we are as liable to error and mistake as other men; but as I sincerely believe that all with whom I have the honor to be associated are actuated by pure and patriotic motives, I cannot but expect a general readiness to remedy hereafter, by special legislation, any mischiefs which experience may prove to result from the defects or omissions of our present act. The country is just now anxiously, feverishly waiting the close of this protracted and most interesting session. The excitements of congressional debate have gradually spread through the whole people. We are imperatively called upon to end our deliberations, and to present to our constituents the great work upon which we have been engaged. Let us submit this bill to their scrutiny and operation. Should it prove unsatisfactory or destructive in any part, I have only to express my readiness, if Providence, the people, and my own free will permit me again to participate in your proceedings, to supply what may be wanting, or to rectify what may be wrong.

Mr. CLAY said, one of his chief objections to the course of the committee was, that they had given way before it was necessary. The Senate could have insisted, and then, if the House had determined also to insist, the Senate could then have determined either to recede or adhere. He stated that much stress was laid on the change in the value of the pound sterling, while it was certain that sugar, sail duck, and other articles, came from quarters where the pound sterling was not the basis of calculation. He called for a division of the question.

The question was then taken on receding from the amendment inserting after the words "Kendal cottons," the words "the latter weighing not less than sixteen ounces to the square yard," and determined in the affirmative—yeas 38, nays 10, as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Buckner, Chambers, Clayton, Dallas, Dickerson, Dudley, Ellis, Forsyth, Frelinghuysen, Grundy, Hayne, Hendricks, Hill, Holmes, Johnston, Kane, King, Mangum, Marcy, Miller, Moore, Naudain, Poindexter, Robinson, Silsbee, Smith, Sprague, Tazewell, Tipton, Tomlinson, Troup, Tyler, Webster, White, Wilkins.—38.

NAYS.—Messrs. Bell, Clay, Ewing, Foot, Knight, Prentiss, Robbins, Ruggles, Seymour, Waggaman.—10.

The question then was on receding from the amendment raising the duty on silver and plated wire from five to twenty-five per cent., which was agreed to.

The Senate then receded from their next amendment, raising the duty on japanned saddlery from ten to twenty-five per cent., without a division.

The Senate then receded from their next amendment,

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changing the duty on sail duck—yeas 34, nays 14, as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Buckner, Dallas, Dickerson, Dudley, Ellis, Foot, Forsyth, Frelinghuysen, Grundy, Hayne, Hendricks, Hill, Johnston, Kane, King, Knight, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Silsbee, Sprague, Tazewell, Tipton, Tomlinson, Troup, Tyler, White, Wilkins.—34.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Ewing, Holmes, Naudain, Prentiss, Robbins, Ruggles, Seymour, Smith, Waggaman, Webster.—14.

The question was next taken on receding from the amendment increasing the duty on cotton bagging to four cents instead of three and a half per square yard, and decided in the affirmative, as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Buckner, Dallas, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Poindexter, Robinson, Silsbee, Smith, Tazewell, Tipton, Troup, Tyler, White, Wilkins.—29.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Knight, Naudain, Prentiss, Robbins, Ruggles, Seymour, Sprague, Tomlinson, Waggaman, Webster.—19.

The question was then taken on receding from the amendment increasing the duty on brown sugar from two and a half to three cents per pound, and decided in the affirmative—yeas 33, nays 15, as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Buckner, Chambers, Dallas, Dickerson, Dudley, Ellis, Forsyth, Frelinghuysen, Grundy, Hayne, Hendricks, Hill, Kane, King, Knight, Mangum, Marcy, Miller, Moore, Poindexter, Robbins, Silsbee, Smith, Sprague, Tazewell, Tipton, Troup, Tyler, White, Wilkins.—33.

NAYS.—Bell, Clay, Clayton, Ewing, Foot, Holmes, Johnston, Naudain, Prentiss, Robbins, Ruggles, Seymour, Tomlinson, Waggaman, Webster.—15.

The Senate then receded from the amendment increasing the duty on slates from twenty-five to thirty-five per cent. ad valorem, by the following vote:

YEAS.—Messrs. Bell, Benton, Bibb, Brown, Buckner, Chambers, Clayton, Dallas, Dickerson, Dudley, Ellis, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hayne, Hendricks, Hill, Holmes, Johnston, Kane, King, Knight, Mangum, Marcy, Miller, Moore, Naudain, Poindexter, Robinson, Silsbee, Smith, Sprague, Tazewell, Tipton, Tomlinson, Troup, Tyler, White, Wilkins.—41.

NAYS.—Messrs. Clay, Prentiss, Robbins, Ruggles, Seymour, Waggaman, Webster.—7.

The Senate then agreed to the amendment of the House to its amendment with respect to carpeting, by inserting the word "common."

Mr. WILKINS here made some remarks in further explanation of his course. He said, when he moved the conference, some dissatisfaction was expressed that the motion should be made by any but a member of the committee. He did not make the motion with any view to put himself forward, or to become a member of the committee of conference. He believed the Senate would do him the justice to admit that, since he had been a member of this body, he had exhibited no desire to thrust himself forward in it. Some of the remarks of the gentleman from Massachusetts seemed to be intended as sarcastic. That gentleman had expressed surprise that the interests of manufacturers should be entrusted to one who had taken no prominent part in the debate, and was not a member of the committee which had the charge of the subject. But, at this stage of the business, all the principles had been settled, the votes had been declared, and in every case an opinion had been formed and expressed. I here take occasion to say to the Senator from Massachusetts, that I have been uniform in my support of manufactures, and I never varied in my course in regard to them. This

bill had passed the House of Representatives by the unparalleled vote of one hundred and thirty-two to sixty-five, in which the adversaries and friends of the protective system had united. The friends of the system, he believed, by attempting to obtain a more advantageous bill, incurred the hazard of losing the bill entirely. This state of things he had not lost sight of. To show that there was no ground for sarcasm, and no ground for the amusement which the gentleman from Maine, in his usual idle strain, had indulged in, he would state that, after the appointment of the committee, he met the Senator from South Carolina in the committee room, and, in conversation, told him that, for his guidance in this business, he had chalked out a course, from which he should not depart—a course not governed by any particular incident, but settled in reference to the existing state of the question. He might have been wrong, but he entered upon the duties of the committee determined to do the best he could to settle this question. The country called for an adjustment of the question, and, to procure it, he had determined to yield every thing but the woollens. So far as the Senate had gone with the amendments, they had sanctioned his course, by agreeing to recede. The report of the committee, so far, had been fully sustained. As long as there was any chance to get the additional duty on woollens, I held out for it. In no case did I vote to adhere, except in regard to woollens. The Senator from South Carolina moved to recede, and I went with him. The Senator from New Jersey did not, at first, but ultimately he yielded. The House, by an unparalleled majority, had agreed to fix the duty on woollens at fifty per cent. When the bill was in the Senate, I voted with the Committee on Manufactures to increase the duty on woollens. I voted for the minimum, and for the sixty per cent., and I voted for the fifty-seven per cent. It was but a little increase, as he had before said, but, for voting for this little, I have been denounced in language which I never wish to hear in the Senate. The chairman of the Committee on Manufactures was willing to split the difference, and take three and a half per cent. But even that could not be obtained, nor could fifty-two per cent. be got. When nothing was to be gained by holding out, when we had gone to the very verge, I yielded. It is now for the Senate to say whether I was right or wrong. Before I determined to give up this amendment, I consulted the Senator from New Jersey, who assented to its abandonment. If I have gone wrong, I have gone in good company. Mr. W. went on to show that the prompt pay of duties, the valuation of the pound sterling, and other provisions of the bill, afforded some equivalent for the reduction of the woollen duty. The bill afforded, he thought, a reasonable protection to the woollens manufacturer. He put this case: an English manufacturer sends one hundred yards of cloth, worth one hundred dollars, to New York, at a considerable expense for freight, insurance, &c. The American manufacturer meets it there with one hundred yards of his cloth, worth also one hundred dollars. Before they go into the market for purchasers, the Government interferes, and takes, by way of protecting the American manufacturer, fifty yards of the cloth belonging to the English manufacturers. Was this a sufficient amount of protection? He did not pretend to say that it was. But it was all that could be got now. After the conference was over, I remarked to the Senator from South Carolina, that we died hard. We had endeavored to get all we could; and I mentioned that I was the more content with the duty on woollens fixed by the bill, inasmuch as a gentleman of great experience in the woollen manufacture had informed me, by letter received that day, that, in his opinion, fifty per cent. was an adequate protection, taken together with the other provisions of the bill. The writer of this letter is a citizen of Pennsylvania, who

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thoroughly understood the subject, and was formerly the chairman of the Committee on Manufactures in the other House. The Senate will recollect that there was no amendment as to iron adopted here, and that the iron duties did not come under the notice of the committee of conference. Though the duty on that article was considerably reduced, he acquiesced in its reduction. It had been asked, in a reproachful tone, why sugar had been selected as one of the subjects of surrender. He would submit it to the Senator from Louisiana [Mr. JOHNSON] whether that interest was sacrificed by the bill. The committee had no hostility to that interest, but they could not have preserved the amendment, without losing the bill.

Mr. HOLMES said he had not any idol that he knew of. Almost every man, though, had his idol. The Senator from Pennsylvania might have an idol in the office for which he was a candidate, and to that idol he might have sacrificed the woollens interest. He had nothing himself wherewith to amuse the Senate, and he had only alluded to the amusing description given by the Senator from South Carolina of the course of his colleagues in the committee. The Senator from Pennsylvania supported the woollens duty with all his might, and gave it up. He confessed he disliked the composition of this committee. One member was ultra-anti-tariff; another was a candidate for the Vice Presidency; and the third was an old bachelor, who cared nothing for posterity, whereas we, sir, are legislating for posterity.

Mr. WEBSTER remarked that the Senator from Pennsylvania must have desired to be a member of the committee of conference, as he could not have expected to be treated with so much extraordinary disrespect as not to be put on the committee raised on his own motion. When he came into the Senate chamber, he found that the motion had been made. He said it was an extraordinary motion for a gentleman to make, who, during the progress of the bill, had taken no interest in it. But I concurred in the appointment of the committee, supposing that they would, in conference, act as the advocates of the views of the Senate. As I said before, if I had supposed I was signing a power of attorney to authorize the surrender of the points contended for by the Senate, I would have withheld my vote. If the Senator from Pennsylvania had said to us, as he now says, that it was his intention to give up nineteen of the twenty amendments of the Senate, and die hard in giving up the twentieth, the Senate would not have accredited him as their negotiator. The Senator now says that his course is sanctioned by the votes of the Senate. Can a balanced Senate oppose the report of the committee of conference? Why are the Senate's amendments receded from? Because they have no longer the aid of the gentleman's vote. If fifty-seven per cent. was little to receive, it was little to part with, argues the gentleman. *Non sequitur*. If fifty per cent. brings it to a balance, the addition of seven per cent. will turn the scale. The Senator had spoken of the unparalleled vote by which the House passed the bill, but he thought nothing of the vote by which the amendments passed the Senate. The bill, as amended, passed the Senate by a vote of 32 to 16. The whole majority in the other House, against the additional duty on woollens of seven per cent. was, as he had been informed, only six or seven votes. Still the Senator says he died hard. I will not say it was a dishonorable death, but I do say it was a bloodless one.

Mr. HAYNE said this was a small matter. A different course would have led to an irreconcilable disagreement. The Senate then receded from their amendment, increasing the duty on woollens from fifty to fifty-seven per cent.—yeas 29, nays 19, as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Buckner, Dallas, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Hendricks, Hill, Kane, King, Knight, Mangum, Marcy,

Miller, Moore, Poindexter, Robinson, Smith, Tazewell, Tipton, Troup, Tyler, White, Wilkins.—29.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Ewing, Foot, Frelinghuysen, Holmes, Johnston, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggaman, Webster.—19.

The amendments having been gone through, Mr. HAYNE moved to recommit the bill, with instructions so to amend it, as to provide for a system of ad valorem duties, so arranged as to reduce the revenue to the wants of the country.

The PRESIDENT decided that such a motion could not be received, as the Senate must now be confined to its action on the disagreeing votes of the two Houses.

Mr. POINDEXTER then rose. It was not his intention, he said, to go into any details, but to renew the motion for indefinite postponement. He felt that if he were to vote for the bill, he would be conceding a power to Congress to lay taxes on the country for other purposes than revenue—a power which he denied they possessed, other than that for the payment of their debts. Were he to vote for the bill, he should consider himself committed to the principle, though other gentlemen had expressed a different opinion. But what was this bill? It kept up the duties on the protected articles; was oppressive in the extreme on the raw material. [The CHAIR requested the Senator would confine himself to the question.] It was his intention, Mr. P. resumed, to record his opinion of the measure at a prior stage, but no fitting opportunity had presented itself, and he would merely now say that he considered the present bill, from the inequality of its operation, worse than the bill of abominations of 1828. He would conform to the wish of the Chair, and would now move that the bill be indefinitely postponed.

Mr. HAYNE asked for the yeas and nays.

Mr. FORSYTH said he would vote against the motion, and so far sanction the present bill, but it was necessary for him to state the grounds of his vote. Although the principle of protection was embraced in this bill for which he was about to vote, yet is he hereafter to be committed in favor of the principle? He hoped not. Defeat the present bill, and what would be the consequence? We would have the existing tariff, without any reduction. The present measure was a modification of it, so far as it went; and he would vote for getting rid of so much of the abominable bill of 1828. It was not a question of protection, but of reduction of the burdens of the people; and he would continue the uncompromising, incessant enemy of the system, till it was totally abrogated by Congress.

Mr. FOOT said he had once voted for the indefinite postponement of this bill, on the motion of the Senator from New Hampshire, [Mr. BELL;] but since we are called to record our votes again on a similar motion, and his vote would now be recorded against it, he felt it due to himself to explain the reasons which induced him to give a different vote at this time. Sir, said Mr. F., there is not a Senator on this floor more disposed than myself to make any reasonable sacrifice for the preservation of the peace and harmony of this confederacy; to relieve any portion from unreasonable or unequal burdens; to endeavor to allay any unfortunate excitement produced even by mistaken notions of inequality in the operation of any of our laws. On this ground, and on this alone, was my vote recorded in favor of the bill as amended by the Senate. And after the repeated declaration of the Senator from South Carolina, [Mr. HAYNE,] and the Senator from Alabama, [Mr. KING,] and others, that this bill would afford no relief, but was more obnoxious than even the act of 1828, so often called the "bill of abominations," I was disposed to unite with them in rejecting it. But, sir, in this vote they did not unite.

To me this bill has no charms. Perhaps there is not a single State in this Union which will be more, if as much,

SENATE.]

The Tariff.

[JULY 12, 1832.]

affected by its passage as my own. More manufactures of various descriptions are springing up under the protection of your laws in the State of Connecticut, than in any other portion of the Union. Many of them are in their infancy, and must be seriously affected, if not totally prostrated by this bill. The committee of conference had proposed to surrender every amendment made in the Senate, in which our smaller manufacturers were particularly interested, and some of which amendments had been made at my suggestion, from letters and information laid before the Committee on Manufactures by me. These were all to be surrendered without a struggle; without an effort to save them. The committee knew full well our convictions of the blighting effects of the bill on the Eastern States, and particularly in the State which has honored me with a seat on this floor, without the amendment of the Senate, for I had stated them in the discussion of those amendments, and produced the proof. I have this day received another letter from an intelligent farmer, who has made great exertions to improve the quality of the wool in this country, who says "the hopes of the wool growers are destroyed, and even the Saxony sheep must be resigned up to the butcher."

The question is now presented under circumstances somewhat different. The Senate have acted on the amendments. My votes have been in favor of the amendments of the Senate; but as, in all cases, minorities must submit, in this case it becomes my duty. The chairman of the committee has stated his determination that if, at the next session, it shall be ascertained that any infant manufacture will be seriously injured, he will unite in any further amendment in favor of necessary protection; and as the bill will not go into operation until another session intervenes, I am disposed to withdraw my opposition, and permit the bill to pass, not by an affirmative vote, but by one which will be equally effective; by voting against the motion for indefinite postponement. Another reason which will induce me to vote against the present motion is, that it is made avowedly on the ground that "the principle of protection to our manufactures is recognised in it;" and Senators have declared this to be good ground for its rejection. Sir, against this doctrine I enter my solemn protest! It is the foundation of all Government! What is the first duty of Government? Protection! Will you confine this obligation to the protection of the lives of your citizens alone? Will you not extend it to their property? And is this to be confined to protection of property only against lawless pirates and robbers? Is it not equally the duty of the Government to protect the property of its citizens from damage or injury arising from the legislation of foreign nations, by countervailing legislation or restriction, and to encourage and protect their industry? This has been the policy of this Government from the commencement of its existence! The very first act of Congress, after the adoption of the constitution, recognises this principle, and admits this to be its duty. It has had the sanction of forty years, and Senators may rest assured it will not be abandoned. It cannot be abandoned while the Government has an existence. Without this principle of protection, no Government would be worth preserving, nor deserve the name. Nor will my vote be given on any question, to sanction for a moment, or to countenance, any doctrine so fatal in its tendency.

Mr. MANGUM said he would vote for the indefinite postponement. It was not enough that the revenue was reduced, for the bill carried out the odious principle of inequality; the rich would be indulged in their luxuries without taxation, whilst the poor were heavily burdened. He would not sanction the bill, because he believed it would go to fix a settled system of the policy of protection. Its principle was to do evil, that good might result, but he would rely that a returning sense of justice would yet influence their councils.

Mr. KING said, but for the remarks that had been made, it was not his intention to have trespassed on the attention of the Senate. The Senator from Kentucky [Mr. CLAY] had observed that the Southern gentlemen, by their former vote, had conceded their opinions in favor of the present measure. Such was not the case; for himself, he would never be in favor of a measure which preserved the present inequality. He had said, on a former occasion, that he would vote, though reluctantly, for the bill as it came from the House; but it had undergone such changes here for the worse, that he voted against it as amended. He had voted against the act of 1824; he had also voted against the bill of 1828. But all the appeals of the South had been heretofore disregarded. In the measure now introduced, the friends of protection had been induced to make some mitigation in lessening the public burdens; on this ground, when the odious amendments were receded from, he would vote for the bill, though still with reluctance, and in hopes of further relief from the system. It was for the first time in his experience, that he had heard such language of censure used to a committee of conference, as that which came from the Senator from Kentucky, and you yourself, Mr. Chairman, said Mr. K., scarcely escaped for your appointment of the members of that committee. Who had ever heard of a committee of conference yielding nothing? It was for the very purpose of compromise that recourse was had to that mode. The Senator from Pennsylvania [Mr. WILKINS] had been denounced, but his firm and high character could not be affected by the assault. The gentleman from Kentucky had congratulated himself in anticipation of having the future support of the gentlemen of the South; but he had reckoned without his host. As regarded the present bill, and the existing law, he would choose the lesser evil; yet he would not compromise his principles; and on a future occasion his friends would find him combating by their side.

Mr. HAYNE said he had but one more word to say before the final question was taken. From the beginning of the session up to the present moment, he had, with the most perfect good faith, voted for every proposition, and used his utmost efforts to effect such a modification of the tariff as should remove existing difficulties, and do equal justice to all parts of the country. The bill had been put into the form which the tariff majority in both Houses had thought proper to give it, and it now only remained for him, at this last stage of its progress, to record his sentiments in relation to it. He had examined its provisions carefully. He was perfectly satisfied that it did not propose to effect a reduction in the revenue of more than from three to four millions of dollars, and of this nearly the whole amount was on unprotected articles. So far, it aggravated the injustice and inequality of which the South had so loudly complained. This bill recognises the protecting system; it has been arranged throughout, on the single principle of taking care of the interests of the manufacturers, and was now openly supported by the tariff party, on the ground that this protection was adequate to the object; and it had been openly avowed that, if it should, in any case, prove otherwise, further protection was to be hereafter extended. The duties retained by this bill were most unreasonable and exorbitant—fifty-seven per cent. upon woollens, upwards of one hundred per cent. upon cottons and iron, and still higher upon silk and sugar, while articles of luxury, only because they did not come into competition with domestic manufactures, were to be admitted duty free. He regarded this bill as fixing the system upon the country forever, beyond hope of future relief. He should, therefore, vote for its indefinite postponement; and if the bill was to pass, he would leave the responsibility of a measure fraught with such fatal consequences to others.

The vote being then taken, the postponement was lost.

JULY 13, 1832.]

The Bank Veto.

[SENATE.]

YEAS.—Messrs. Bell, Bibb, Hayne, Holmes, Mangum, Miller, Moore, Naudain, Poindexter, Robbins, Ruggles, Tazewell, Troup, Tyler, Waggaman.—15.

NAYS.—Messrs. Benton, Brown, Chambers, Clay, Dallas, Dickerson, Dudley, Ellis, Ewing, Foot, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Johnston, Kane, King, Knight, Marcy, Robinson, Seymour, Silsbee, Smith, Sprague, Tipton, Tomlinson, Webster, White, Wilkins.—30.

So the motion to postpone was lost; and the report of the committee of conference sustained.

FRIDAY, JULY 13.

THE BANK VETO.

The Senate having again taken up this subject,

Mr. BENTON then resumed his observations, charging the bank with having applied its means for the purpose of operating on public opinion, and influencing the votes of the people against General Jackson; and reiterating the arguments against the bank which he had used during the progress of the bill. He denied that the disasters of the late war were justly attributable to the want of a bank, such as that of the present institution; and asserted that the State banks had impoverished themselves by their efforts to please the army. He expressed his hopes that the friends of General Jackson, who had supported the bank, would be convinced, by its conduct previous to the next November, that it was merely a political engine, employed for the purpose of destroying the election of General Jackson. He invited members to read the pamphlet of Sir Henry Parnell against the Bank of England, and recommending its subdivision. He asserted that the United States' Bank had uniformly refused to establish a branch in Missouri, although repeatedly solicited by the merchants, until he had unmasked his opposition to the bank. He then went on to quote the language of Sir William Pulteney against the Bank of England, in order to justify, by his example, the use of the word "monopoly" by the President. The policy of permitting foreigners to hold stock in the United States' Bank, he asserted to be distinct from that of obtaining loans from foreigners for internal improvements; and declared it to be extremely dangerous for foreigners to be the bankers of the United States. In the course of his remarks, he had characterized the speech of Mr. C. as wanting in courtesy, indecorous, and disrespectful to the Chief Magistrate.

Mr. CLAY rose to say a few words in regard to the personal allusions made to himself by the Senator from Missouri. He would previously remark that the fact was now established by that Senator, that the famous tariff of the Secretary of the Treasury, which had engaged so much anxious deliberation in Congress during this session, originated from a resolution in that officer's own handwriting, presented to, and adopted by, the House of Representatives. That fact was unaffected by any circumstances which led to the draught of the resolution, and conclusively proves that the duty of preparing the bill, if not voluntarily sought, was not reluctantly assumed by the Secretary.

The Senator from Missouri has adverted to the fact of crowded galleries. But if, impelled by curiosity, the galleries are occasionally filled, when it is understood some Senators are to speak, no member knows better than the honorable gentleman that, when some others rise, the galleries are quickly emptied, with whatever else the Senate chamber may then be filled. The member ought not to be dissatisfied to-day with the presence of those who are around him; for among them is a lady of great literary eminence. [Alluding to a noted female of the name of Royal, who sat near Mr. B.]

Mr. C. continued, and observed that he had been ac-

cused by the Senator from Missouri with a want of courtesy and decorum towards the Chief Magistrate of the United States, in the comments which he had felt it his duty to make upon the President's message accompanying his veto upon the bank bill. How had he rendered himself liable to this accusation? A bill to recharter the bank had passed the Senate, with the concurrence of his [Mr. C.'s] vote as one of the majority. The President disapproved it, and in an elaborate message states at large his objections. Now, what was the most respectful course in regard to this message? To examine, weigh, discuss, and decide upon the objections? or to proceed to the reconsideration of the bill, enjoined by the constitution, in silence? Mr. C. would appeal from the Senator to the Senate, if he had not treated the President and his message with all the respect which was consistent with the occasion, and with the high responsibility under which every member of the body was bound to act. In some past transactions, well known to the public, he [Mr. C.] had been furnished by the President with cause for resentment. But the indulgence of feelings of that description was altogether improper in the discharge of official duties; and he was entirely unconscious of their operation upon his mind in fulfilling his public obligations therein.

The Senator from Missouri had attributed to him [Mr. C.] a motive for his remarks, with respect to the consequences which would ensue in the Western country from the discontinuance of the bank. But had not the President given in his message the supposed operation of the bank in the West, a conspicuous place? Had he not emphatically called the attention of the Senate to the injurious effects of this institution on Western prosperity? The member from Missouri would be the last to assign to the President improper motives for this part of his message; and why should he attribute them to another?

Mr. President, said Mr. C., I cannot allow the member from Missouri to instruct me in etiquette and courtesy, and how I shall deport myself towards an exalted personage. I can take no instructions from such a source. I cannot, at this period of my life, go with the member from Missouri and his Indian blankets to Boon's Lick, to be taught the rules and practice of politeness. If I could consent to receive him as my preceptor, I should be at a loss to know to which of the opposite opinions he, at different periods, has entertained of the President, I ought to conform myself. I never had any personal rencontre with the President; I never promulgated a bulletin on any such rencontre; I never complained of the President beating a brother of mine after he was prostrated and lying apparently lifeless. The member from Missouri needs no more specific indications of the transaction to which allusion is now made. Nor did I ever make such a prophecy of the events, which would ensue from the elevation of the President, as the public press ascribes to the honorable Senator from Missouri.

Mr. C. concluded by observing that he did not mean to detain the Senate by any further notice of the observations of the Senator from Missouri. He had now and forever discharged all obligations under which that Senator had placed him, and he had given him a full acquittance.

Mr. BENTON said that it was true he and General Jackson had had a personal conflict; it was true he had fought with him; but he hoped they had fought as men. When that contest was over, so was their enmity; three months, after they were good friends; and at any time since, each would have assisted and done any thing in his power for the other. They had a contest, it was true, but there was no question of adjourned veracity between them—no adjourned veracity remaining on the public mind. No, sir, said Mr. B., if such were the case, there would have been a separation between us, wider than the gulf which separates heaven from hell!

SENATE.]

Free Bridge.

[JULY 14, 1852.]

As regarded that famous placard put to his account, wherein it was asserted that members of Congress, in a certain event, would have to legislate armed, it was but within a few days that a St. Louis paper contained a card from Colonel Lawless, in refutation of the charge respecting him, [Mr. B.] as the author of the production. In that card, Colonel Lawless called for any one within the State to come forward, who had ever heard him [Mr. B.] make the assertion; but no one had come forward, nor could any one. Colonel Lawless, who was well acquainted with the transactions of that day, denied, from his personal knowledge of him, [Mr. B.] and from the intimate connexion subsisting between them at the period, that such assertions were consonant with his [Mr. B.'s] sentiments, or that he had ever uttered them. But, though the calumniator, who, in the dark, had affixed the fabricated placard to the lamp posts, had remained unseen, he [Mr. B.] was no longer in doubt, in one respect at least, as regarded the responsible author in the Senate, who had now given currency to the atrocious calumny; and such he pronounced it.

Mr. CLAY, in reply, observed, that as to the question of "adjourned veracity," when the President lent the sanction of his name to the charge, which he supposes the member alluded to, he [Mr. C.] promptly and peremptorily denied the charge, and demanded the proof. The witness was produced, and Mr. C. was willing to abide by the judgment of the present generation and posterity, as to the testimony which he rendered, and he pronounced the charge, by whomsoever made, master or man, desutute of all foundation. That witness has recently gone to St. Petersburg, as the minister of the United States. [Mr. BENTON, after a momentary conference with a Senator near, said aloud from his seat, "the fisheries"—"the fisheries.""] As to the prophecy in the public press, resumed Mr. C., the member from Missouri refers to Colonel Lawless's denial of its truth, and says no man in Missouri had come forward to substantiate it. Mr. CLAY, pausing, and looking at the member from Missouri, asked, can the Senator throw his eyes on me—will he look in my face and assert that he never used language similar to that imputed to him? [Mr. BENTON, after a pause, pointing his finger at Mr. CLAY, indicating that he was so looking, said, "he could"—"he could."] Mr. CLAY said, I repeat, can the Senator look me in the face and say he did not make use of such language out of the State of Missouri? [Mr. BENTON reiterated his former answer.] Mr. CLAY, I again ask, can that man presume to look me in the face and deny it? [Mr. BENTON repeated his previous remark.] Mr. CLAY resumed his seat, and

Mr. BENTON said he had already pronounced it an "atrocious calumny"—he had pointed out the author in the Senate—he would pin it to his sleeve; it would stick, stick there, and there he wished it to remain.

Mr. CLAY rose, and said he returned the charge of calumny to the Senator from Missouri.

The CHAIR (Mr. TAZEWELL) said the debate could not longer be suffered; the Senator from Kentucky must take his seat.

Mr. CLAY. I wish to explain.

The CHAIR. No further explanation will be heard from the gentleman from Kentucky.

Mr. CLAY. I tell the President I must be heard; and I demand to know the point of order.

The CHAIR. The Senator was out of order in the language used to the Senator from Missouri.

Mr. CLAY. Then I will make another point of order. Was not the language of the Senator from Missouri out of order?

The CHAIR. The present incumbent was not in the chair when the debate arose.

[Mr. POINDEXTER had then temporarily occupied the chair.]

Mr. POINDEXTER rose to explain.

Mr. BENTON rose (Mr. P. on his feet) and said, as apology is due by me to the Senate: I was out of order.

Mr. CLAY said (Mr. P. still in possession of the eye of the Chair) to the same tribunal I take the same opportunity to offer an apology; for the Senator from Missouri I have none.

Mr. POINDEXTER here explained: his words were not distinctly audible in the gallery; but we understood him to say that he had not conceived the debate irregular at the period he vacated the chair.

Mr. P. having sat down, there was a general call of "question," "question."

The question was then put, "whether the bill should become a law, the President's objections to the contrary notwithstanding;" and was decided in the negative, as follows: (two-thirds being necessary to carry a measure against the Executive veto.)

YEAS.—Messrs. Buckner, Chambers, Clay, Clayton, Dallas, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Webster, Wilkins.—22.

NAYS.—Messrs. Benton, Bibb, Brown, Dudley, Ellis, Forsyth, Grundy, Hayne, Hill, Kane, King, Mangum, Marcy, Miller, Moore, Tazewell, Troup, Tyler, White.—19.

The Senate acted on a large number of private and other bills, and then spent the remainder of the sitting in executive business.

SATURDAY, JULY 14.

FREE BRIDGE.

The bill to alter the draw of the Potomac bridge was returned from the House, with an amendment, introducing a provision to pay to the Washington Bridge Company \$20,000 for their right in the bridge; and that, on the completion of such purchase, the Secretary of the Treasury shall construct a new bridge, for which sixty thousand dollars are appropriated. The bridge to be free.

Mr. CHAMBERS moved to concur, and stated, briefly, the deep and intense interest which was felt throughout the District, relative to the fate of this measure. He stated that the citizens of Georgetown had opposed this matter, and had opposed every improvement of the old bridge. They thought it would be injurious to their interests; but, should it be found so, he was ready to lend his aid to relieve them.

Mr. BUCKNER made one or two remarks in opposition to the bill, and moved to lay it on the table.

Mr. CHAMBERS again invoked the Senate to settle this vexed question, which had been before the Senate year after year.

Mr. FORSYTH said it would be time enough next year to build this bridge.

Mr. BUCKNER then adverted to the injury which would be done to Georgetown by the construction of this free bridge.

The question was then taken, and decided in the negative, as follows:

YEAS.—Messrs. Buckner, Dickerson, Forsyth, Frelinghuysen, Grundy, Hayne, Hill, Mangum, Marcy, Robinson, Smith, Tazewell, White.—13.

NAYS.—Messrs. Chambers, Clay, Clayton, Dallas, Dudley, Ellis, Ewing, Foot, Kane, Poindexter, Robbins, Ruggles, Seymour, Silsbee, Tomlinson, Tyler, Waggoner.—17.

Mr. MANGUM moved to postpone the bill indefinitely. The yeas and nays were ordered.

Mr. CLAY asked if there was any provision in the bill to construct the bridge near the aqueduct.

Mr. CHAMBERS replied in the negative, and stated

JULY 16, 1832.]

Adjournment.

[SENATE.]

that he had made several efforts to get up the bill relative to the Georgetown bridge, but without effect. The construction of this bridge would not be productive of the interruption of the navigation, which was caused by the former bridge.

Mr. FORSYTH made some remarks in opposition.

Mr. TYLER said that, in his opinion, Georgetown had no reason to complain. The subject had been sufficiently long before Congress for every gentleman to have made up his mind on the subject. He would therefore vote against postponement. He stated what were the disadvantages under which the District now labored, and said there were no constitutional objections.

Mr. CLAY said he felt no slight solicitude on the subject of this bridge. It was the first subject on which he ever opened his mouth in this Senate. The Senator from Maryland and himself were the only Senators left of that body. It was then, after occupying the Senate three weeks, postponed till the next session, on the motion of a Senator of Virginia, and at the next session it became a law. The destruction of that bridge had caused great inconvenience to the District, and to the transportation of the mail. He adverted to the guard against any waste, which was provided by the language of the bill.

Mr. SMITH said there had been no part of the District so anxious to bring the Government hither as Georgetown. There were some able men there, who exerted themselves to that effect. He considered Georgetown as a part of his charge, as a representative from Maryland, of which she had been a portion, and he would vote for the postponement.

Mr. FRELINGHUYSEN said he should vote against the postponement, but he hoped Congress would pause before they made this free bridge. He preferred that the aid should be given in the form in which it was given to Alexandria.

The motion to postpone indefinitely was negatived—yeas 13, nays 19.

The first amendment was concurred in—yeas 15, nays 13.

Mr. FRELINGHUYSEN moved to amend the second amendment, by substituting a provision, that 60,000 dollars

be appropriated and paid to the Washington Bridge Company for the repair of the bridge.

This motion was negatived, and the amendments of the other House were agreed to.

The Senate then proceeded with other business, and continued, with the intermission of a short recess, until nine o'clock at night, passing on a great variety of bills, and then

Adjourned to Monday morning, 6 o'clock.

MONDAY, JULY 16, 6 A. M.

A message was received from the House of Representatives, communicating a resolution from that body, suspending the joint rule which prevents the sending to the President any bills for signature on the last day of the session, for the purpose of sending certain specified bills to the President.

The joint resolution was then agreed to, and the rule was suspended.

A message was received from the House, communicating that a committee had been appointed on the part of the House to join such committee as might be appointed by the Senate, to wait on the President, and inform him that the two Houses were now ready to adjourn; and Mr. TYLER and Mr. KING were appointed such committee on the part of the Senate.

On motion of Mr. POINDEXTER, the Senate then proceeded to the consideration of executive business, in order to enable him to submit a motion in executive session.

At a quarter before eight the doors were reopened.

Mr. TYLER, from the committee appointed to wait on the President, reported that they had performed that duty, and had received for answer that the President had no further communication to make.

On motion of Mr. BIBB, a message was sent to the House of Representatives, to inform the House that the Senate was ready to adjourn.

A message was received from the House, stating that the House, having closed its business, was now ready to adjourn.

The Senate then adjourned to the first Monday in December next.

[The following remarks of Mr. HAYNE (on the question of an outfit, &c. for a minister to France) were accidentally omitted in their proper place, at page 816, and are therefore inserted here.]

Mr. HAYNE said that nothing could have been further from his intention than to provoke a discussion involving the relative merits of the last and present administration; nor had a word fallen from him having that bearing or tendency. On several occasions, of late, the Senate had witnessed controversies between the Senators from Maryland and Connecticut, [Messrs. SMITH and FOOT,] as to the expenditures in different departments of the Government, during the administration of Mr. Adams and of General Jackson. It occurred to me, said Mr. H., that it might be advantageous to the country to look a little further into this matter, in order to see whether the expenses of the Government had not, of late years, been increased in a most alarming manner; whether they were not still increasing; and how far they might be advantageously diminished. My object was not to attack *any* administration, but to endeavor to avert the downward course of this Government, and, if possible, to introduce a system of economy and retrenchment. From the statement which I have submitted—carefully prepared from the treasury reports, at my request, by an officer of this House—it appears that the average expenditures of the Government, for four years, from 1822 to 1825, (exclusive of the public debt,) was little over *ten millions* of dollars per annum; while the average expenditure of the four

last years, up to 1830 inclusive, (the latest period for which official returns have been received,) was upwards of *thirteen millions*; showing an increase in the public expenditure of *three millions per annum*. In this statement it will be perceived that the years I have selected do not embrace the whole term of any administration. It is not my object to assail or defend any administration, but to attack *the abuses of the Government*, wherever they may be found to exist. The chairman of the Committee on Finance [Mr. SMITH] insists that the expenditures of the first period, (embracing three years of the administration of Mr. Monroe, and one of Mr. Adams) do not afford a fair test of the ordinary expenditures of the Government, inasmuch as the country was then in a state of financial embarrassment, which restricted, injuriously, the appropriations for the public service. Yet, sir, do we not all recollect that the administration of Mr. Monroe was stigmatized as a *prodigal administration*? And I confess I am now, for the first time, informed that an injurious economy was the besetting sin of the party then in power. I confess I am, for my own part, unable to conceive of a single object of national expenditure which requires, at this time, a larger appropriation of money than was demanded under Mr. Monroe's administration. The present peaceful condition of the world, and the state of our

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foreign intercourse; the progress made in our fortifications; the condition of our army and navy, and of internal improvements, and the general state of the country, seem certainly not to call for any increased expenditure; but, on the contrary, afford reasonable ground for expecting a considerable diminution. And yet, as we all now see, the public expenses have been greatly increased, and are constantly increasing. Sir, the causes of this state of things are worthy of grave inquiry, and at some other time I shall be disposed to enter fully into it; and when I do so, I shall certainly expect gentlemen on both sides of the House to redeem the pledges they have made this day of bringing down the public expenses to the lowest possible amount to which they can be reduced, without injury to the public service.

But, waiving this inquiry for the present, there is one topic which has been introduced into this debate, and in relation to which some remarks have been made by the chairman of the Committee on Finance, and others, both now and on a former occasion, which, coming from the friends of the present administration, I cannot consent to pass over in silence. The chairman of the committee has several times repeated that this administration has been "as economical as their predecessors;" and when reminded that Mr. Adams's administration was held up, during the canvass which terminated in the election of General Jackson, as "the most extravagant with which this country had ever been afflicted," and that "ECONOMY, RETRENCHMENT, AND REFORM" was the motto of the Jackson party, inscribed on the banner under which they rallied and marched to victory—he has replied, in effect, "that all this was little more than mere idle clamor; and that in truth there was, on this score, no well founded objection to that administration; that there was no just ground for the abuses charged against them; and that, in point of fact, the affairs of the Government had always been very well managed." Now, sir, whatever cause of triumph this apparently candid confession may give to our former opponents, I do most solemnly protest against this ground being now assumed by the present administration to justify a violation of their solemn pledges. And if any of their friends, here or elsewhere, are now disposed to abandon the principles which brought them into power, I shall not consent to follow them. Should I stand alone, I shall insist on a strict and faithful performance, by the men now in power, of all the promises which were held out to the people; and if they abandon their principles, and refuse to redeem their pledges, I, for one, even if there should be none to second me, will yet never cease to call up to their recollection these promises unperformed, and pledges unredeemed, so long as I shall have the honor of a seat on this floor. The gentleman told us that he did not join in these imputations on the late administration; and this may be a very good excuse for him in taking that administration as a standard by which the merits of the present is to be tested. But, sir, this will not do for those members of the Jackson party who, like myself, entered heart and soul into that contest—who conscientiously believed, and persuaded the people to believe, that there were abuses to be reformed—extravagant expenditures to be retrenched—Executive patronage to be reduced; and that a radical change was necessary in the principles on which this Government was administered. Sir, it may be very convenient for a party, after it has secured its ascendancy, and got possession of the high places in the Government, to abandon the principles and forget the pledges which brought them into power. But whenever this shall be done by any party to which I am attached, I am resolved it shall not be done without having my testimony borne openly against it. Is it possible, Mr. President, that it has already come to this, that Mr. Adams and his administration are actually to be held up as *patterns for our imitation*; and that, when a charge of extravagance is made

against the present administration, their vindication is considered as complete, if it can be shown that they are not more extravagant than their predecessors? Sir, I cannot but feel that such a course of proceeding involves gross injustice to those who based their opposition to Mr. Adams on the very grounds now openly repudiated by some of the friends of the present administration. If the gentleman from Maryland is now right, we who most zealously and faithfully supported General Jackson in the Presidential canvass were all wrong. Sir, let me call to the recollection of gentlemen the grounds then assumed by the original supporters of General Jackson, in order that we may clearly understand the principles which brought him into power, and the policy to which he and his party stand pledged. I do not mean those of the party who, having taken no part in the contest, came in at the eleventh hour "to swell the triumph and partake the gale," and who, of course, stand pledged to nothing but to support the men in power, in the hope of dividing among themselves "the loaves and fishes;" but I allude to those who, like myself, espoused the cause of General Jackson from the very commencement of the contest, who were struggling for what they believed to be *great principles*, and who, in the course of the controversy, made every sacrifice short of a surrender of their consciences, to secure his success. When I look back to that period, Mr. President, and remember the untiring zeal, the generous devotion, the energy, the talent, the perseverance, with which the battle was fought, I am indeed pained and mortified, and humbled in the dust, to think that it has turned out to have been a mere contest *for men*, involving hardly any principle, and that it has resulted in putting certain persons out of office, and putting certain others in. Let us now see what these principles were, in order that we may discover how far they have been recognised, or are now acted on, by the party in power. Sir, Mr. Adams was accused of an improper extension of EXECUTIVE PATRONAGE, not only in the exercise of the appointing power, but especially in reference to the public press. Abuses of every kind were laid to his charge. Profusion and extravagance, in relation to every department of the Government, was imputed to his administration; and the press teemed with statements and calculations to show that the extravagant expenditures of all former administrations had been greatly surpassed by those of Mr. Adams's administration. Sir, I appeal to the reports of the Committees on Retrenchment of the two Houses of Congress—of the latter of which I was myself a member; I appeal to the recollection of every one who now hears me, for the correctness of this statement. Well, sir, the Jackson party has now been more than three years in power; and I think no man will venture to say that Executive patronage, whether considered in reference to appointments to office, or to the public press, has been in any respect *reduced*. No one can point out a single instance of such reduction; no, nor hardly an effort to effect it. On the contrary, it is asserted and believed, and appears to me to be unquestionably true, that the patronage of the Executive, by removals from office and otherwise, has been *greatly enlarged*. As to the reformation of *abuses*, I believe it consists simply in this; that a few incompetent and a few worthless officers have been put out, and competent and worthy officers put in; while, on the other hand, some very worthy and competent officers have been turned out, and worthless ones put in their places. If the balance of the account were fairly struck, I am unable to say, as far as the public interest is concerned, whether it would be in favor of *profit or loss*; but I am very sure there would not be much to *boast of*. If some abuses have been corrected, others have been introduced. But all this, it may be said, is merely a matter of opinion, concerning which men may honestly differ. There can be no difference, however, as to the next point—*economy and retrenchment*. Here we have the public accounts to refer to.

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The treasury reports are before us; and every one who will take the pains to examine them will see that, if there has been any economy, there has been no retrenchment whatever. Here is the account of the expenditures for the last ten years. I submit it without a comment. It speaks for itself.

YEARS.	Total expenditures, exclusive of public debt.
1822, - - -	\$9,827,643 51
1823, - - -	9,784,154 59
1824, - - -	*15,333,144 71
1825, - - -	11,490,459 94
1826, - - -	13,062,316 27
1827, - - -	12,655,095 65
1828, - - -	13,296,041 45
1829, - - -	12,660,490 62
1830, - - -	13,229,533 33
1831, - - -	13,918,708 99

Sir, the gentlemen do not—they cannot, controvert these facts; but they have offered us various *excuses* for the failure of the administration to redeem its pledges, and meet the just expectations of the people with regard to economy and retrenchment. And, *first*, it is said that the expenditures of the Government are the result of *appropriations* by Congress, and that this is a subject not under the control of the President. But, sir, when General Jackson came into power, did he not bring with him an overwhelming Jackson majority in both Houses of Congress? And is it any excuse for the violation of pledges solemnly given by the *Jackson party*, that the *Executive* cannot control the *Congress*? Are these pledges less violated because Congress is guilty of the violation? But, sir, I entirely concur with the Senators from Virginia [Mr. TAZEWELL] and North Carolina [Mr. MANGUM] that the Executive, as the head of the party, is also responsible for the general policy of the Government; and that he is especially responsible for a want of economy in the public expenditures. In the first place, no act can be passed making an appropriation, without being submitted to him and receiving his sanction; and if he approve of it, he surely incurs his full share of the responsibility. But the gentleman from Georgia asks if we could expect the President to examine, much less put his veto on any private claim. Sir, I hold the President strictly responsible for every act to which he gives his sanction. To give him time to make the necessary examination, a rule has been adopted by the two Houses of Congress, which prevents any bill from being presented to him on the last day of the session. But it is not these private claims which swell the expenses of this Government to \$13,000,000 per annum. No, sir, four-fifths of the amount annually appropriated relate to the army, navy, fortifications, the civil list, &c. &c., the appropriations for which are founded on estimates submitted by the departments, and, of course, liable to Executive control. So that, in every point of view, nothing can be more just or reasonable than to hold the Executive strictly responsible for general extravagance in the public expenditures; and that the party in power are responsible, no one can pretend to deny. And yet, how often have our appeals been made to the friends of the administration in both Houses in vain, to induce them to arrest the progress of pension bills, and other measures involving enormous expenses, and wholly uncalled for by any public exigency. But, sir, the Senator from Georgia [Mr. FOSTER] has discovered that Congress are not only themselves guilty of all this extravagance, but he has adduced three cases to show that they have actually counteracted the Executive in his efforts to introduce the promised “econo-

my, retrenchment and reform.” Let us then examine these cases, and see how far they bear out the inference the gentleman has attempted to draw from them.

The first is the attempt of the Fourth Auditor of the Treasury to reform the *pay of the officers of the marine corps*, which the gentleman says Congress have counteracted, by directing that these officers shall receive their pay as heretofore. Now, sir, as I understand the matter, the Fourth Auditor discovered, or thought he had discovered, that the long established usage of the Government which allowed officers of the marine corps the same pay and emoluments as officers of corresponding grade in the army, though obviously just and reasonable in itself, was not sanctioned by the letter of the law, and he therefore undertook to dock the allowance. Congress, in perfect accordance, as I have always supposed, with the views of the Navy Department, and certainly in accordance with reason and justice, have *unanimously* passed a resolution, which has also been approved of by the President, directing that these officers shall receive their pay as heretofore till an act can be passed for the reorganization of the marine corps. This resolution has always, I believe, been passed, without a word of objection from the friends of the administration; and yet we are now gravely told that in this the economical schemes of the *administration* have been counteracted by Congress. The next case relied on is still more extraordinary in its character. It seems that the navy commissioners, who are by law authorized to make contracts for the purchase of ship timber, and for other purposes connected with the naval service, have been in the habit (in order to hold out an inducement to contractors to comply strictly with their contracts) of inserting a proviso, that ten per cent. of the stipulated price shall be retained till the contract is complied with; and whenever such contract has been fulfilled to the satisfaction of the board, their invariable practice has been to give an order for the payment of the amount so withheld. It seems that a Mr. Grice, who had contracted with the board for a large quantity of ship timber, to be laid up at one of our navy yards to be seasoned, was prevented by unavoidable circumstances from delivering the timber by the time stipulated in the contract; but having delivered the same not long after, the commissioners not only directed that it be received, but, being satisfied with the reasons assigned for the delay, and that it had occasioned no injury to the public, gave the usual order for the payment of the ten per cent. But the Fourth Auditor had, it seems, explored the hidden mysteries of the law, and he came to the conclusion that the navy commissioners had no right to enlarge the time for the delivery of the timber, or to remit what he was pleased to consider as a *forfeiture to the United States*. Sir, it was in vain that the navy commissioners relied on the invariable usage of the board, or the reason and justice of the case. The Auditor was inexorable. The Secretary of the Navy was appealed to. He concurred with the navy board; but the Auditor insisted, as I have understood, that he was a *treasury officer*. His new official superior—the Secretary of the Treasury, was, therefore, appealed to. He concurred with the Secretary of the Navy; but all would not do. The Auditor, as a last resort, appealed “unto Cæsar,” and then the Attorney General, being called in, discovered, to the surprise of every one, that AMOS KENDALL, the Auditor, understood the true meaning of naval contracts better than the navy commissioners, and, as a sounder lawyer than the learned Secretaries of the Treasury and the Navy, and Congress, had, therefore, to be appealed to to remove the difficulty. Sir, this application came before the Committee on Naval Affairs, of which I am the chairman, and at the *special instance* of the *navy board*, and of the Secretary himself, representing to us that there were a number of contractors who would be ruined, or greatly injured, unless this proceeding on the part of the Fourth Auditor could be in-

* Including \$5,000,000 for Florida treaty. Making the average expenditures of the first period of four years, (exclusive of the purchase of Florida,) about ten millions annually; while the expenditures for the last four years have exceeded thirteen millions—showing an increase of the expenditures of three millions per annum.

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stantly corrected. I exerted my personal influence in this House, and obtained by unanimous consent the immediate passage of a resolution, having it read three times in one day, directing that, in future, when naval contracts have been fulfilled to the satisfaction of the navy commissioners, the contractors shall be paid the stipulated price. To so reasonable a regulation no just objection has been, or, as it seems to me, can be urged; and sure I am that if Congress had not so promptly reformed this reformation on the part of the Auditor, we should have incurred heavy expenses in interest and damages, which we would have felt ourselves obliged to pay to those whom we should thereby have deprived of the compensation so unjustly withheld. But, sir, how comes it that we are now charged with thwarting the administration in this matter, when, in adopting the resolution in question, we were only complying with the earnest request of the Navy Department? Are we to understand that the heads of departments are not the accredited organs of the Executive, and that to oppose the views of a subordinate officer in one of the departments is to oppose the views of the administration? The last case relied on by the gentleman from Georgia is the bill which passed the Senate last year, but which failed in the other House, for the better organization of the navy, and which the gentleman insists, by adding a new grade, proposed an increase of the public expense, contrary to the views of the Executive. Now, sir, that bill came from the Navy Department itself, by which this new grade was expressly recommended, and the proposed increase in the compensation of some of the officers was also expressly recommended by the President himself. It is true that the Secretary, by a contemplated reduction of the number of the officers, designed to make up for the additional expenses provided for in the bill, and that he proposed to make this reduction by a "judicious pruning," that is to say, by striking a certain number of officers at once from the roll. To this the committee could not, after mature reflection, bring themselves to consent. They thought it might open a door to favoritism, and would have a tendency to shake the stability of the naval establishment, and they, therefore, while agreeing in other respects to the recommendation of the Secretary, provided that the proposed reduction should be gradually effected "by death, resignation, or removal," whereby, had the bill become a law, a reduction of the expenses (quite inconsiderable in amount) would have been delayed for a few years. But the bill did not pass. Such, Mr. President, is a brief history of the three selected cases, relied on to show that the Executive has been counteracted in its efforts at "economy and reform." I will not add a word to the statement.

But, sir, there were other great principles involved in the contest between General Jackson and Mr. Adams, which seem now to be entirely lost sight of. It was charged upon Mr. Adams that he was disposed to enlarge beyond constitutional bounds the *Executive prerogative and power*, and that, in reference to his constitutional advisers, the Senate, he claimed prerogatives subversive of their authority. All this was to have been corrected by General Jackson. Sir, can any gentleman who now hears me possibly have forgotten the *Panama mission*, which formed the rallying point for the opposition here, and which contributed, I do verily believe, as largely as any other single cause, to the overthrow of the late administration? On that occasion Mr. Adams made to the Senate a nomination of ministers to represent the United States at the Congress of the South American States, to be assembled at Panama, and unfortunately intimated in his message that, though he believed he had the right to institute such a mission during the recess, yet he had not thought proper to exert it. Sir, no sooner had this claim of power been set up, than it was met by a resolution, laid

on the table by a Senator who has since been taken into the cabinet, supported by every member of the opposition on this floor, denouncing in strong terms this daring invasion of the rights of the Senate. Sir, it is melancholy to reflect that one among the first and most conspicuous acts of the present administration, was the institution of the *Turkish mission* during the recess, and without the advice and consent of the Senate; and when some of us who had committed ourselves on the former question, and could see no difference in principle between the two cases, hesitated to sanction in General Jackson what we had condemned in Mr. Adams, we were openly denounced for abandoning the administration, when, in fact, we were only standing up for the principles which brought them into power. In the course of the proceedings on the *Panama mission*, Mr. Adams had ventured to remark that he would "not inquire into the motives of the Senate." Straightway this insinuation, as it was called, was denounced here as an unwarrantable assault by the Executive upon one of the co-ordinate departments of the Government; and it was held up to the public as an evidence of the tendency to an unwarrantable assumption of power and arbitrary rule on the part of the administration. And yet have we not, within a short time past, seen a direct imputation on the motives of the Senate, under the sign manual of the President, going the rounds of the public papers, and, as far as I know, without one word of censure on the part of the supporters of this administration? Sir, have we changed our principles, or were the objections formerly urged against Mr. Adams mere *pretences* intended to delude the public mind, and having no other object than to bring General Jackson and his friends into power? Was that great contest which the people were taught to believe involved, in no small degree, the liberties and future destinies of this country, in deed and in truth, not a struggle for principles, but for place? Sir, I will recapitulate, in a few words, what were the leading principles which brought General Jackson into power, in order that it may be seen how far they have been secured by his election, and that gentlemen may clearly understand why it is that some of us, who now refuse to give up those principles, insist on holding the administration to their pledges, because, of late, fallen under the high displeasure of the powers that be. I have already said that the correction of abuses, and the introduction of "economy, retrenchment, and reform" were among the leading objects for which General Jackson was brought into power. The people were promised that the unlicensed action of the Federal Government was to be controlled and checked; that they were to be relieved from the burden of unnecessary taxation; that all unnecessary objects of expenditure were to be cut off; and the most rigid economy introduced into every department; that the constitution was to be restored, and the administration of the Government brought back to the purity and simplicity which distinguished the administration of Thomas Jefferson; power and patronage were to be strictly limited and restrained, and the good old democratic principles of '98 were to be brought once more into practical operation in the management of our national affairs.

Mr. President, are these the principles of the present administration? Are they recognised in theory? are they followed in practice? Let other gentlemen answer these questions if they can; but, for my own part, I must candidly and most solemnly declare that I do not know what the true principles of the present administration are, or whether there are any principles whatever by which the supporters of General Jackson, *as a party*, are to be distinguished from their political opponents. Sir, there can be no party in a free country worthy of the name, that have no common principles. And if combinations of men are to be held together by the charm of a popular name, or merely by a common attachment to an individual, or a desire to keep power in certain hands, I know of no mo-

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tive that ought to induce a patriot to engage in such a miserable scramble for power and place.

Let us look for a moment at the leading questions of national policy which now divide this country, and see how the administration stands affected towards them. And here the tariff presents itself as incomparably the most prominent, and at the same time the most vitally important question which now exists, or has perhaps ever existed in this country. What is the policy of the administration on *this question*? Can any gentleman tell us? They admit that after the payment of the public debt the duties must be reduced, by a "judicious revision of the tariff." Now, so far all parties are agreed. But how, and to what extent, is this reduction to be made? and on what articles? What is to be the standard of the necessary expenditures of the Government? Are minimums to be abolished? are *ad valorem* to be substituted for specific duties? is the principle of protection to be distinctly recognised? or are the duties to be equalized? I aver that, on all of these points, embracing, too, the whole merits of the question, the policy of this administration is altogether unknown, and its influence on this floor unsafe. I am thoroughly persuaded that if the administration had pursued on this subject the straightforward, manly course which was due to the occasion, and imperiously demanded by the crisis; if, at the very commencement of the present session of Congress, they had used the influence which legitimately belongs to them, and had rallied their forces in the two Houses of Congress, this difficult question might have been *satisfactorily adjusted*. But, instead of taking this ground, it has suffered its friends to wander abroad on this question like sheep without a shepherd. No one knows what the precise views of the administration are: and those who support, as well as those who oppose, the proposition of the Senator from Kentucky, [Mr. CLAY,] equally rely on the opinions of the Executive as favorable to their respective views. Thus have some of the most devoted friends of the administration on this floor been suffered blindly to enlist themselves under the banner of the Senator from Kentucky on this important question; and have, I fear, been already committed too deeply to change their course now, even should the Executive, at a future period, come out openly in opposition to that course.

Sir, nearly five months have now elapsed since Congress met, and, up to this hour, we have not been furnished with the scheme of the Treasury Department for a reduction of duties. Surely, if there ever was a period when the administration should have been prepared beforehand, and been at all times in readiness to submit in detail their views in relation to a subject of paramount importance, that period was the present session of Congress, that subject the existing tariff. And yet, though this has been long expected, and even called for, we not only have not yet received it, but the views of the administration are so entirely unknown, that their earnest friends, when pursuing diametrically opposite courses, have equally relied for their support on the authority of the Executive.

Exactly the same thing may be said of the extravagant scheme of pensioning the great body of the people who lived during the revolution, (a scheme involving, I do verily believe, the annual expenditure of millions,) and of the various schemes for the disposition of the public lands, and the distribution of the surplus revenue, relative to all of which, as indeed to every other measure now before Congress, or canvassed elsewhere, the friends of the President may take any course they please, and still hold their fealty to the administration above all suspicion. Sir, as far as I know, there are no principles whatever, which are now regarded as party tests. The doctrines of '98 are exploded, democracy is out of vogue, and economy out of fashion. If there be any administration principles, I should be rejoiced to learn what they are, in order that when those principles happen to be involved in questions

brought forward here, the party may be rallied to their support. Yes, sir, there is *one test*, and an infallible one, by which the true friends of this administration may be distinguished, and that is to be found in their *unhesitating support of all the Executive nominations to office*. A member of Congress may advocate any principles, and support or oppose any measures he pleases; he may repudiate any doctrine which brought General Jackson into power; he may rally as often as he pleases under the banner of the Senator from Kentucky, [Mr. CLAY,] he may be a federalist, a democrat, or any thing else, and no one charges him with disaffection to the men in power: but let any Senator dare to vote against an individual nominated to an office, and he is forthwith denounced as a deserter from the Jackson party. "Tray, Blanche, and Sweetheart" are seen barking at his heels; and a profligate and pensioned press is heard denouncing him in deep and loud tones of indignation, as utterly unworthy of public confidence.

Is it not, then, manifest that the principles which brought General Jackson into power have been discarded, or are forgotten, and that the whole affair has degenerated into an ignoble scramble for office—a division of "the spoils?" The only question now seems to be, who shall come in for the loaves and fishes? And hence it is, that a support of principles means nothing, and the support of men any thing. Hence it is, that "economy, retrenchment, and reform," and the "correction of abuses," have fallen into disfavor. The greater the abuses, and the larger the appropriations, the greater, surely, will be the proportion of the loaves and fishes which may fall to the share of each hungry expectant who is looking up to Executive favor.

Sir, in this vile scramble for power and place, I will have nothing to do. If the administration chooses to abandon their principles, the principles which brought them into office, I will not abandon mine. I will hold them to their promises, and insist on their pledges, and will never consent that they shall be tried by any other standard than their recorded promises and unredeemed pledges. I will never consent to look to Mr. Adams's administration as a model for our imitation, however much that gentleman may have come into favor in certain quarters. With regard to the late administration, my opinions have undergone no material change. In the ardor of the contest, I may have done them, in some respects, injustice. I may not, on all occasions, have displayed towards them that "charity which thinketh no evil." But from the principles avowed by that administration, and the leading measures of its policy, I have always dissented, and shall forever dissent. I object to the claims of power set up by them. I object to their American system, in all its branches and bearings, to the assumption of unnecessary power, and of patronage, and of extravagant expenditures; and while these principles shall distinguish the remains of that party who now constitute the *opposition* here, there must be an impassable gulf between us. So far as gentlemen on the other side shall enter cordially and zealously into proper measures for checking the abuses and restraining the unconstitutional action, and restricting the expenses of the Government, I shall go cordially with them. But when they are found supporting mammoth pension bills, high tariffs, magnificent schemes of internal improvements, and extravagant expenditures, I shall always, I trust, be found using my utmost efforts against them. I am fully aware, sir, of the disadvantageous position in which we must be placed, in pursuing the course I have indicated. Standing between the opposing parties, we shall have to receive the fire of both. No situation, I am aware, can be so unenviable as an *armed neutrality* in the presence of contending armies; and to wage a perpetual and unsuccessful warfare against two powerful political parties, each struggling for power, can promise but a slender harvest of profit or of honor. But, however great may be the danger or the difficulty of such a course, and be the consequen-

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ces what they may, though we should be destined to be placed in the forlorn condition described by my colleague, with "our hands against every man, and every man's hand against us," yet will we not abandon the contest. We shall struggle hard, and struggle long, to bring back this Government to sound principles; to arrest, if possible, its downward course. We shall strive to restore it to the simplicity and purity from which it has so widely, I had almost said so fatally, departed. Sir, the principles for which we shall thus struggle to the last, are those of Thomas Jefferson. I know they have long been discarded from the public councils, and are now almost forgotten.

Thus, sir, the gentleman from Pennsylvania, [Mr. DAL-
LAS,] while zealously supporting the proposition of the Senator from Kentucky, has appealed to General Jackson as an authority in favor of that proposition, strenuously insisting that he was proving himself a genuine Jackson man in supporting that proposition, while other equally zealous friends of the administration are at the same time insisting that General Jackson enters fully into the Southern views relative to this question. Yes, sir, at the very moment that General Jackson is openly claimed on this floor as favorable to the scheme of the Senator from Kentucky, [Mr. CLAY,] the party in my own State, who claim to be the exclusive friends of General Jackson there, have publicly proclaimed their determination to support his re-election, expressly on the ground "that he has arrested the mad career of internal improvements," and "is with them in their efforts for a repeal of the tariff." It is too clear, then, to admit of a question, that, so far as the tariff is concerned, the administration cannot be said to have any known or fixed principles; and no one will pretend to deny that a man may take any side of this great question; ay, he may enlist himself, heart and soul, in support of the views of the gentleman from Kentucky, without, in the smallest degree, shaking the confidence of the Executive, or losing the countenance and favor of the administration.

Sir, are there any other great questions involving principles on which the supporters of the administration here are found acting as a party? If there be any, I challenge gentlemen to point them out. How is it with respect to *internal improvements*? Now, I approve very highly, sir, of the President's veto on the Maysville road, and have only to regret that he has not carried out the principle of that decision to analogous cases, and that he has not, in truth, "arrested the mad career of internal improvements." But, sir, even this limited and qualified opposition to internal improvements forms no part of the principles of the party which supports the present administration. Witness the votes on this floor, where some of the devoted partisans of the President are found constantly voting against the principles of the veto,

without losing in any degree their high standing as devoted party men. It is clear, therefore, that, in relation to internal improvements, there is no principle sustained by the administration. And, even with regard to the administration itself, is it not ridiculous for any man to pretend that it has any fixed principles in relation to internal improvements? One bill is *vetoed*, and another approved, embracing appropriations resting on the very same principles. To-day, we are told that it is unconstitutional to vote money to the Maysville road, and to-morrow a bill is passed giving away a million to the construction and improvement of roads, rivers, and canals, in all quarters of the Union. While the good people of the South are solemnly assured that General Jackson has actually arrested the mad career of internal improvements, and his claims to re-election are openly advocated on the ground that he has given a death blow to the American system, you cannot open a Western Jackson paper, without seeing blazoned forth his devotion to the tariff, and finding calculations submitted proving to demonstration that he has actually expended more money in internal improvements in two years than Mr. Adams did in four, and on this ground claiming for General Jackson the support of the West. How is this? Where are the principles of this administration?

But I have trespassed, sir, too long on the patience of the Senate, and, in conclusion, will merely recall to the recollection of those gentlemen with whom I have generally acted, the principles which we have heretofore professed, and by which alone the party can, or ought to be held together. They are the principles of THOMAS JEFFERSON — of the great republican party of 1798.

[Mr. H. here read from the inaugural address of Mr. Jefferson his summary of what he considered as the vital principles of our system, freedom of trade, and freedom of conscience, peace, commerce, and honest friendship with all nations, entangling alliances with none; liberty of speech, of the press, and of the *hand*, (unrestricted industry,) economy of the public expense, that industry should be lightly burdened, and that "we should not take from the mouth of labor the bread it has earned;" and, lastly, the preservation of the State Governments in all their rights, as the palladium of our liberties, and the only safe administrators of our domestic concerns; and the preservation of the Federal Government in its constitutional vigor.]

These, sir, said Mr. H., are the true CONSERVATIVE PRINCIPLES of this republic, and when they shall be banished from our councils without any hope of their speedy restoration, the light of liberty will be extinguished, and the sun of our glory will have set forever.

Dec. 7, 1831, to Jan. 25, 1832.]

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EXECUTIVE PROCEEDINGS.

NOMINATION OF Mr. VAN BUREN.

Extract from the Senate Journal.

DECEMBER 7, 1831.

A message was received from the President of the United States, nominating Martin Van Buren, of New York, to be envoy extraordinary and minister plenipotentiary of the United States at the court of the United Kingdom of Great Britain and Ireland.

The message was read.

TUESDAY, DECEMBER 27.

Ordered, That the nomination of Martin Van Buren be referred to the Committee on Foreign Relations.

TUESDAY, JANUARY 10, 1832.

Mr. TAZEWELL, from the Committee on Foreign Relations, to whom was referred the nomination of Martin Van Buren, reported.

TUESDAY, JANUARY 17.

The following motion, submitted by Mr. HOLMES, was taken up for consideration:

Resolved, That the nomination of Martin Van Buren be recommitted to the Committee on Foreign Relations, and that said committee be instructed to investigate the causes which produced the removal of the late Secretaries of the Treasury and the Navy Departments, and of the Attorney General of the United States, and also the resignations of the Secretaries of the State and War Departments; and report to the Senate whether the only causes of that novel and important political movement are given in the letters of the President of the United States, addressed on that occasion to the several officers above enumerated; and, if not, what were the causes to which these removals and resignations ought to be ascribed. And, also, whether the said Martin Van Buren, then Secretary of State, participated in any practices disreputable to the national character, which were designed to operate on the mind of the President of the United States, and calculated to smooth the way to his appointment to the high office to which he has been nominated.

Resolved, That, for the purpose of carrying into effect the objects of the preceding resolution, the said committee be further authorized to send for persons and papers, and to compel the attendance before them of such witness or witnesses as they may desire to examine on oath, touching the matter submitted to their investigation; and to report the same to the Senate, with their opinion thereon, together with the nomination aforesaid.

A debate ensued; and, on motion of Mr. HOLMES,

Ordered, That it lie on the table.

The Senate then proceeded to consider the nomination of Martin Van Buren.

On motion that it lie on the table,

It was determined in the affirmative—yeas 21, nays 21, as follows:

YEAS.—Messrs. Bell, Bibb, Chambers, Clay, Ewing, Foot, Frelinghuysen, Hayne, Holmes, Johnston, Knight, Miller, Moore, Naudain, Prentiss, Robbins, Ruggles, Seymour, Silsbee, Tomlinson, Tyler.—21.

NAYS.—Messrs. Benton, Brown, Buckner, Dallas, Dickerson, Ellis, Forsyth, Grundy, Hendricks, Hill, Kane, King, Mangum, Marcy, Robinson, Smith, Tazewell, Tipton, Troup, White, Wilkins.—21.

The Senate being equally divided, the VICE PRESIDENT determined the question in the affirmative.

TUESDAY, JANUARY 24.

On motion of Mr. MARCY,
The Senate resumed the consideration of the nomination of Martin Van Buren; and, after debate,
The Senate adjourned.

WEDNESDAY, JANUARY 25.

The Senate resumed the consideration of the nomination of Martin Van Buren; and, after debate,

The question was taken, Will the Senate advise and consent to the appointment of Martin Van Buren? and was determined in the negative—yeas 23, nays 23, as follows:

YEAS.—Messrs. Benton, Brown, Buckner, Dallas, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hendricks, Hill, Kane, King, Mangum, Marcy, Robinson, Smith, Tazewell, Tipton, Troup, Tyler, White, Wilkins.—23.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Ewing, Foot, Frelinghuysen, Hayne, Holmes, Johnston, Knight, Miller, Moore, Naudain, Poindexter, Robbins, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Waggonman, Webster.—23.

The Senate being equally divided, the VICE PRESIDENT determined the question in the negative.

So it was

Resolved, That the Senate do not advise and consent to the appointment of Martin Van Buren.

THE DEBATE.

[This debate took place mainly on the 24th and 25th of January, 1832, and, according to the rules of the Senate, in secret session. After the question was decided, the injunction of secrecy was removed, by a vote of the Senate, from the debates as well as the proceedings in this case. In consequence of which, the following authentic sketches of speeches delivered in that debate were furnished by the respective speakers, and published in the National Intelligencer and other papers.]

Mr. HOLMES said, in offering these resolutions [proposing an inquiry, &c.] I am governed by the expectation that the inquiry proposed by them will lead to disclosures in regard to transactions which are still involved in considerable mystery. Public opinion is not yet settled down as to the true causes of the late explosion in the cabinet. That a cabinet of the President's own selection, and whose official duties had, by his own admission, been performed to his entire satisfaction, should so soon be dispersed, is an event so extraordinary in the history of this country, that the public, and especially the Senate, have a right to be informed of the causes which led to, or operated in, producing such a strange result. The people, whose money has been squandered to derange and reorganize this cabinet, are interested in this inquiry. If the gentleman whose nomination is now the subject of consideration, has in any way contrived or contributed to bring about the event, it would go far to disqualify him for the office to which he has been nominated; and, if not, it is due to him that the inquiry should be had. Suspicion rests heavy on him; and, when that is the case, it is always good ground for investigation. I did expect that his friends, instead of objecting, would have consented to, and insisted upon, the investigation proposed by the resolution. Is it because they fear the result? They say not; but the inquiry proposed is not in terms what it should be. I, sir, have never insisted that the form of the resolution should be preserved. If I can obtain the object, I will put them in any

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shape which may be agreeable to a majority of the Senate. That this must be an *ex parte* inquiry, and when Mr. Van Buren is absent, at such a distance that he cannot be informed of the investigations which affect his character, I can only say that, if a man will consent to take an appointment in the recess, knowing that the Senate must pass upon him in his absence, he takes the hazard of an *ex parte* investigation, or is willing to trust his case in the care of his friends. Sir, if it be otherwise, the Senate is entirely precluded from any inquiry into his merits until he chooses to return, or the President is pleased to recall him.

For myself, sir, I am opposed to this nomination on other grounds, and I propose this inquiry rather to satisfy others, although on this point I should prefer to be satisfied. I am against him, because he has humbled us in the eyes of foreign nations. He has surrendered the rights of this country to Great Britain, to sustain his party. It is the first time this country was ever thus disgraced; and I would it should be the last. And, if I had no other reason, his appointment in the recess, to fill a vacancy created in the recess, is enough for me. I have always disapproved sending off a minister in the recess of the Senate, without the most imperative reasons. It is compelling the Senate to approve the appointment, or subject us to the loss of the outfit. I would, at that expense, break up the practice; it would be an essential saving. It is, moreover, evading that constitutional check which the Senate were designed to have in the appointment of ambassadors, and in our foreign negotiations. I would protect the exercise of this power by the Senate, and never surrender it.

It is objected to these resolutions that they are not sufficiently specific. Sir, it is not expected that a motion for inquiry will be drawn with the same precision as an indictment. If you can designate the acts precisely, there is no necessity for inquiry. It is for want of a full knowledge of the particular acts that inquiry has become necessary. We know full well that the political movement referred to in the resolution has been differently explained. Mr. Van Buren himself could not remain without a disfranchisement. What particular disfranchisement that was, the public has not yet learned. We would like to know what privileges of a free citizen he was compelled to surrender, as the price of his office, and whether that surrender was any way connected with the removals and the other resignations. Will any one say, or pretend, that a participation in that extraordinary affair would not affect his qualifications as minister? Sir, whoever brought about that explosion is unfit for any office. The whole nation was convulsed by it, and a stain is cast upon this administration which can never be effaced. The exchange of officers, too, by the late minister, and the appointment of Mr. Van Buren to succeed him, and so soon after this explosion, furnishes a sufficient ground of inquiry. The late minister had been out but a short time; he had scarcely become acquainted at the court where he was sent. There should be strong reasons for recalling a minister, and supplying his place with a new man, and the expense should never be incurred unless the public good manifestly demanded it. This looks much like making provision for a man who, from mysterious circumstances, had been compelled to quit the office which he had held; and I know no principle in this Government which will justify creating offices or vacancies to provide for favorites, or to reward a partisan.

Do the friends of Mr. Van Buren object to the inquiry? They say no: it is the resolutions to which they object. And yet their reasoning goes against any inquiry. But if the objection is to the manner or extent of the inquiry, why not propose to amend the resolutions, or offer one of their own? Indulging in objections which go to the form, and which seem to be captious withal, indicates strongly a

wish to suppress all inquiry. It is objected that the investigation proposed may disclose impeachable matter. This is always the bugbear to frighten us away from all investigation into the conduct of any man, and to place every officer of your Government beyond the reach of responsibility. But really it seems to me to be exceedingly out of place here. We may find matter that would impeach Mr. Van Buren! How? In what office would he be impeachable? Not as Secretary of State, for he is out of that office. Not as minister to Great Britain, for in that office he, as yet, has done nothing. How, then, I repeat, can we possibly be in any such danger? It does appear to me that this is the weakest of all objections. But one word further, in answer to these hackneyed objections, as to impeachable matter. The Senate have a present executive duty to perform—to ascertain whether Mr. Van Buren is a proper person for minister to Great Britain, in order to determine whether we can give the President our advice and consent to his appointment; and in this we are told that we are restrained from inquiry, lest this executive duty, which we are now to perform, shall conflict with a future judicial duty, which we, by possibility, may have to perform! Sir, it is enough to state the objection to show its manifest absurdity. And where does this argument of the gentleman lead us? It shuts the door of inquiry forever, and every man, now in office, nominated for another, must be "taken and deemed" worthy, lest the Senate should stumble upon impeachable matter!

I find, therefore, that Senators who profess to court inquiry, urge objections which would defeat all investigation. It must be impossible, then, to frame any resolutions which would meet their views; and why should I further modify these to please them, when they are determined to be satisfied with nothing?

Sir, as to the disgrace attached to these resolutions, I allow no man to judge for me what is honorable or disgraceful. That they refer to a disgraceful transaction, I readily admit. But I have yet to learn that, if the administration descend to scandalous transactions, it is beneath the dignity of this Senate to call them to account.

NOTE.—It is perhaps due to the public that I should, to prevent false impressions, explain the reasons why the resolutions which I offered were laid on the table, and not afterwards taken up and acted on. The resolutions were objected to by some of Mr. Van Buren's friends, and the form of them by some of those who eventually voted against him. But several of his friends had, in debate, urged arguments which would go greatly against any resolutions of inquiry upon this nomination—such as the absence of the person nominated, and the danger of finding impeachable matter, &c. To these Senators I readily perceived that no inquiry would be acceptable. Of those who finally voted against the nomination, some wished the resolutions modified. To give time to frame them so as to suit all who wished inquiry, I moved to lay the resolutions on the table. Whether any resolutions of inquiry could have been framed that would have met the approbation of the friends of Mr. Van Buren, is not for me to say. After this, I was asked by a member if I intended to call up the resolutions, or "bill of indictment," and if I did, when? My answer was—"Not till the grand jury is full, if at all." Then, turning to a Senator from New York, I informed him distinctly that I would let him know to-morrow whether I should call up the resolutions or not; and if it should be my determination to call them up, he was to move to go into executive business, for the purpose of discussing and deciding them.

The next morning I drew a substitute for the first resolution, as follows:

"That the nomination of Martin Van Buren, as minister to Great Britain, be referred to a select committee; and that the committee be instructed to inquire what were the causes of the removal from office of the late Se-

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cretaries of the Treasury and Navy, and of the Attorney General, and of the resignations of the late Secretaries of State and War; and whether Mr. Van Buren had any, and, if any, what agency in bringing about the change of the late cabinet.

"And, also, to inquire whether Mr. Van Buren did resign his office as Secretary of State, under a promise, or understanding, that he was to be appointed minister to Great Britain; and with a further understanding with the late minister to Great Britain, that he was to be provided with the place which he now enjoys."

I showed this to several of my friends, who were satisfied with it. But others preferred the original resolutions: and, believing no form could be devised by me which would be acceptable, and that the facts sought to be disclosed by them might be ascertained without the intervention of a committee, I informed the Senator that I should not call them up, in these words, which I wrote down at the time: "I am satisfied that the facts to be inquired into by the resolutions which I offered on the nomination of Mr. Van Buren, can be ascertained without a committee; and, therefore, I shall not call them up." Thus leaving the friends of Mr. Van Buren to prosecute the inquiry by a committee, or to permit the facts to be ascertained by each Senator for himself.

J. HOLMES.

When the resolutions offered by Mr. HOLMES were under consideration, and towards the close of the debate, Mr. MARCY observed that he had not intended to make a single remark upon the subject then before the Senate; yet he was unwilling to give a vote, from which it might be inferred, unless it was accompanied with a word of explanation, that he wished to suppress inquiry. That was very far from his intention. If any honorable Senator has reason to believe that the person whose nomination is now under consideration is chargeable with improper conduct, and will introduce a resolution specifying the charge, and asking for inquiry, he would give it his support as readily as any member of that body; but the resolutions offered by the Senator from Maine [Mr. HOLMES] were of an exceptionable character: for, in addition to impeaching, indirectly, if it may be so considered, the integrity of the President, by proposing to ask if he had stated the true reasons for the dissolution of his late cabinet, it will bring before the committee, if it should be adopted, a mass of matters very difficult to be inquired into, and not at all connected, as he conceived, with the vote to be given on the nomination of Mr. Van Buren. No committee to which these resolutions will be sent, will voluntarily enter into the various matters which some gentlemen may suppose to be within the scope of the inquiry into the causes of the dissolution of the late cabinet, and the Senate ought not to impose that labor on them, unless it be proposed to show that Mr. Van Buren had an agency in that affair. It is not pretended, certainly not by the resolutions, that he was connected with the event; it is true that the resolutions, after the introduction of much irrelevant matter, propose to inquire whether Mr. Van Buren had not participated in practices disgraceful to the national character, &c.

Let any Senator, who believes such practices ever had, in point of fact, any existence, put them forth specifically in resolution, and he would, he said, vote to send it to a committee for investigation; and if they were found to be true, let the nominee be rejected. The designation of offences by the terms of "practices disgraceful to the national character," was very vague—quite too vague. The nature and character of these practices should be defined, that the Senate may know the duty they impose, and the committee the duty they are required to perform.

The proposed resolutions, as now shaped, make no specific charge, and give no certain direction to the inquiry. He therefore felt himself called on to vote against them,

or to vote for laying them on the table; but when a case for inquiry was presented, he would vote for going into it. Indeed, he wished to be distinctly understood as inviting inquiry; but, in fairness, it should be on specified charges.

As to some of the practices intended probably to be embraced in the resolutions, we have, he said, the solemn public denial of Mr. Van Buren, accompanied with a challenge to all the world for proof, and no man had yet been found to accept that challenge and come forth with proof. Those who best know the character and conduct of the nominee, feel the fullest confidence that nothing dishonorable or degrading, in the slightest degree, can be substantiated. So far, therefore, from closing the door of investigation, they are willing to be instrumental in opening it.

The question was now stated on consenting to the nomination.

Mr. CHAMBERS said there were few occasions which could produce with him a more painful struggle between personal inclination and official obligations, than the one on which he was now called to act. With the nominee, said Mr. C., I have for years enjoyed personal and social relations that have left impressions which it would gratify me to indulge by an expression of their kindest recollection; and this consideration, with the fact of his frequent elevation to offices of high honor and dignity, and his distinguished position in relation to the political parties in the country, will connect with the subject an interest rarely occasioned by the nomination of an individual to office. The office itself to which he is nominated is one so intimately affecting the peculiar duties and responsibilities of the Executive Magistrate, by whom we are invited to confirm the appointment, as to require on the part of the Senate a peculiar degree of indulgence. Regarding a diplomatic functionary as the confidential organ of the President, as selected with a previous knowledge of the particular duties to be performed by him, and with reference to his especial fitness for those duties, it is undoubtedly proper that the Executive will, in regard to the agent, should not be controlled but from the most unyielding obstacles: to oppose it for light causes would lessen the weight of his responsibility, and greatly increase our own. To reject the nomination of a minister at home or abroad, can, in my view, be defensible only upon strong grounds of principle, having direct and immediate reference to considerations of a public nature.

In the deliberate counsel and advice which the constitution requires us to give to the President, there is no proper place for the exercise of personal favor or ill will, for party prejudice or partiality. Sir, as one of the humblest members of this body, I can fearlessly appeal to my course here on all former occasions, and to the course of those with whom I usually act, with the most entire confidence that it will evince a liberal charity toward the officers nominated, and a magnanimous surrender of personal and political prejudices on the altar of the public good, and a just regard to the prerogatives of the President.

With these opinions, Mr. President, it is scarcely necessary to affirm, that, in the vote which I shall give on this occasion, I have obeyed no other impulse than that of my judgment; but it will be permitted me to assert, as I do with the most unaffected sincerity, that my personal inclinations have reluctantly witnessed, and would gladly reverse the sentence which a high sense of official duty will compel me to record, with a deep and abiding conviction of its justness. I am altogether aware of the danger to which my vote may expose me from the malignant virulence of those who, themselves insensible to the honest and honorable feeling which subdues the petty passions of a contracted and factious partisan, are on all occasions inclined to attribute the conduct of others to the narrow-minded policy which governs themselves. Sir, I should

be an unfaithful servant of my State, treacherous to the high trust which I am charged to execute, and destitute of the courage necessary to protect the interests confided to my guardianship, if apprehensions like these could for a moment divert me from the path to which duty points. It would have afforded me great gratification to have listened to some more able advocate of the nation's honor, and to have been able to repose my vote on the causes more satisfactorily assigned by another. But the question is about to be taken, and I will not consent to allow an occasion to pass, without raising my feeble voice to redeem the tarnished reputation of my country. If other Senators accord with my opinion, it is essential, sir, that the vote of rejection shall go forth associated with the reasons which influence it. Yes, sir, the honor and the dignity of this nation has—(and I think it demonstrable)—the heretofore unsullied diplomatic character of the American republic has been stained, its lofty pride has been humiliated—unnecessarily, wantonly humbled—by the man who is now proposed as its guardian, and protector, and advocate; and, as an American Senator, I am not content barely to put upon him the seal of reprobation in a secret session of this body. No, sir, let the American Government—let the American people, proud of their national honor, know that no ruthless hand shall desecrate it with impunity; and let foreign nations and all the world know that even an American Secretary of State dare not pollute its ermine.

Mr. President, I mean to resist the confirmation of Mr. Van Buren's appointment, exclusively on the ground that, in his instructions to Mr. McLane, on the subject of the colonial trade, he has violated the honor of the nation; has wounded its high and elevated character; has evinced a disregard to the interests of the American people—nay, has insulted that people, in the person of their Government; has attempted to promote the objects of a party amongst us, and has disclosed a total ignorance of the proper principles and feelings which should adorn the diplomatist. For proof of these assertions, I mean to rely exclusively on his own words, deliberately embodied in a State paper, and on those to which he has himself alluded, and found amongst the archives of the department of which he was then the head.

In directing the attention of the Senate to a particular part of the letter of instructions from Mr. Van Buren to the American minister then at the British court, I disclaim the inference that the residue of that letter, or that other letters of instruction, contain no exceptionable matter. There are many positions which, on another occasion, it would be proper to dispute; and the whole temper and tone of the despatches breathe an air of humility and concession, and conviction of error, and a suppliant entreaty of favor and notice, which no American citizen, who thinks and feels as I think an American freeman should do, can regard as the appropriate language of his Government, pledged as it is "to ask nothing but what is right, and to submit to nothing that is wrong."

The portion of Mr. Van Buren's work, however, to which I will more particularly allude, is a part of his letter of instruction to Mr. McLane, dated 20th July, 1829. He uses this language:

"The opportunities which you have derived from a participation in our public councils, as well as other sources of information, will enable you to speak with confidence (as far as you may deem it proper and useful so to do) of the respective parts taken by those to whom the administration of this Government is now committed, in relation to the course heretofore pursued upon the subject of the colonial trade. Their views upon that point have been submitted to the people of the United States; and the counsels by which your conduct is now directed, are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for

its acts. It should be sufficient that the claims set up by them, and which caused the interruption of the trade in question, have been explicitly abandoned by those who first asserted them, and are not revived by their successors. If Great Britain deems it adverse to her interests to allow us to participate in the trade with her colonies, and finds nothing in the extension of it to others, to induce her to apply the same rule to us, she will, we hope, be sensible of the propriety of placing her refusal on those grounds. To set up the acts of the late administration as the cause of forfeiture of privileges which would otherwise be extended to the people of the United States, would, under existing circumstances, be unjust in itself, and could not fail to excite their deepest sensibility. The tone of feeling which a course so unwise and untenable is calculated to produce, would doubtless be greatly aggravated by the consciousness that Great Britain has, by order in council, opened her colonial ports to Russia and France, notwithstanding a similar omission on their part to accept the terms offered by the act of July, 1825.

"You cannot press this view of the subject too earnestly upon the consideration of the British ministry. It has bearings and relations that reach beyond the immediate question under discussion."

Now, sir, when stripped of its verbiage, and reduced to its plain import, what does the Secretary of State here press so earnestly? That Mr. McLane, the minister, who had been a member of the political party of which the then President was the nominal head, (and the Secretary of State a most conspicuous supporter, with imputed anxiety to claim a reversionary interest in the chiefship,) that the minister, who had been a member of the Senate, and in that character informed of the conflicting views of the different political branches or subdivisions into which the great American family had been arranged, should stoop to avail himself of this personal intimacy with our family dissensions, to press earnestly upon a foreign Government the misconduct of one part of the family in the relations of our Government with that foreign Power, and the more amiable and kind feelings of another division of it. But is this all? No, sir; it is earnestly pressed that the American Government—the concentrated will of the whole American family, the only legitimate source of access to foreigners, the only authorized organ of communion with other nations—that this Government, in the person of its "late administration," should be bowed down in dishonor and in degradation at the feet of Lord Aberdeen, the delegated but humble personation of the British monarch. Yes, sir, the unheard of, unparalleled, and most revolting experiment was to be made, (other supplications having failed to move the royal sympathy,) how far an unsparing condemnation of ourselves would disarm a British throne of its haughty, supercilious disdain of a just and an honest demand. I say, sir, it was novel and unheard of. I repeat it. Let the past history of this proud republic be minutely interrogated—ay, in the many political changes of its agents, which, by the terms of its organization, it must witness, let it be sought, let the days of Adams, of Jefferson, of Madison, Monroe, and the last Adams, be diligently inquired of. Sir, no voice responds to countenance this degrading, this disgraceful operation, by which the Government is humbled into a penitential confession of its transgressions, to appease a foreign King, or to moderate the wrath or conciliate the favor of a foreign Power.

Not only, Mr. President, do the fair and unadulterated pages of American diplomacy refuse countenance to such miserable self-abasement, but, sir, the history of all the civilized nations of the earth stamp upon it the indelible character of a gratuitous prostitution, unaided by precedent, unwarranted by any parallel. Sir, it adds to the deep condemnation which belongs to this subject, that it was as useless and unproductive of gain as it was disgraceful.

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ul in itself. Can the imagination conceive how benefit could possibly arise, or be supposed to arise, from an object confession of "wrong," by repudiating the claims of the Government as "American pretensions explicitly abandoned by those who first asserted them, not revived by their successors," who are directed by counsels that "are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts?" What possible advantage, I ask, could be anticipated by the position of a prostrate suppliant, who, from the depths of degradation and abasement, should thus beseech a foreign diplomatist, that could not be accorded to a civil and high-minded application, based upon the suggestion that, however the American Government was convinced of its claims to higher and other terms, it was yet willing, in a spirit of frankness, and in an anxious desire to terminate old and agitated questions of disagreement, to waive the further prosecution of those claims, and thereby to evince the sincerity of its desire for an amicable adjustment? But, sir, I come now to that consideration which stamps upon this subject its peculiar character, which sets it off in colors of a still darker shade, and which must leave us to infer that no mere want of manly, stern republican feeling of self-respect, not the unobserved prostration or careless disregard of national dignity and character, not alone a cold and callous insensibility to those feelings of cherished pride, of nice and delicate honor, which kindles into active resistance at even the appearance of rebuke: but that some more latent motive of proposed effect has caused this deep dyed stain upon the nation's history and its fame. Sir, as if it were not enough to bow down the knee and supplicate forgiveness in terms of doleful regrets for wrongs, and anxious solicitude to repair them; as if it were not enough to open to a foreign Power the history of our internal disputes and political divisions, and to ask them to consider one party here as more kind in their feelings, more reasonable in their demands, more conciliating in their tone, and, therefore, more entitled to hope for the favorable notice of England; as if the measure of our degradation was not to be accomplished by a gratuitous concession of acknowledged injustice of "American pretensions" "abandoned," the Secretary has resorted, in the absence of other provocations, to misstatements of fact, to create a condition of things, for the purpose of giving color to the fierceness and uncovert wrath which he aims at his political adversaries.

Sir, I say, and the diplomatic history of the nation will prove, that the statement made in this particular charge of the Secretary is false in fact—yes, sir, doubly false. What is it? "The claims set up by them, and which caused the interruption of the trade in question, have been explicitly abandoned by those who first asserted them." Now, the first branch of the position is utterly without foundation, we all know. The last administration explicitly abandoned no claims which it set up, nor did any claims set up by it cause the interruption of the trade. The last administration was willing to negotiate on the subject of the trade, but the British Government refused to meet their proposal, although made in the most extended and liberal feeling of compromise. Let the correspondence of our Secretary of State, and the message of the President, prove this. But, unfounded as is that branch of the assertion, how manifestly and obviously more so, how profoundly destitute of even the shadow of correctness is the other, which declares that the mis-called "American pretensions" were first asserted by the last administration. Why, sir, does not every one know that in this respect the last administration did but pursue the settled and fixed purpose of the administration that preceded it, and that these "pretensions" did not commence even then? Sir, all administrations had indulged these pretensions. The last administration the first to assert

them! Truly this must have amused the intelligent diplomatist to whom the envoy was directed to make the communication.

No, I am wrong in this conjecture: for I believe, from my reading of Mr. McLane's letters to his lordship, that the experiment was not made upon his ignorance of what every page in the diplomacy of his own country would have taught him. No, sir, this notion of their being first asserted by the late administration did not, I believe, find place in those letters. What "bearings and relations that reach beyond the immediate question" were in the view of the Secretary, it is not for me to divine. He speaks, in another part of these instructions, of "the impropriety of suffering any feelings that find their origin in the past pretensions of this Government to have an adverse influence upon the present conduct of Great Britain." Sir, I do not mean to follow the Secretary in his dark and mysterious language. The plain and undoubted import of that which, unfortunately for the nation's character, can admit of but one reading, is enough for me. No man, in my poor judgment, can ask us to confide to his care the dignity of the nation and its honor, who has arrayed one political division of our people against the Government. Sir, what is to be the result? How may this very doctrine recoil on himself? In the same terms may a British Secretary for Foreign Affairs now say to him, "I do not respect your opinions as those of the American people; your President is about to witness the termination of his period of office; a new election is to be made; the people, the proper tribunal to pass upon his measures, may not sustain him. I appeal from your judgment, and submit the matter to theirs, and, until their sentence is recorded, I can only regard your administration as you have regarded the late administration." Yes, sir, these are legitimate consequences of such doctrine, involving a perfect and entire surrender of all consideration abroad, and all national pride at home. To an individual who has thus outraged the character properly belonging to a great and high-minded nation of freemen, who has prostrated its dignity, and brought disgrace and dishonor upon its diplomatic reputation, I never can advise the President to confide the preservation of its respect abroad: and this first assertion of a course pregnant with every thing that threatens the pride, and dignity, and honor of the American republic, will, I trust, be marked by the most decisive reprobation of an American Senate.

[After Mr. CHAMBERS concluded, Mr. SMITH, of Maryland, made some observations, which are incorporated in a full report of his remarks, which appears nearer the close of the debate.]

Mr. CLAYTON, of Delaware, rose to reply to some remarks of Mr. SMITH. He said he rose under a deep sense of the responsibility which he owed to the Senate and the country on this question. He owed it to himself, to the people whose representative he was, and to the body of which he was a member, to state briefly the grounds upon which he should render a vote, withholding his advice to the President to make this appointment.

I agree, said Mr. C., with my friend from Maryland, [Mr. CHAMBERS,] in the view which he has taken of the instructions given by the late Secretary of State to our minister at the court of St. James. I consider the late negotiation respecting the West India trade with the English nation as the most humiliating to our national pride that has occurred in the annals of our diplomacy. The minister was sent with instructions to fawn, and beg as a boon, at the footstool of a foreign Power, what we were entitled to as a right; and to abandon and denounce, as untenable "pretensions," what had been always before insisted upon as a matter of justice to our country. He was positively directed to consider his own Government as justly amenable for "too long and too tenaciously resisting the rights of Great Britain," and particularly for omit-

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ting to accept the terms offered by the act of Parliament of July, 1825. He was directed to speak with confidence "of the respective parts taken by those to whom the administration of this Government is now committed," to lay before Europe the state of parties in this country, and to degrade and disgrace all the former administrations of our Government, during which this right had been insisted upon, by entirely and unconditionally withdrawing all our claims for justice on that country. He was told, in substance, to press upon England the state of our domestic and party differences at home, and he was admonished that this subject had bearings and relations which reached beyond the immediate question under discussion. Sir, this minister did as he was ordered to do. He "entreated," and "appealed," and "begged," and "prayed," "regretted," and "solicited," and "hoped to be excused," and confessed we had been in the wrong, instead of repelling with dignity the insolence and sarcasm of the British ministry; until the contemptible boon was "granted," and the national character effectually degraded. Let him take his place in the treasury for this; but let not him who gave these instructions succeed him at the court of St. James, again to "beg," and "solicit," and degrade us in the eyes of Europe, by laying before the world the state of our domestic differences at home. Let us say to the British Government this day by our vote, that we never consented to the disgrace which has befallen us, and that we prefer to recall the minister who has dishonored us, to all the pretended benefits of this miserable negotiation. On this ground alone, I will this day condemn this appointment, so far as my vote will go to effect it; and, in so doing, as an American Senator, I say to England, that we will never consent to crouch for favors; and to all our ministers, now and forever, that we will condemn every attempt to carry our family divisions beyond our own household.

Sir, the gentleman from Maryland, who last addressed us, [Mr. SMITH,] replied to similar objections made by his colleague, that the President was alone responsible for these instructions, and not the Secretary whose name was signed to them. Such has been the pretence for exonerating from all responsibility other persons charged with maladministration of the Government. Either by preventing the disclosure here of impeachable matter, or by presenting the President as a shield to the party charged with it, the responsibility of every inferior public agent is melted away to nothing. The gentleman, without defending the Secretary or the minister in this negotiation about the West India trade, feels safe if he can interpose the President as the party chargeable with the whole matter. But I will do the President the justice to say that I cannot believe he had read these instructions when they were given; and I hold the Secretary answerable to his country for every public act performed by him while he remained in office.

There is another topic closely connected with the honor and interest of this nation, upon which the nominee before us has been strongly charged, and in relation to which I confess the wish that an investigation, instituted before I took my seat this session, had been prosecuted to its termination before this day. I refer to the causes which produced the disruption of the late cabinet. I view that event as highly disreputable to our country; and I find that, according to the declarations of a gentleman who formerly edited a paper in the State of New York, advocating the President's administration, Mr. Van Buren privately informed him "that it (the dissolution of the late cabinet) was caused by the conduct of the Vice President and Mr. Ingham, who desired the retirement of General Jackson from office at the expiration of the first four years of his term of service;" at the same time in effect charging a conspiracy between these gentlemen to traduce the character of a chaste and virtuous woman, in order to pro-

duce the destruction of the cabinet; and (stating) that he, Mr. V. B., had thought it better to retire in time, knowing that, if he led the way, "the rest must follow." This information is, I believe, now in the hands of a Senator from Mississippi near me, [Mr. POINDEXTER,] and it is said that the author of it is present in the city, ready to bear testimony to the truth of it. However this may be, I must be permitted to say, as one whose course here has been plain, having had nothing to do with either of the contending branches of the party in power, that I consider such a charge against the Vice President as unjust, and utterly without foundation; while I hold that the declaration containing the charge contains also an unequivocal admission as to the true agent, and the motive of that agent, in the transaction to which I have alluded. But without reference to this, and many other matters which might be firmly pressed into this discussion as reasons for the vote which I am about to render, I content myself by resting that vote on the ground of the instructions given by Mr. Van Buren to our late minister to England, and the consequent dishonor to our diplomatic intercourse with that country.

Mr. C. concluded by observing that, on some more suitable occasion, he might give his views on the subject of that negotiation; but he would prefer doing so in the face of the country, to a secret discussion in the executive session of the Senate.

Mr. CLAY said, after the most deliberate consideration, I regret that I find myself utterly unable to reconcile with the duty I owe to my country, a vote in favor of this nomination. I regret it, because, in all the past strife of party, the relations of ordinary civility and courtesy were never interrupted between the gentleman whose name is before us, and myself. But I regard my obligations to the people of the United States, and to the honor and character of their Government, as paramount to every private consideration. There was no necessity known to us for the departure of this gentleman from the United States, prior to the submission of his name to the Senate. Great Britain was represented here by a diplomatic agent, having no higher rank than that of a chargé d'affaires. We were represented in England by one of equal rank; one who had shed lustre upon his country by his high literary character; one of whom it may be justly said that, in no respect, was he inferior to the gentleman before us. Although I shall not controvert the right of the President, in an extraordinary case, to send abroad a public minister, without the advice and consent of the Senate, I do not admit that it ever ought to be done without the existence of some special cause, to be communicated to the Senate. We have received no communication of the existence of any such special cause. This view of the matter might not have been sufficient alone to justify a rejection of this nomination; but it is sufficient to authorize us to examine the subject with as perfect freedom as we could have done if the minister had remained in the United States, and awaited the decision of the Senate. I consider myself, therefore, not committed by the separate and unadvised act of the President in despatching Mr. Van Buren, in the vacation of the Senate, and not a very long time before it was to assemble.

My main objection to the confirmation of his appointment arises out of his instructions to the late minister of the United States at the court of Great Britain. The attention of the Senate has been already called to parts of those instructions; but there are other parts of them, in my opinion, highly reprehensible. Speaking of the colonial question, he says: "In reviewing the events which have preceded, and more or less contributed to a result so much to be regretted, there will be found three grounds on which we are most assailable. First, in our too long and too tenaciously resisting the right of Great Britain to impose protecting duties in her colonies;" "and, thirdly, in omitting to accept

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the terms offered by the act of Parliament of July, 1825, after the subject had been brought before Congress, and deliberately acted upon by our Government."

"You will therefore see the propriety of possessing yourself fully of all the explanatory and mitigating circumstances connected with them, that you may be enabled to obviate, as far as practicable, the unfavorable impression which they have produced." And after reproaching the late administration with setting up claims for the first time, which they explicitly abandoned, he says, in conclusion, "I will add nothing as to the impropriety of suffering any feelings that find their origin in the past pretensions of this Government to have an adverse influence upon the present conduct of Great Britain."

On our side, according to Mr. Van Buren, all was wrong; on the British side, all was right. We brought forward nothing but claims and pretensions; the British Government asserted, on the other hand, a clear and incontestable right. We erred in too tenaciously and too long insisting upon our pretensions, and not yielding at once to the force of their just demands. And Mr. McLane was commanded to avail himself of all the circumstances in his power to mitigate our offence, and to dissuade the British Government from allowing their feelings, justly incurred by the past conduct of the party driven from power, to have an adverse influence towards the American party now in power. Sir, was this becoming language from one independent nation to another? Was it proper in the mouth of an American minister? Was it in conformity with the high, unsullied, and dignified character of our previous diplomacy? Was it not, on the contrary, the language of an humble vassal to a proud and haughty lord? Was it not prostrating and degrading the American eagle before the British lion?

Let us examine a little these pretensions which the American Government so unjustly put forward and so pertinaciously maintained. The American Government contended that the produce of the United States ought to be admitted into the British West Indies, on the same terms as similar produce of the British American continental possessions; that, without this equality, our produce could not maintain in the British West Indies a fair competition with the produce of Canada; and that British preference given to the Canadian produce in the West Indies would draw from the western part of New York and the northern part of Ohio American produce into Canada, aggrandizing Montreal and Quebec, and giving employment to British shipping, to the prejudice of the canals of New York, the port of New York, and American shipping.

This was the offence of the American Government; and we are at this moment realizing the evils which it foresaw. Our produce is passing into Canada, enriching her capitals, and nourishing British navigation. Our own wheat is transported from the western part of New York into Canada, there manufactured, and thence transported in British ships in the form of Canadian flour. We are thus deprived of the privilege even of manufacturing our own grain. And when the produce of the United States, shipped from the Atlantic ports, arrives at the British West Indies, it is unable, in consequence of the heavy duties with which most of it is burdened, to sustain a competition with British or colonial produce, freely admitted.

The general rule may be admitted that every nation has a right to favor its own productions, by protecting duties or other regulations; but, like all general rules, it must have its exceptions. And the relation in which Great Britain stands to her continental and West India colonies, from which she is separated by a vast sea, and the relations in which the United States stands to those colonies, some of which are in juxtaposition with them, constitute a fit case for such an exception.

It is true that the late administration did authorize Mr. Gallatin to treat with Great Britain upon the basis of

the rule which has been stated, but it was with the express understanding that some competent provision should be made in the treaty to guard against the British monopoly of the transportation of our own produce passing through Canada. Mr. Gallatin was informed "that the United States consent to waive 'the demand which they have heretofore made of the admission of their productions into British colonies at the same and no higher rate of duty as similar productions are chargeable with when imported from one into another British colony, with the exception of our produce descending the St. Lawrence and the Sorrel.'"

There was no abandonment of our right, no condemnation of the previous conduct of our Government, no humiliating admission that we had put forth, and too tenaciously clung to, unsustainable pretensions, and that Great Britain had all along been in the right. We only forebore, for the present, to assert a right, leaving ourselves at liberty, subsequently, to resume it. What Mr. Gallatin was authorized to do, was to make a temporary concession, and it was proposed with this preliminary announcement: "But, notwithstanding, on a full consideration of the whole subject, the President, anxious to give a strong proof to Great Britain of the desire of the Government of the United States to arrange this long contested matter of the colonial intercourse, in a manner mutually satisfactory, authorizes you," &c. And Mr. Gallatin was required "to endeavor to make a lively impression on the British Government of the conciliatory spirit of that of the United States, which has dictated the present liberal offer, and of their expectation to meet, in the progress of your negotiations, with a corresponding friendly disposition."

Now, sir, keeping sight of the object which the late Secretary of State had in view, the opening of the trade with the British colonies, which was the best mode to accomplish it? To send our minister, to prostrate himself as a supplicant before the British throne, and to say to the British King, we have offended your Majesty; the late American administration brought forward pretensions which we cannot sustain, and they too long and too tenaciously adhered to them. Your Majesty was always in the right. But we hope that your Majesty will be graciously pleased to recollect that it was not we, who are now in possession of the American power, but those who have been expelled from it, that wronged your Majesty; and that we, when out of power, were on the side of your Majesty. And we do humbly pray that your Majesty, taking all mitigating circumstances into consideration, will graciously condescend to extend to us the privileges of the British act of Parliament of 1825, and to grant us the boon of a trade with your Majesty's West India colonies? Or, to have presented himself before the British monarch in the manly and dignified attitude of a minister of this republic; and, abstaining from all condemnation or animadversion upon the past conduct of his own Government, to have placed the withdrawal of our former demand upon the ground of concession, in a spirit of amity and compromise?

But the late Secretary of State, the appointed organ of the American people to vindicate their rights with all foreign Powers, and to expose the injustice of any unfounded demands which they might assert, was not content with exerting his ingenuity to put his own country in the wrong, and the British Government in the right. He endeavored to attach to the late administration the discredit of bringing forward unfounded pretensions, and, by disclaiming them, to propitiate the favor of the British King. He says that the views of the present administration, upon the subject of the colonial trade, "have been submitted to the people of the United States; and the counsels by which your conduct is now directed, are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for

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its acts. It should be sufficient that the claims set up by them, and that caused the interruption of the trade in question, have been explicitly abandoned by those who first asserted them, and are not revived by their successors." The late Secretary of State, the gentleman under consideration, here makes the statement that the late administration were the first to set up the claims to which he refers. Now, under all the high responsibility which belongs to the seat which I occupy, I deliberately pronounce that this statement is untrue; and that the late Secretary either must have known it to be untrue, or he was culpably negligent of his duty in not ascertaining what had been done under prior administrations. I repeat the charge, the statement must have been known to be untrue, or there was culpable negligence. If it were material, I believe it could be shown that the claim in question—the right to the admission into the British West Indies of the produce of the United States upon an equal footing with similar produce of the British continental colonies, is coeval with the existence of our present constitution; and that, whenever the occasion arose for asserting the claim, it was asserted. But I shall go no further back than to Mr. Madison's administration. Mr. Monroe, the then Secretary of State, instructed our then minister at London, upon this subject, he negotiated with Lord Castlereagh in respect to it, and this very claim prevented an adjustment at that time of the colonial question. It was again brought forward under Mr. Monroe's administration, when Mr. Rush was our minister at London. He opened a long and protracted negotiation upon this and other topics, which was suspended in the summer of 1824, principally because the parties could not agree on any satisfactory arrangement of this very colonial question.

Thus, at least, two administrations, prior to that of Mr. Adams, had brought forward this identical claim or pretension which his was the first to assert, according to the late Secretary of State.

The next charge, which the late Secretary of State, the official defender of the rights of the American people, preferred against his own Government, was that of "omitting to accept the terms offered by the act of Parliament of July, 1825, after the subject had been brought before Congress, and deliberately acted upon by our Government." Never was there a more unfounded charge brought forward by any native against his own Government; and never was there a more unwarranted apology set up for a foreign Government; and a plain historical narrative will demonstrate the truth of both these propositions.

It has been already stated that the negotiation of Mr. Rush, embracing the precise colonial claim under consideration, was suspended in 1824, with an understanding between the two Governments that it was to be resumed on all points at some future convenient period. Early in July, 1825, neither Government having then proposed a resumption of the negotiation, the British Parliament passed an act to regulate the colonial trade with foreign Powers. This act was never, during the late administration, either at London or Washington, officially communicated by the British to the American Government; and we only obtained it through other channels. Now, if it had been the purpose of the British Government, by the passage of that act, to withdraw the colonial question from the negotiation, it ought to have communicated that purpose to this Government, and, at the same time, the act of Parliament, as supplanting and substituting the negotiation. But it never did communicate such purpose. The act itself did not specifically embrace the United States, and offered terms which, upon the face of the act, it was impossible for the United States to accede to. It required, for example, that, to entitle Powers, not possessing colonies, to the benefit of the act, they must place the navigation and commerce of Great Britain upon the foot-

ing of the most favored nation. To have done this, would have admitted British shipping to import into the United States, on the same conditions with native shipping, the productions of any quarter of the globe, without a reciprocal liberty on the part of the shipping of the United States in British ports. The act itself was differently construed in different colonial ports of Great Britain; and an order of the local Government of Halifax, closing that port against our vessels from the 5th of January, was subsequently revoked, thereby confirming the impression that the act of Parliament was not intended to dispense with the previous negotiation. And, to conclude this part of the narrative, as late as the 20th October, 1826, Mr. Vaughan, the British minister, upon being interrogated by the then Secretary of State, was totally uninstructed to afford any information as to the meaning or intent of the act of July, 1825.

Meantime, in March, 1826, more than six months after the passage of the act of Parliament, Mr. Vaughan notified the Department of State that he had "received instructions from his Majesty's Government to acquaint you that it is preparing to proceed to the important negotiations between that country and the United States, now placed in the hands of the American minister in London." * * * "The negotiations will, therefore, be forthwith resumed." Here the negotiations were spoken of, without exception of the colonial question, the most important of them. If it had been intended to withdraw that, no time could have been more suitable to announce that intention; but no such announcement was made. Mr. Vaughan was informed that we also would prepare for the negotiation, (including, of course, the colonial question,) and Mr. Gallatin was accordingly shortly after sent out, with full powers and instructions amicably to settle that question. On his arrival in England, in the summer of 1826, he was told by the British Government that they would not negotiate on the colonial question; that they had made up their mind from the passage of the act of July, 1825, not to negotiate about it; and he was informed by the sarcastic Mr. Canning, that, as we had failed to accept the boon which the British Government had then offered, we were then too late!

Such is the state of the case on which the late Secretary of State so authoritatively pronounces judgment against his own Government for "omitting to accept the terms offered by the act of Parliament of July, 1825!" He adds, indeed, "after the subject had been brought before Congress, and deliberately acted upon by our own Government." It was brought before Congress in the session of 1825-6, not at the instance of the American Executive, but upon the spontaneous and ill-judged motion of the gentleman from Maryland, [Mr. SMITH,] and Mr. Gallatin was informed that if the bill proposed by that gentleman had been passed, it would have been unsatisfactory to the British Government.

I have another objection to this nomination. I believe, upon circumstances which satisfy my mind, that to this gentleman is principally to be ascribed the introduction of the odious system of proscription for the exercise of the elective franchise in the Government of the United States. I understand that it is the system on which the party in his own State, of which he is the reputed head, constantly acts. He was among the first of the Secretaries to apply that system to the dismissal of clerks in his department, known to me to be highly meritorious, and among them one who is now a Representative in the other House. It is a detestable system, drawn from the worst periods of the Roman republic; and if it were to be perpetuated; if the offices, honors, and dignities of the people were to be put up to a scramble, to be decided by the result of every Presidential election, our Government and institutions, becoming intolerable, would finally end in a despotism as inexorable as that at Constantinople.

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Sir, the necessity under which we are placed is painful. But it is no fault of the Senate, whose consent and advice are required by the constitution to consummate this appointment, that the minister has been sent out of the United States without their concurrence. I hope that the public will not be prejudiced by his rejection, if he should be rejected. And I feel perfectly assured that, if the Government to which he has been deputed shall learn that he has been rejected because he has there, by his instructions to Mr. McLane, stained the character of our country, the moral effect of our decision will greatly outweigh any advantages to be derived from his negotiations, whatever they may have been intended to be.

Mr. MARCY said that he had intimated heretofore, more than once, that it was not his intention to offer to the Senate any observations upon the main question now before them. What regarded the conduct of the present minister to London, was better understood by other members; and what was to be said in explanation or vindication of it, would be better said and better received from most of them, by reason of their great experience in public affairs, and their particular knowledge of the transactions which have been brought under review in this discussion. He had determined that it would be his duty to trouble the Senate with remarks, only, in case topics should be introduced into the debate, with which he might well be supposed, from his local situation, to be particularly acquainted.

The occasion which rendered it proper that he should say something, had arisen in consequence of what had fallen from the honorable Senator from Kentucky, [Mr. CLAY.] His attack was not confined to the nominee; it reached the State which he [Mr. M.] represented in this body. One of the grounds of opposition to the minister to London, taken by the Senator from Kentucky, was the pernicious system of party politics adopted by the present administration, by which the honors and offices were put up to be scrambled for by partisans, &c.—a system, which the minister, to London, as the Senator from Kentucky alleged, had brought here from the State in which he formerly lived, and had for so long a time acted a conspicuous part in its political transactions. I know, sir, said Mr. M., that it is the habit of some gentlemen to speak with censure or reproach of the politics of New York. Like other States, we have contests, and, as a necessary consequence, triumphs and defeats. The State is large, with great and diversified interests; in some parts of it, commerce is the object of general pursuit; in others, manufactures and agriculture are the chief concerns of its citizens. We have men of enterprise and talents, who aspire to public distinction. It is natural to expect from these circumstances, and others that might be alluded to, that her politics should excite more interest at home, and attract more attention abroad, than those of many other States in the confederacy.

It may be, sir, that the politicians of the United States are not so fastidious as some gentlemen are, as to disclosing the principles on which they act. They boldly preach what they practise. When they are contending for victory, they avow their intention of enjoying the fruits of it. If they are defeated, they expect to retire from office. If they are successful, they claim, as a matter of right, the advantages of success. They see nothing wrong in the rule, that to the victor belong the spoils of the enemy.

But if there be any thing wrong in the policy which the Senator from Kentucky has so strongly reprobated, he should know that this policy was not confined to the minister to London and his friends in New York, but is practised by his [Mr. CLAY's] own political friends in that State; he should know that if to one man, any more than any other now living, the existence of that policy is to be ascribed, it is to one of the Senator's own political friends. The practice of making extensive changes in the offices, on the change of parties in that State, was begun, I believe, be-

fore the nominee was upon the political stage; certainly while he was quite a young man, and before he had acquired great consideration in political affairs. I must be permitted, sir, to say that, of all the party men with whom I have acted, or been particularly acquainted, (and the number of such is not small,) I know of no one who has acted with, or advised to, more moderation than the person whose nomination we are now considering.

When the Senator from Kentucky condemns the present administration for making removals from office, and then ascribes the act to the pernicious system of politics imported from New York, I fear he does not sufficiently consider the peculiar circumstances under which the present administration came into power. General Jackson did not come in under the same circumstances that Mr. Adams did, or Mr. Monroe, or Mr. Madison. His accession was like that of Mr. Jefferson. He came in, sir, upon a political revolution. The contest was without a parallel. Much political bitterness was engendered. Criminations and recriminations were made. Slanders of a most extraordinary character flooded the land. When the present Chief Magistrate took upon himself the administration of the Government, he found almost all the offices, from the highest to the lowest, filled by political enemies. That his cabinet was composed of his friends, no one will complain. The reasons for thus composing it will apply with considerable force to many of the officers under the heads of the several departments.

If some dismissals of the subordinate officers in these departments were made, it will not be asserted that all opposed to the administration were discharged. I have heard it confidently asserted, by those who I supposed spoke with knowledge on the subject, that many, perhaps a majority of those retained—and almost all were retained—belong now to the opposition; they are the political supporters of the honorable Senator from Kentucky.

I have good reasons, very good reasons, for believing that it is the gentleman's rule of conduct to take care of his friends when he is in power. It requires not the foresight of a prophet to predict that, if he shall come into power, he will take care of his friends, and, if he does, I can assure him I shall not complain; nor shall I be in the least surprised if he imitates the example which he now so emphatically denounces.

Now I am up, I will offer a few words relative to the much censured instructions to our former minister to England. I must say I have discovered in them nothing to merit or provoke the harsh strictures bestowed on them. They do not, in my opinion, furnish a fit occasion for the Senator from Kentucky to impute to Mr. Van Buren, as he has done, with passionate emphasis and frequent reiteration, a charge of falsehood or culpable ignorance. The language, which he desired might be taken down, is "that Mr. Van Buren stated what was false, or he was culpably ignorant for not knowing that it was false." The instructions allege that those who first asserted certain claims to interfere with the regulations of Great Britain, as to the colonial trade, abandon them, &c. The Senator from Kentucky chooses to consider this a declaration that the late administration first asserted the claims, and then abandoned them. If we admit this construction to be the true one, to what does it amount? He does not deny—indeed, it is expressly admitted, that the late administration asserted the claims, and then waived them.

What is then the mighty difference between the assertion in the instructions, and the fact as admitted here? We are told that the late administration were not the first to assert them—that they were set up under the administration of Mr. Monroe. If this pretended falsehood is of such a flagitious character as has been given to it, it is natural to expect that it would change very essentially the meaning of the sentence. If there be the least error in the instructions, it is in the use of the word first; strike

out that word, and let us see whether the meaning of the sentence is materially changed. Whether the late administration were the first to assert the claims, and then gave them up, or asserted them after they had been previously asserted by Mr. Monroe's administration, and then gave them up, is very nearly the same thing. If there was any thing wrong or reprehensible in asserting claims or pretensions, and then giving them up, the censure incurred by the late administration for so doing is not much mitigated by the circumstance that a preceding administration had asserted similar claims or pretensions. It appears to me that if a cause of censure had not been very much wanted, such a one as this would not have been hunted up and put forth so prominently.

The manner in which our late minister to London was instructed to conduct the negotiation, may, for aught I know, be unusual; but it does not appear to me to be censurable. The whole affair presents itself to me as a very plain matter. The British Government, by their act of Parliament of 1825, offer to the United States a participation in the trade with her American colonies, on certain conditions, the particulars of which it is not at all necessary now to consider.

The administration, for some reason or other—probably in the hope of getting better—refused the terms offered, and claimed more advantageous ones as a matter of right; but afterwards, finding, I presume, that better terms could not be obtained, and their claim of right could not be sustained, concluded to take those that were first offered, and had been refused. When they proposed to take these terms, the British Government told them they were too late, and positively refused to grant what it had before offered. The colonial trade was lost to the country. The late administration attempted to recover it—they made more than one attempt to open a negotiation with the British Government, for the purpose of obtaining that trade on the very terms on which it had been offered to, and refused by them. This was the situation of affairs when that administration went out of power. The commercial interests of the country required that their successors, who thought the terms offered by the British Government should have been accepted, should make an effort to regain that important trade. As negotiation had been repeatedly and peremptorily refused to the Government of the United States, it was necessary to offer some excuse for attempting it again. That excuse was formed in the public and notorious fact that the administration of the affairs of the United States had passed from the hands of those who refused the offered terms, into the hands of those who thought the offered terms ought to have been accepted, and who censured their predecessors for not accepting them. Mr. McLane was instructed to use this fact to remove any obstacle to opening the negotiation for the recovery of the lost West India trade, in case any obstacle should be interposed on account of the manner in which the late administration had managed this affair. I confess that I cannot see any thing wrong in these much censured instructions. I see no invoking of favors on party considerations—no abandonment of honor or dignity. Gentlemen may call it novel diplomacy; but I call it plain dealing, and the result has shown it was a successful negotiation.

Mr. FOOT said, since the yeas and nays are ordered, and our votes are to be recorded on this question, and especially after the friends of the nominee have opposed a resolution of inquiry into the conduct of the late Secretary of State in the discharge of his official duties, and have desired the members to examine for themselves, I feel it a duty, and esteem it a privilege, that I may state in a few words, and in plain terms, the grounds on which my vote will be given against this nomination.

Sir, the evidence of my own senses, of sight and hearing, since the commencement of this administration, have

produced a thorough conviction in my mind, that, upon the true Jeffersonian principle, viz.—“Is he honest? is he capable? is he faithful to the constitution?”—an imperious sense of duty on the question which will be proposed, viz. “Will the Senate advise and consent to the nomination?” will compel me to answer in the negative.

A resolution has been offered, to instruct a standing committee of the Senate to inquire into the conduct of the nominee in relation to certain very singular and extraordinary occurrences. This has been opposed by his friends. It has been stated on this floor that there are papers in possession of Senators, ready to be presented to the Senate, or to a committee, sufficient to convince any committee, or any member of the Senate, that the nominee has stated to some of his friends and partisans certain facts in relation to the causes of the explosion of the late cabinet, which, if proved, it is admitted, ought to prevent the confirmation of this nomination.

The Senator from New York [Mr. MARCY] states that “he does not believe these statements entitled to credit; he does not believe that Mr. Van Buren has ever made such remarks or admissions to any person.” The Senator from Delaware [Mr. CLAYTON] proposes to introduce the witness on this floor, if desired. I shall not look for any admissions or confessions of this nominee, to his friends or elsewhere, which would criminate himself. Since all these offers have been rejected, I ask no further evidence. In fact, for myself, no evidence of what my duty would require on an occasion like the present, has been wanting since the letters of instruction to our minister to England were read in this body nearly two years since, and which I then pronounced disgraceful to the country.

The Senator from Maryland [Mr. SMITH] has said “that for the instructions given by the Secretary of State to a foreign minister, the Secretary is not to be held responsible; the President alone is responsible.” Sir, whatever may be the views of that Senator, it is no rule for me. I hold a very different doctrine. In my opinion, there is not a Senator on this floor, or any other careful observer, who has noticed the proceedings of this administration from its commencement, who is not fully convinced that there had been “behind the throne a power greater than the throne itself,” which has directed most of its movements. I will not say there is legal evidence sufficient to convict a man before a court of justice; but there is enough to produce conviction in my mind, and I sincerely believe that General Jackson came to this place fully determined to remove no man from office, but for good cause of removal. I am fully convinced that the whole “system of proscription” owes its existence to Martin Van Buren! That the dissolution of the cabinet was effected by his management, and for his benefit! and that the hand of the late Secretary of State may be traced distinctly in another affair, which has produced an alienation between the first and second officers of the Government; and also in relation to the present “improved condition of the public press,” and for the great abuse of the patronage of the Government! And, sir, I hold him responsible for many acts which I can never approve. But, sir, this is not the first time that I have pronounced the instructions given by the late Secretary of State to Mr. McLane, then minister to London, and the negotiation with the court of Great Britain, on the subject of the colonial trade, to be degrading and disgraceful to the nation. Sir, it has ever been our pride and our glory, that, in all our diplomatic intercourse with foreign nations, we have never admitted our country to be in the wrong! nor has she ever been proved to be in the wrong, before the late humiliating and disgraceful correspondence with the British Government. This is the first time in her whole history, in which she has ever begged favors of royal bounty. And holding, as I do, the author of those instructions responsi-

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ble for this disgrace, I can never advise the President to send the author of such instructions as a minister to represent the interests of this nation at the same court where she has been so disgraced—and I must record my vote against the nomination.

Mr. WEBSTER said, as it is highly probable that our proceedings on this nomination will be published, I deem it proper to state shortly the considerations which influenced my opinion, and will decide my vote.

I regard this as a very important and delicate question. It is full of responsibility; and I feel the whole force of all that responsibility. While I have been in the Senate, I have opposed no nomination of the President, except for cause; and I have at all times thought that such cause should be plain, and sufficient; that it should be real and substantial, not unfounded or fanciful.

I have never desired, and do not now desire, to encroach, in the slightest degree, on the constitutional powers of the Chief Magistrate of the nation. I have heretofore gone far, very far, in assenting to nominations which have been submitted to us. I voted for the appointment of all the gentlemen who composed the first cabinet; I have opposed no nomination of a foreign minister; and I have not opposed the nominations recently before us, for the reorganization of the administration. I have always been especially anxious that, in all matters relating to our intercourse with other nations, the utmost harmony, the greatest unity of purpose, should exist between the President and the Senate. I know how much of usefulness such harmony and union are calculated to produce.

I am now fully aware, sir, that it is a serious, a very serious matter to vote against the confirmation of a minister to a foreign court, who has already gone abroad, and has been received, and accredited, by the Government to which he is sent. I am aware that the rejection of this nomination, and the necessary recall of the minister, will be regarded by foreign States, at the first blush, as not in the highest degree favorable to the character of our Government. I know, moreover, to what injurious reflections one may subject himself, especially in times of party excitement, by giving a negative vote on such a nomination. But, after all, I am placed here to discharge a duty. I am not to go through a formality—I am to perform a substantial and responsible duty. I am to advise the President in matters of appointment. This is my constitutional obligation; and I shall perform it conscientiously and fearlessly. I am bound to say, then, sir, that, for one, I do not advise nor consent to this nomination. I do not think it a fit and proper nomination; and my reasons are found in the letter of instructions, written by Mr. Van Buren, on the 20th of July, 1829, to Mr. McLane, then going to the court of England as American minister. I think those instructions derogatory, in a high degree, to the character and honor of the country. I think they show a manifest disposition, in the writer of them, to establish a distinction between his country and his party; to place that party above the country; to make interest at a foreign court for that party, rather than for the country; to persuade the English ministry and the English monarch that they had an interest in maintaining in the United States the ascendancy of the party to which the writer belonged. Thinking thus of the purpose and object of these instructions, I cannot be of opinion that their author is a proper representative of the United States at that court. Therefore it is that I propose to vote against his nomination. It is the first time, I believe, in modern diplomacy, it is certainly the first time in our history, in which a minister to a foreign court has sought to make favor for one party at home against another; or has stooped from being the representative of the whole country, to be the representative of a party. And as this is the first instance in our history of any such transaction, so I intend to do all in my power to make it the last. For one,

I set my mark of disapprobation upon it; I contribute my voice and my vote to make it a negative example, to be shunned and avoided by all future ministers of the United States. If, in a deliberate and formal letter of instructions, admonitions and directions are given to a minister, and repeated, once and again, to urge these mere party considerations on the foreign Government, to what extent is it probable the writer himself will be disposed to urge them, in his one thousand opportunities of informal intercourse with the agents of that Government?

I propose, sir, to refer to some particular parts of these instructions; but, before I do that, allow me to state, very generally, the posture of that subject to which those particulars relate. That subject was the state of our trade with the British West India colonies. I do not deem it necessary now to go minutely into all the history of that trade. The occasion does not call for it. All know that, by the convention of 1815, a reciprocity of intercourse was established between us and Great Britain. The ships of both countries were allowed to pass to and from each other respectively, with the same cargoes, and subject to the same duties. But this arrangement did not extend to the British West Indies. There our intercourse was cut off. Various discriminating and retaliatory acts were passed by England and by the United States. Eventually, in the summer of 1825, the English Parliament passed an act offering reciprocity, so far as the mere carrying trade was concerned, to all nations who might choose, within one year, to accept that offer.

Mr. Adams's administration did not accept that offer; first, because it was never officially communicated to it; secondly, because, only a few months before, a negotiation on the very same subject had been suspended, with an understanding that it might be resumed; and, thirdly, because it was very desirable to arrange the whole matter, if possible, by treaty, in order to secure, if we could, the admission of our products into the British islands for consumption, as well as the admission of our vessels. This object had been earnestly pursued ever since the peace of 1815. It was insisted on, as every body knows, through the whole of Mr. Monroe's administration. He would not treat at all, without treating of this object. He thought the existing state of things better than any arrangement, which, while it admitted our vessels into West India ports, still left our productions subject to such duties there, that they could not be carried.

Now, sir, Mr. Adams's administration was not the first to take the ground. It only occupied the same position which its predecessor had taken. It saw no important objects to be gained by changing the state of things, unless that change was to admit our products into the British West Indies, directly from our ports, and not burdened with excessive duties. The direct trade, by English enactments and American enactments, had become closed. No British ships came here from the British West Indies. No American ship went from us to those places. A circuitous trade took place through the islands of third Powers; and that circuitous trade was in many respects not disadvantageous to us.

In this state of things, sir, Mr. McLane was sent to England; and he received his instructions from the Secretary of State. In these instructions, and in relation to this subject of the colonial trade, are found the sentiments of which I complain. What are they? Let us examine, and see.

Mr. Van Buren tells Mr. McLane: "The opportunities which you have derived from a participation in our public councils, as well as other sources of information, will enable you to speak with confidence (as far as you may deem it proper and useful so to do) of the respective parts taken by those to whom the administration of this Government is now committed, in relation to the course heretofore pursued upon the subject of the colonial trade."

Now, this is neither more nor less than saying, "you will be able to tell the British minister, whenever you think proper, that you, and I, and the leading persons in this administration, have opposed the course heretofore pursued by the Government and the country, on the subject of the colonial trade. Be sure to let him know that, on that subject, we have held with England, and not with our own Government." Now, I ask you, sir, if this be dignified diplomacy? Is this statesmanship? Is it patriotism, or is it mere party? Is it a proof of a high regard to the honor and renown of the whole country, or is it evidence of a disposition to make a merit of belonging to one of its political divisions?

The Secretary proceeds: "Their views (that is, the views of the present administration) upon that point have been submitted to the people of the United States; and the counsels by which your conduct is now directed, are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts."

Now, sir, in the first place, there is very little reason to suppose that the first part of this paragraph is true, in point of fact. I mean that part which intimates that the change of administration was brought about by public disapprobation of Mr. Adams's conduct, respecting the subject of the colonial trade. Possibly, so much was then said, on a subject which so few understood, some degree of impression may have been produced by it. But be assured, sir, another cause will be found, by future historians, for this change; and that cause will be the popularity of a successful soldier, united with a feeling, made to be considerably extensive, that the preferences of the people in his behalf had not been justly regarded on a previous occasion. There is, sir, very little ground to say that "the only tribunal to which the late administration was amenable," has pronounced any judgment against it for its conduct on the whole subject of the colonial trade.

But, however this may be, the other assertion in the paragraph is manifestly quite wide of the facts. Mr. Adams's administration did not bring forward this claim. I have stated already that it had been a subject, both of negotiation and legislation, through the whole eight years of Mr. Monroe's administration. This the Secretary knew, or was bound to know. Why then does he speak of it as set up by the late administration, and afterwards abandoned by them, and not now revived?

But the most humiliating part of the whole follows: "To set up the acts of the late administration as the cause of forfeiture of privileges which would otherwise be extended to the people of the United States, would, under existing circumstances, be unjust in itself, and could not fail to excite their deepest sensibility."

So, then, Mr. President, we are reduced, are we, to the poor condition that we see a minister of this great republic instructed to argue, or to intercede, with the British minister, lest he should find us to have forfeited our privileges, and lest these privileges should no longer be extended to us! And we have forfeited those privileges, by our misbehavior, in choosing rulers who thought better of our own claim than of the British! Why, sir, this is patiently submitting to the domineering tone of the British minister, I believe Mr. Huskisson—[Mr. CLAY said, "no, Mr. Canning."—Mr. Canning, then, sir, who told us that all our trade with the West Indies was a boon, granted to us by the indulgence of England. The British minister calls it a boon, and our minister admits it is a privilege, and hopes that his royal Majesty will be too gracious to decide that we have forfeited this privilege, by our misbehavior, in the choice of our rulers! Sir, for one, I reject all idea of holding any right of trade, or any other rights, as a privilege or a boon, from the British Government, or any other Government.

At the conclusion of the paragraph, the Secretary says:

"You cannot press this view of the subject too earnestly upon the consideration of the British ministry. It has bearings and relations that reach beyond the immediate question under discussion."

And adverting again to the same subject, towards the close of the despatch, he says: "I will add nothing as to the impropriety of suffering any feelings that find their origin in the past pretensions of this Government to have an adverse influence upon the present conduct of Great Britain."

I ask again, Mr. President, if this be statesmanship? If this be dignity? If this be elevated regard for country? Can any man read this whole despatch with candor, and not admit that it is plainly and manifestly the writer's object to gain credit with the British ministry for the present administration, at the expense of the past? Certainly, this object appears to me as plain and visible as the sun at noon.

Let I should do the Secretary injustice, I will read all that I find in this letter upon this obnoxious point. These are the paragraphs:

"Such is the present state of our commercial relations with the British colonies, and such the steps by which we have arrived at it. In reviewing the events which have preceded, and more or less contributed to a result so much to be regretted, there will be found three grounds upon which we are most assailable. First, in our too long and too tenaciously resisting the right of Great Britain to impose protecting duties in her colonies." Second, &c.

"The opportunities which you have derived from a participation in our public councils, as well as other sources of information, will enable you to speak with confidence (as far as you may deem it proper and useful so to do) of the respective parts taken by those to whom the administration of this Government is now committed, in relation to the course heretofore pursued upon the subject of the colonial trade. Their views upon that point have been submitted to the people of the United States; and the counsels by which your conduct is now directed, are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts. It should be sufficient that the claims set up by them, and which caused the interruption of the trade in question, have been explicitly abandoned by those who first asserted them, and are not revived by their successors. If Great Britain deems it adverse to her interests to allow us to participate in the trade with her colonies, and finds nothing in the extension of it to others to induce her to apply the same rule to us, she will, we hope, be sensible of the propriety of placing her refusal on those grounds. To set up the acts of the late administration as the cause of forfeiture of privileges which would otherwise be extended to the people of the United States, would, under existing circumstances, be unjust in itself, and could not fail to excite their deepest sensibility. The tone of feeling which a course so unwise and untenable is calculated to produce, would doubtless be greatly aggravated by the consciousness that Great Britain has, by order in council, opened her colonial ports to Russia and France, notwithstanding a similar omission on their part to accept the terms offered by the act of July, 1825. You cannot press this view of the subject too earnestly upon the consideration of the British ministry. It has bearings and relations that reach beyond the immediate question under discussion."

"I will add nothing as to the impropriety of suffering any feelings that find their origin in the past pretensions of this Government to have an adverse influence upon the present conduct of Great Britain."

Sir, I submit to you, and to the candor of all just men, if I am not right in saying that the pervading top, through the whole, is not American rights, not American interests, not American defence, but denunciation of past

pretensions of our own country, reflections on the past administration, and exultation and a loud claim of merit for the administration now in power. Sir, I would forgive mistakes; I would pardon the want of information; I would pardon almost any thing, where I saw true patriotism and sound American feeling; but I cannot forgive the sacrifice of this feeling to mere party. I cannot condemn a standing abroad a public agent who has not conceptions so large and liberal, as to feel that, in the presence of foreign courts, amidst the monarchies of Europe, he is to stand up for his country, and his whole country; that not a jot nor tittle of her honor is to come to harm in his hands; that he is not to suffer others to reproach either his Government or his country, and far less is he himself to reproach either; that he is to have no objects in his eye but American objects, and no heart in his bosom but an American heart; and that he is to forget self, to forget party, to forget every sinister and narrow feeling, in his proud and lofty attachment to the republic whose commission he bears.

Mr. President, I have discharged an exceedingly unpleasant duty, the most unpleasant of my public life. But I have looked upon it as a duty, and it was not to be shunned. And, sir, however unimportant may be the opinion of so humble an individual as myself, I now only wish that I might be heard by every independent freeman in the United States, by the British minister, and the British King, and by every minister and every crowned head in Europe, while, standing here in my place, I pronounce my rebuke, as solemnly and as decisively as I can, upon this first instance in which an American minister has been sent abroad as the representative of his party, and not as the representative of his country.

Mr. BROWN said that, unwilling as he had been to participate in this discussion, he could not, in justice to his own feelings, and to the distinguished individual whose nomination as minister to England was then before the Senate, refrain from giving utterance to the mingled sentiments of indignation and regret at the course which the debate had taken—a course which struck him as at least extraordinary, and extremely unjust towards the nominee.

The acrimony with which Mr. Van Buren had been assailed, the epithets which had been so liberally bestowed upon him, required some vindication at the hands of those who were favorable to confirming his nomination, against the injurious, and, as he believed, unwarrantable charges which had been preferred against him. He would here take leave to remind gentlemen that reproachful epithets afforded but a poor substitute for argument, and more especially when addressed to a body whose deliberations should be governed by calm, dispassionate consideration.

The Senate had been told by the honorable gentleman [Mr. CLAY] who had preceded him in this debate, that Mr. Van Buren, when acting as Secretary of State, had disgraced his country, by certain expressions contained in his instructions given to Mr. McLane, late minister to England, in relation to the negotiation between the United States and Great Britain, on the subject of the West India trade. Waiving all discussion as to whom the responsibility should attach, for instructions given to our foreign ministers, whether to the President of the United States or to his Secretary of State, he would concede to those opposed to the nomination the principle contended for by them, that the Secretary of State was responsible for his official conduct, to the fullest extent. He knew Mr. Van Buren too well, to believe, for a moment, that he would desire that any shield should be interposed to screen him from a proper responsibility; he believed he would encounter the strictest inquiry, than endeavor to escape from it. But to return to the instructions. What was the language which was deemed so exceptionable? In order to remove the impression that a feeling of hostility was felt in this country towards Great Britain, which the im-

provident course of the late administration, in relation to the West India trade, had produced, the late Secretary of State had alluded in his instructions to the change which the people of the United States had made, in those who administered our Government, in the following language: "The opportunities which you have derived, from a participation in our public councils, as well as other sources of information, will enable you to speak with confidence (as far as you may deem it proper and useful so to do) of the respective parts taken by those to whom the administration of this Government is now committed, in relation to the course heretofore pursued upon the subject of the colonial trade. Their views upon that point have been submitted to the people of the United States; and the counsels by which your conduct is now directed, are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts." In making this suggestion, Mr. Van Buren had asserted what was most true; public opinion had discarded the late administration from power; and the party to whom the people of the United States had committed the reins of Government, had been, and were then, favorable to the proposed arrangement: he could, therefore, recognize in this no solid objection; but to his mind it had more the appearance of the captiousness of verbal criticism, than any thing else. If there was any thing in the language which he had noticed of a submissive tone, as gentlemen had supposed, by proceeding a little further in the instructions, they would have found language which would effectually have removed all their apprehensions, and shows if the late Secretary of State knew how to use the language of conciliation, he also knew how to speak in a tone of manly firmness when urging the just claims of his country.

That part of the instructions to which he had reference was as follows: "If Great Britain deems it adverse to her interests to allow us to participate in the trade with her colonies, and finds nothing in the extension of it to others to induce her to apply the same rule to us, she will, we hope, be sensible of the propriety of placing her refusal on those grounds. To set up the acts of the late administration as the cause of forfeiture of privileges which would otherwise be extended to the people of the United States, would, under existing circumstances, be unjust in itself, and could not fail to excite their deepest sensibility. The tone of feeling which a course so unwise and untenable is calculated to produce, would doubtless be aggravated," &c. Here was language firm and spirited, and indicating any thing else but a disposition to yield or compromise the honor of the country; and he could but consider it as extremely unjust on the part of the opponents of the nomination to single out detached parts of the instructions, without adverting to their general tenor, and viewing them as a whole—the only fair rule to be resorted to in the exposition of public documents.

But to come back to the charge of disgrace which had been so strongly urged and relied upon. How, sir, has the minister to England disgraced his country? Where was the evidence of the imputed disgrace to be found? Was it to be found in the fact that an arrangement had been made between the United States and Great Britain, in relation to her colonial trade, substantially on the very same basis as that proposed under the administration of Mr. Adams? And were gentlemen who then approved that measure, now prepared to condemn the present administration for having succeeded in forming such an arrangement with the British Government as the late administration had proffered, and had failed to accomplish? Sir, said Mr. B., it appears to me that there lies the rub: the objection to Mr. Van Buren, he feared, with some gentlemen, was not that he had done too little, but that he had done too much. Under his auspices, as Secretary of State, a restoration of the West India trade had been effected, which the late administration had, by several suc-

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cessive missions, in vain endeavored to effect for several years.

He called on gentlemen who had spoken so pathetically of their country's disgrace, to adduce some proof in support of the charge. When had the American name stood more honored abroad? Under what administration, from the origin of the Government to this time, had the national character held a more lofty elevation? There was no civilized country, but what American character, American institutions, were themes of the highest panegyric; and in none more than in that country with whom this dishonorable transaction is said to have taken place. The lively sensibility which the President had, on all occasions, shown to the honor of his country, forbade the supposition that he would ever have sanctioned instructions to a foreign minister by which the character of his country was to be compromised. That he had authorized the language of conciliation to be used in the instructions to the minister to England, was most honorable to him. From what President could a spirit of conciliation and courtesy towards England come with more propriety, than from him by whose valor in the field her pride had been humbled?

There is no mark more infallible, as regards the degree of wisdom with which a nation is governed, than the respectability of that nation in other countries. All history will testify to the truth of the remark, that an administration conducted feebly is contemptible abroad; and that which is conducted with wisdom and vigor, never fails to secure respect.

Mr. B. said he would not institute a comparison between the management of our diplomatic affairs, under the present administration, and that which had preceded it; and it would be from no apprehension that the result would not redound greatly to the credit of the existing administration.

Mr. Van Buren had, he believed, while acting as Secretary of State, accomplished more in less time than any of his predecessors. Comparatively inexperienced in the new station in which he had been called to act, the ease with which he had adapted himself to it, the rapidity with which he had comprehended the arduous and difficult duties of Secretary of State, bore honorable testimony to his abilities as a statesman.

It had been objected to the nominee that he had introduced into the Government of the United States the party intrigues and discipline said to prevail in his own State. Without stopping to notice what he considered an unjust reflection on the public character of a great and patriotic member of this confederacy, he called upon those who made the charge to support it by proof. It was honorable to the reputation of Mr. Van Buren, both public and private, that, when his enemies were asked to furnish evidence in support of the charges urged against him, they were unable to fix upon him any one of them by the semblance of proof. Possessing talents of a high order, and rapidly growing in the esteem of his countrymen, it was not a matter of surprise that he had been marked out as the victim of unmerited persecution.

Mr. B. could conceive of no adequate reason or motives for rejecting the nomination of the minister to England. He was peculiarly fitted for the station which he then filled. His thorough and intimate acquaintance with the commercial relations of the two countries pointed him out as a fit and proper representative of our interests at the court of Great Britain. The State of New York had repeatedly vouched for his character and standing, by bestowing on him the highest civil honors within her gift. Mr. B. said he therefore considered it a duty which he owed to the country, and to the individual then representing us at the court of Great Britain, to vote for confirming his nomination.

Mr. EWING, of Ohio, said he rose for the purpose of replying to the honorable Senator from North Carolina,

[Mr. BROWN,] and with a view, also, to add something to what had been said by the honorable Senator from Massachusetts, [Mr. WEBSTER,] who had placed the question before the Senate in nearly all the aspects in which it had presented itself to his [Mr. E.'s] mind.

The honorable Senator from North Carolina has said that the treaty negotiated by our minister at London, under the instructions which are now the subject of animadversion, is a splendid treaty; that it has yielded, and will yield, a golden harvest to our people; and that it is the success of the negotiation, casting all others in the shade, which has excited envy and animosity against the parties concerned in that brilliant transaction. Sir, said Mr. E., it is the common resort of all men, when brought to answer for a misdemeanor, to retort the charge of envy, or enmity, against their accusers. Pretences of this kind can always be advanced, though not always sustained; and when supported by evidence, and not resting on mere assertion, they are entitled to no weight, except in those cases in which the accusation to be repelled rests for its support upon the evidence of the envious and malignant accuser.

What has it to do with the question before the Senate, whether the nominee is the subject of love or hatred—of malice or good will? Here is no room for falsehood, and little for misconstruction. We have before us, under his own sign manual, the very paper on which we must acquit or condemn him. We have it before us here, sir. It will go abroad to the nation and the world with the sanction or censure of the Senate stamped upon it. Friendship cannot brighten, nor envy deepen its shades. Before us, and before the American people, upon its own merits must it stand or fall. Nor does the honorable Senator touch the question under discussion, when he tells us that an arrangement effected pursuant to these instructions is advantageous to the United States; that it adds to our commerce, and puts money in the pockets of our people. I neither admit nor deny his assumptions as to that fact; for it is not now a proper time for the discussion of that subject. On another day, on a fit occasion, and with open doors, shall (I trust) this matter be investigated; and then, perhaps, their golden visions will vanish into air. But it is not the arrangement to which I now object, but the manner in which it was sued for. Let it be, if gentlemen please, a splendid boon, a golden gift, obtained from Great Britain by the superior talents and favor of this subtle Secretary: that gold is bought too dear which is purchased at the expense of our national honor—which is sued for—beggared for of a British minister—knelt for—prayed for—before a British or any other earthly throne.

But, sir, said Mr. E., this tone of submission, of supplication, and apology, is not, to my mind, the most objectionable characteristic of this paper. We have, it is true, since the first formation of our Government, been divided into parties at home. Our people have differed in the choice of their rulers—sometimes on principle: sometimes merely as to men; but heretofore, whether in peace or war, abroad we have presented an undivided front. And never before has there been a solitary instance in which our dissensions have been sent abroad by the accredited agents of our Government, and urged as argument for the consideration of a foreign Power. But by this despatch, sir, our family quarrels, our private animosities, which, in common decency, ought to die within our own doors, are presented in bold relief, and made the subject of earnest representation to the British Crown. For what honest purpose is this thing done? Does any honest man suppose that the British minister or the British monarch cares who is at the head of our Government, unless they expect to profit by the ascendancy of some individual or party? If it were "the country, the whole country, and nothing but the country," which the Secretary sought to benefit by this official act, why did he urge

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to England (for it mattered not to them) the opinions of the dominant party in this country? Sir, the American republic—the nation—is lost sight of in this despatch, and the minister is instructed to present himself at the British court as the emissary of those who had come into power, as he assumes, because they supported British claims against American pretensions. I once more ask the attention of the Senate to a paragraph of this despatch.

“The opportunities which you have derived from a participation in our public councils, as well as other sources of information, will enable you to speak with confidence (as far as you may deem it proper and useful so to do) of the respective parts taken by those to whom the administration of this Government is now committed, in relation to the course heretofore pursued upon the subject of the colonial trade. Their views upon that point have been submitted to the people of the United States; and the counsels by which your conduct is now directed, are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts. It should be sufficient that the claims set up by them, and which caused the interruption of the trade in question, have been explicitly abandoned by those who first asserted them, and are not revived by their successors. If Great Britain deems it adverse to her interests to allow us to participate in the trade with her colonies, and finds nothing in the extension of it to others to induce her to apply the same rule to us, she will, we hope, be sensible of the propriety of placing her refusal on those grounds. To set up the acts of the late administration as the cause of forfeiture of privileges which would otherwise be extended to the people of the United States, would, under existing circumstances, be unjust in itself, and could not fail to excite their deepest sensibility. The tone of feeling which a course so unwise and untenable is calculated to produce, would doubtless be greatly aggravated by the consciousness that Great Britain has, by order in council, opened her colonial ports to Russia and France, notwithstanding a similar omission on their part to accept the terms offered by the act of July, 1825. You cannot press this view of the subject too earnestly upon the consideration of the British ministry. It has bearings and relations that reach beyond the immediate question under discussion.”

“I will add nothing as to the impropriety of suffering any feelings that find their origin in the past pretensions of this Government to have an adverse influence upon the present conduct of Great Britain.”

Can any one read this miserable paragraph, mystified and involved as it is, and doubt for a moment as to its interpretation? “You will be able to speak with confidence (as far as you may think it proper and useful so to do) of the course pursued by those now in power, in relation to the colonial trade.” What is this but saying, in other words, to the American envoy, Tell the British minister that we who are now in power supported British claims, and opposed American pretensions, as to the colonial trade; our opinions upon that subject were submitted to the American people; and, because we entertained views favorable to British claims, and hostile to American pretensions, the people placed us in power, and prostrated our opponents? This is the plain reading of that part of the despatch, when stripped of its circumlocution. Is this true, sir? And if it were true, is it, I ask, the kind of message with which an American minister is to be sent to a foreign court—thus to humble and debase himself, and degrade, if not libel, his countrymen—especially to the haughty court of Great Britain?

But this is not all. Warmed with this subject, and new light breaking in upon him as he proceeds, the Secretary closes this paragraph in his despatch with this special injunction: “You cannot press this view of the subject too earnestly upon the consideration of the Bri-

tish ministry. It has bearings and relations that reach beyond the immediate question under discussion.”

“You cannot press this view of the subject too earnestly.” What view? Why, that those who favored American pretensions have been put down, and we, who support British claims, are lords of the ascendant. But why press this earnestly upon the consideration of the British ministry? Because, adds the despatch, it has bearings and relations which reach beyond the immediate question under discussion. And what were these bearings and relations? On what did this view of the subject bear? To what did it relate beyond the simple question of the colonial trade, if, indeed, it could have borne on that? Sir, the motive lurking in the heart of the writer of this despatch is here disclosed. He stands the self-declared representative of a party—holding out, as a partisan, professions of submission and subservience to Great Britain—and claiming, as the reward of his adherence to her interests, the concession of privileges which had been withheld when treated for in the name and in behalf of the nation. The concessions on the one part, and the boons and privileges on the other, were not intended to terminate in the matter then under discussion. No, they had bearings and relations which reached beyond, very much beyond, them. Do but convince the British ministry that the Secretary is devoted to their will, and the advocate of their interests, would they not in turn lend their aid to secure his advancement? Have they not the same motive in giving a President to the United States that Russia once had in giving a King to Poland? In his view, it was easily done. Let the ministry yield to his solicitations as a partisan what they had refused to the manly diplomacy of the nation; and let the American people feel, or be persuaded that they feel, pecuniary benefits resulting from these concessions. Then let the British presses be made to teem with praises of the candor, skill, and talent of the American diplomatists. The weight of foreign influence, with political tactics and party organization at home, he might reasonably suppose to be irresistible. And then, sir, having reached the summit of his ambition, could he not reward his august friend and ally by yielding up other American pretensions to other British claims? Sir, the British nation has for a century past held a controlling influence over the politics of Europe. It has been the “setter up and putter down of kings.” States and nations have received their gold, and become their pensioners; and it is not probable, if the lure is thus held out to them by our men in power, that they will be slow in seizing an occasion to control also our destinies.

It is for these reasons, in addition to those already urged, that I have made up my mind to vote against this nomination. I have reflected on the subject, deliberately, calmly, and, I hope, impartially. The office is high and responsible. The stations which the nominee has heretofore filled, have been elevated and conspicuous. I have felt, sir, and still feel, the responsibility under which I act in refusing my assent to this nomination; but I refuse it without hesitation or doubt. Sir, if a man without fortune and without name, an officer holding some humble post, had sinned as deeply in his sphere as did this nominee in his, he would have been suffered, by common consent, to sink into oblivion, perhaps into infamy. And surely our censure should not fall with less weight on the political sins of the high, than of the humble in station.

In coming to this conclusion, I for one have given little weight to the many rumors which are rife in the land touching the political character and conduct of this nominee in other matters than that here developed. Something, indeed, it has weighed upon my mind, that he is now, by an arrangement which appears to be his own, our accredited minister at that very court to which he thus pressed his partisan claims; and where, if he chose to do it, he could best mature a project for bringing foreign

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influence to bear upon his political fortunes at home. But chiefly I rest my censure upon the despatch which is before us, and in which I cannot be deceived.

Mr. POINDEXTER rose, and said that an absence of several weeks from the Senate, occasioned by indisposition, had, as he was informed, been the cause of some delay in the final action of the Senate on this nomination.

He regretted the circumstance, and even now that he was enabled to resume the discharge of his duties, he could but ill requite the kind indulgence of the Senate, in postponing the question on his account, by any effort of his to investigate the claims of the nominee to public confidence, inasmuch as the delicate state of his health would not permit him to enter at large into the various interesting topics which had been adverted to in the remarks of the honorable Senators who had preceded him in the debate.

Sir, said Mr. P., I have risen to perform an unpleasant, but an imperative duty, from which I cannot withdraw without subjecting my motives to misconception, or misrepresentation, in relation to my vote on the question now before the Senate. Having nothing to gain by the rejection of this nomination, and nothing to hope, should it be confirmed, I can feel, Mr. President, no other solicitude on the subject than that which arises from a sense of the solemn duty which I owe to my country, and an ardent desire to preserve the honor and dignity of the American people, free from the stain of that moral turpitude and vicious intrigue which cover the corrupt Governments of Europe with infamy and disgrace. For this purpose, and for no other purpose whatever, either of a personal or political character, I have endeavored to inform myself, by all the means within my reach, of the facts and circumstances touching the merits of the individual whose nomination is now under consideration. I have adopted this course the more readily, because it was, I understand, on a previous day, recommended by honorable Senators, in favor of the nominee, in preference to a full and formal investigation by a committee of the Senate, which had been proposed by an honorable Senator from Maine, [Mr. HOLMES.] Mr. Van Buren has been long in the public eye, has filled high and important political stations, and the influence of his public conduct may be traced in every department of the Government. Whether, therefore, his previous acts entitle him to the confidence of the Senate and of the nation, is a question which each gentleman must determine for himself; and I claim for myself the humble privilege of presenting a concise summary of the grounds on which I hope to justify the vote which I shall feel bound to give on his nomination. The evidence to which I shall refer, and which has operated on my judgment in this case, is drawn from the history of the passing events of the day, and the statements of persons of high standing and respectability, whose integrity and veracity no one would presume to doubt, when their names shall be disclosed.

Sir, it is known to all who have looked into the political movements of the various parties which have contended for power, within the last five or six years, that Mr. Van Buren entered the lists as the friend of General Jackson, long after the commencement of the administration of President Adams. Prior to that event, he had lent his influence to a candidate between whom and General Jackson there existed the most deadly hostility. The administration of Mr. Adams had no charms for Mr. Van Buren, and after due deliberation, and a "judicious" estimate of the probable results, he became the advocate of General Jackson for the Presidency, in opposition to the incumbent, whose prospects for re-election were overcast with doubt and uncertainty, and from whom he could expect no favors, either for himself or his friends. The capital which he brought into the stock of political influence then operating on the Presidential election, was sup-

posed to give him a claim to the highest distinction, in the event of the successful termination of the struggle. Accordingly he was placed by General Jackson at the head of his constitutional advisers, preferring him to other distinguished gentlemen, whose support was of longer duration, and, to say the least, equally efficient, and whose talents would bear an advantageous comparison with the most enlightened statesmen in the world. Thus promoted and flattered, wielding, as he did, the Executive arm of the nation, permit me to ask, what was the conduct of Mr. Van Buren, then Secretary of the Department of State? Were the honor and welfare of the country, or the purity of its character, objects nearest to his heart? Was his mind free from the bias of undisciplined ambition? or was he exclusively devoted to his own elevation, regardless of the means, or of the honor of his venerable chief, and of the integrity of the party which brought him into power? I cannot answer these grave questions by any thing which falls within the scope of my own personal knowledge; but if there be truth in facts which I have been detailed to me by men of the first rank in the nation, and which I am bound to believe, until contradicted by evidence still more imposing, his whole course was marked by a systematic tissue of dark and studied intrigue, which, in its consequences, swept into chaos the elements of that patriotic band who fought the battle, and gained the splendid victory, in 1828, which placed on the brow of the hero of New Orleans the civic wreath of his grateful country. Discarding all personal considerations, for I have neither revenge nor political aspirations to gratify, and, if I had, they would not enter these walls to influence my deliberations in matters of national concern, I ask only the lights of truth to guide me to a decision which shall accord with strict and impartial justice, and secure to me the approbation of an enlightened people, and, what is still more precious, the smiles of an approving conscience.

If, then, the friends of the nominee deem the information which I have received, and on which, for the present, I must rely, inaccurate, or susceptible of satisfactory explanation, I invite them, I urge them, in justice to their friend, to rescue him from every shade of suspicion which may be cast on him, by the appointment of a committee, to be chosen by this honorable body, who shall be charged with the duty of collecting all the testimony which can be adduced either for or against the nominee, and making a faithful report of it to the Senate; and if the result should be such as to satisfy my mind that the nominee is innocent of the unworthy conduct which has been ascribed to him, my vote will be given in favor of his nomination, with more real pleasure than I can feel in obeying the dictates of duty, by denying to him my support. To such a committee I am authorized to furnish the names of several gentlemen, high in the confidence of the country, who are ready to testify, on oath, if required, to all the facts which they have authorized me to communicate to the Senate on the present occasion, in a much more enlarged and satisfactory manner than it is in my power to give to them. But I must be permitted to remark, that if this invitation is declined by the friends of Mr. Van Buren, my vote must be recorded against his nomination, confusing, as I do, in the honorable sources from which my information is derived. I forbear to dwell on the novel and extraordinary character of the instructions given by Mr. Van Buren to Mr. McLane, our late minister to London, on the subject of opening the West India trade. The views presented of the nature and character of these instructions, by other gentlemen, leave me nothing to add but the expression of my deep regret that, under any circumstances, the Secretary of State, acting, either under the influence of his own passions or prejudices, or by the instructions of the President, should deem it compatible with the dignity of his station, or the elevated character of his country, to approach the throne of a foreign mo-

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march in the style of supplication, asking favors on the humiliating assurance that the party to which he belonged, exercising the powers of Government, were better entitled to his tender mercies than their predecessors in office, who, it seems, had been guilty of the crime of demanding, under color of right, from his Majesty, concessions in favor of American commerce, which a more enlightened administration, recently brought into power by an overwhelming majority of the people, were ready to abandon as unfounded "pretensions." Such an appeal was unnecessary, and unworthy of a statesman representing the interests and honor of a great and powerful nation in its intercourse with foreign Powers, and merits the reproach of this honorable body as an integral part of the Executive.

But, Mr. President, what is the history of the conduct of Mr. Van Buren in reference to his intercourse with the Chief Magistrate, and those associated with him in the administration at the seat of the National Government? He entered the councils of President Jackson with sullen reserve on his brow, under which he concealed all his opinions on the great questions which agitated the nation. He seized on circumstances which pre-extended his induction into office, novel in their character in this country, but familiar at the court of Louis the Fifteenth, in France, and of Charles the Second of England, by means of which he contrived to "ride upon the whirlwind, and direct the storm," and to render the credulous and confiding chief, whose weakness he flattered, and whose prejudices he nourished, subservient to all his purposes, personal and political. His plans of operation were shrouded in darkness and mystery, and executed by the arm of power, nerved by the recent development of public opinion, for the accomplishment of his ulterior views, which knew no limit short of controlling and directing the destinies of the nation. The established practice of every preceding administration, to hold cabinet councils, was abolished, and the secret machinery of political intrigue was put into successful operation, worked by the skill of the master spirit behind the curtain. No board of consultation around the green cloth was held, where each member was required to unfold his sentiments freely and frankly of men and measures connected with national policy.

No principles were promulgated as the standard by which the people might test the claims of the administration to their confidence and support. Every thing was involved in doubt and uncertainty, in order to catch the breeze of popular impulse in whatever direction it might set, and to conform to its overwhelming influence. The Southern politician who complained of oppression, was soothed, flattered, or threatened, according to the thermometer which regulated the political atmosphere around the walls of the palace. The monopolists and office hunters received assurances to satisfy their utmost wishes and expectations, and the doctrines of the "American system" were adopted and repudiated according to calculations founded on a well arranged scale of political profit and loss.

An effort to restore the ancient usage of cabinet councils, made by a few of the most devoted friends of General Jackson, was repelled with indignation, and the friendly interposition falsely ascribed to personal hostility to a particular member of his cabinet. These gentlemen have ever since been looked on with distrust and suspicion by the President.

Thus protected from all interference on the part of his associates in power, and from public animadversion, Mr. Van Buren shaped his course to suit the crisis, keeping steadily in view his ultimate elevation to the first office in the gift of a free people. Possessed, as he was, of the unlimited confidence of General Jackson, he very soon found free access to his ear, and, by appropriate advances, led him into excesses and errors, fatal to the tranquillity

of the country, without affording the slightest evidence that he, in any manner, participated in producing the results which he anxiously desired to accomplish. The proscriptive policy, pushed, as it was, to extremities which the public interest did not seem to require, and far beyond the practice of any other Chief Magistrate, has been universally attributed to the advice and influence of Mr. Van Buren. This system, combined with the whole patronage of Government, was, as far as practicable, placed at his discretion, to smooth the way to the ulterior object of his ambition. He made himself almost the sole adviser of the President during the first two years of his administration, and every one who stood in his way was made to feel the power of Executive denunciation. To this cause may be attributed the unprovoked rupture between the first and second officers of this Government; the prostration of those noble and high-minded friends to whose unwavering exertions and lofty eloquence General Jackson must feel himself indebted for his success in the late contest for the Presidency; and, finally, the dissolution of the cabinet, and the consequent nomination of Mr. Van Buren as minister to the court of London.

I have, Mr. President, been put in possession of a communication, tracing, with great minuteness, and I have, no doubt, accurately, the means resorted to by Mr. Van Buren to produce the rupture between General Jackson and those honorable men who had accepted his invitation to become members of his political family. I forbear to read this paper to the Senate, because of the peculiar matters of which it treats; but I hold myself ready to deliver it, with the name of the author, to any committee of investigation which may be appointed to embody the evidence on this subject. I have also received, from a gentleman now in this city, a statement of a conversation held with the late Secretary of State, after he had surrendered the seals of office, which I beg leave to lay on the table, as the facts it details are intimately connected with those transactions which have occupied so large a share of the public attention, and which I regret to say have never been explained in any manner to satisfy the moral feeling of the country. Of the writer of this communication, I have very little personal knowledge; but he has the most respectable testimonials of his good character and conduct, and, I am informed, has been favorably known as the editor of a journal in New York friendly to the present administration of the Government. For myself, I do not doubt the verity of his statement, and I submit it, without comment, to those who desire information on the matters to which it relates.

Mr. President, in addition to the unbroken current of testimony to which I have already adverted, showing most clearly the foul means employed by the late Secretary of State to appropriate the name and well-earned fame of General Jackson to the advancement of his own ambitious projects, and to overthrow all who obstructed his path to political power, I feel it to be my duty to give to the Senate the substance of a conversation which took place between the President and a member of his late cabinet, simultaneously with its dissolution. Sir, the distinguished gentleman who made the statement of this interview is too far above suspicion to need from me the eulogy which his character, public and private, so justly merits. His ejection from a station which he did not seek, the duties of which he discharged with so much credit to himself and advantage to his country, is a melancholy evidence of the frailty of political friendships, when assailed by the ruthless intrigues of an ambitious aspirant. But, sir, the frowns of a delinquent friend, clothed with the panoply of power, are impotent and harmless, when the intended victim is protected by the mild radiance of virtue, and the shield of imperishable honor. The President invited this gentleman to a private audience, for the purpose of making known to him the new arrangements on

which he had determined. He commenced with an air of diplomatic caution and studied precision. "Sir, I submit to you two letters, which I have received from the Secretary of State and the Secretary of War, resigning their respective offices, and ask for them your serious consideration." "Sir," replied the astonished Secretary, "I am a plain man, and your friend. Our intercourse has been of long duration, and you know that diplomacy is no part of my character or yours. Be so good, therefore, as to tell me, frankly, what you intend, and what you desire of me." "Then, sir, I will inform you that I mean to reorganize my cabinet." "Very well, sir, I hope you will profit by the change. I have not been your friend for the sake of office, and I wish only to be informed whether my conduct while in your cabinet was satisfactory to you." "Sir," said the President, "I have no fault to find with you." "With this assurance," said the Secretary, "I am contented; but allow me to inquire who is to be your Secretary of State?" "Mr. Livingston," was the reply. "Who is to take the Treasury Department?" "Mr. McLane, now minister in England." "Who will occupy the Navy Department?" "Mr. Woodbury." "And pray, sir, who is to replace Mr. McLane in England?" "Mr. Van Buren." And so the conversation ended.

The inference which is inseparable from these disclosures must be obvious to every man whose mind is in search of truth, and whose judgment is free from the "malign influence" of prejudice.

The finger of a disciplined intriguer is visible in all the various efforts made to dismiss particular members of the cabinet, from an early period after the inauguration of General Jackson, until it was effected in 1831. The object cannot be mistaken; and at this day the managers scarcely attempt to conceal their fixed purpose of designating Mr. Van Buren as the successor of the present Chief Magistrate, "*volens volens*," as they are pleased to express it. Sir, on what data can we reconcile the prompt and unhesitating answer given by the President to each inquiry relating to the individuals who were to compose the new cabinet, other than a preconcerted and explicit arrangement, formed on mature deliberation, and a free and full consultation with those whose political opinions he was accustomed to take on all subjects of great and absorbing interest to the country?

Is not the fact as distinctly known to every one acquainted with the political movements at the seat of the National Government, as any on record, that, for more than a year preceding the rupture of the late cabinet, no consultations were held, and but a formal intercourse kept up between the President and three of his constitutional advisers? It cannot, and I presume will not, be denied, that the Secretary of State had so managed as to occupy the first place in the confidence and affections of the Chief Magistrate. The only rational conclusion, therefore, to which I can bring my mind, after a careful and impartial examination of this whole subject, is, that the Secretary of State, prior to his own voluntary resignation, had not only ascertained that a general sweep was to be made of all those whose influence he dreaded, and who could not be induced "to bend the knee to Baal," but had organized a new cabinet, and "though last, not least," had taken especial care to open an avenue through which he might with safety retreat, and plant himself in a situation still more commanding in the public eye, and better calculated to accelerate the consummation of his ulterior purposes. "Who is to replace Mr. McLane in England?" "Mr. Van Buren." Sir, the time at which this declaration was made is very remarkable; it preceded the publication of the modest diplomatic letter of resignation, in which the Secretary of State attempts to mystify the causes which had operated on his mind, in surrendering the high trust to which he had been called by the President. He artfully

seeks, in that anomalous communication, to excite the sympathies of the American people by pretended self-immolation at the shrine of pure, disinterested patriotism. He retired to the shades of private life, to disentangle the administration of President Jackson, and to restore harmony in his councils! No sinister motive lingered in the mind of the unbought patriot—no mission to London in the vista—but the noble sacrifice is magnanimously offered up on the altar of public good, with the reservation of such future rewards as a grateful people might bestow on one whose merits could only be excelled by the purity of his intentions! Sir, would it be credited by a virtuous and enlightened people, that, at the very moment when these high-souled sentiments and patriotic professions were unblushingly thrown before the world, the individual who appropriated them to himself held the guaranty that, in lieu of the office which he resigned, he should forthwith be created envoy extraordinary and minister plenipotentiary to the court of St. James? And yet the fact is established by the conversation I have quoted, and strongly corroborated by the letter of the President, in which he reluctantly accepts the resignation.

Mr. President, I can view this nomination in no other light than the result of a systematic course of political gambling and intrigue, originating in personal ambition, and prosecuted with unrelenting ostracism and proscription on every high-minded statesman in the nation who refused to subscribe to the articles of faith dictated by this nominee, and prescribed as a test by which the patronage of the Government should be dispensed throughout this widely extended country. The succession to the Presidential chair must be secured to this court favorite, and the means to accomplish this end were placed at his disposal. Under these impressions, I should be guilty of a gross dereliction of duty to the President, and my own conscience, by advising and consenting to this nomination. I beg to be informed of the necessity of so much haste in despatching a minister to London. No negotiations were pending which required the presence of a minister, with full powers, at that court. England was represented here by a *chargé d'affaires*. We had a diplomatic agent there of equal grade; and surely the relations between the two nations might have been suffered to remain in this equitable condition until the annual meeting of Congress, when the advice and consent of the Senate could have been asked before the public chest had been opened for the outfit and salary of a minister.

The circumstances connected with this unnecessary precipitancy render it obnoxious to the strongest objections, and warrant the conclusion that it was designed to operate on the action of the Senate in their deliberations on this nomination. I cannot subject my opinions to the control of a premature movement on the part of the Executive. Sir, I am aware that, for this independent exercise of my best judgment, I shall be denounced by the press as the partisan of a competitor for the Presidential chair. I spurn the imputation. At my time of life I have nothing to hope from the smiles, still less to fear from the frowns of any man in power. I honor the man whose heart is pure; whose actions through life exhibit lucid proof that he is honest in the cause of human liberty; but when I am invoked to give my sanction to dark intrigue, political management, and corruption, at the hazard of incurring the displeasure of "those who feel power and forget right," I will fearlessly and faithfully discharge the trust reposed in me by my country, by a firm vindication of the moral feeling of the people who compose this young and gigantic republic. I will reprove and correct the influence of vice, by inflicting merited chastisement on all who perpetrate it.

[Mr. FORSYTH makes no apology for the rough sketch he presents of the remarks made by him in the secret sessions of the Senate on the nomination of Mr. Van Buren.]

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The speeches against a nomination having been, for the first time in the history of this Government, thrown before the people, it is due to the person assailed, that what was suggested on the other side should be known. Mr. F. is well aware that, in executing his part of this duty, he has done justice neither to the subject nor to himself.]

I regret, Mr. President, said Mr. F., that the Senator from Mississippi [Mr. POINDEXTER] has been so long absent from his seat, not only because he has been suffering pain, but because, had he been here, he could have escaped the commission of numerous errors into which he has been led. The friends of Mr. Van Buren have not obstructed inquiry into his conduct; they have challenged investigation, offered it in every and any form consistent with the obligations of the Senate to its own character. The Senator from Maine [Mr. HOLMES] shrunk from his own resolution. It was laid aside by the votes of those opposed, contrary to the votes and wishes of the friends of those friendly to the nomination. That Senator was distinctly invited by one of the Senators of New York [Mr. MARCY] to specify any act dishonorable to the character of Mr. Van Buren, and a pledge given that the inquiry into it should be made in the amplest manner by a committee having all the powers necessary to the establishment of truth. The Senator from Maine was distinctly told by the Senator from South Carolina, [Mr. HAYNE,] on what terms he could command his vote. He was told to cover the ground indicated, by proof, and he would join in the condemnation of the choice of the President. The Senator from Maine deliberated on this offer, and, after deliberation, abandoned his resolution, leaving all to grope their way to a conclusion, as accident or prejudice might direct them. A promise was made that he should have a committee if he would venture upon it, and the offer was deliberately and most unequivocally declined. Yet, after all this, at this eleventh hour, the Senator from Mississippi says, if the friends of Mr. Van Buren will solicit a committee, he will give us what he has collected, while confined to his sick chamber, and on which his own opinion is formed; and if the committee is not raised, he will, with this matter in his pocket, vote against the nomination, in order to preserve the morality of the nation, endangered by the bestowal of a new office on a gambling politician.

As the friend, personal and political, of Mr. Van Buren, I reject the liberal offer of the Senator, in defiance of his threatened negative upon the nomination. Let him unite with those who, like him, are so anxious to preserve the morality of the country by rejecting a man whose most odious crime is his rising popularity and transcendent ability. The friends of Mr. Van Buren will not degrade him by asking a committee to free him from the suspicions engendered in the Senator's mind, in his search after correct information from sources within his reach. His character wants no such justification. Does the gentleman wish to justify his vote? Let him propose a committee; he shall have our concurrence. Does he desire to convince the Senate? Let him produce the private source. Information which, I venture to say, like the only one he speaks of openly, is worthless in the eye of any man who is not so embittered by prejudice that he cannot see truth. This letter, by a former partisan, a paltry editor of a paltry newspaper, and to prove what? That Mr. Van Buren said that the late cabinet was dissolved by the conspiracy of the Vice President to drive Major Eaton from the cabinet, and that he withdrew to escape the consequences of the dissolution. Sir, Mr. Van Buren holds no such conversations with persons who were once his partisans, and now his enemies.

But, supposing he had declared, or does entertain, the opinion imputed to him: is it a crime which disqualifies him for a high office, that he believes the charge made and sought to be established by the late Secretary of War? If such be the Senator's opinion, can he tell us how far the exclusion extends? The Senator's letter story is contra-

dicted by his previously expressed opinion. What, sir, the most artful man in the world proclaim to a paltry editor that he acted in the manner indicated, to escape the storm consequent on the dissolution of the cabinet! If it had been true; if such had been his motive, he would have sought to conceal it from himself. No degree of confidential intimacy could have tempted an artful intriguer to such a disclosure. The story, if true, proves a man, whose extraordinary prudence, under all circumstances, through a long life in the stormy politics of a vexed and turbulent State, has gained him the confidence of his friends, and called down upon him the charge of consummate artifice from his enemies, to be a silly driveller! a simpleton, opening his budget of petty motives to one whose trade was to thrive by making himself important by confidential and oracular disclosures in his unknown journal!

Mr. Van Buren stands in a strange condition before us; from the beginning of this administration, before he came to the post assigned to him, until the present hour, he is held accountable, by a certain description of political men in this country, for all the evil that has been done, and all the good that has been omitted.

Now, sir, if he is accountable for every thing, if his hand is to be traced every where, let him have credit for the good that has, and the evil that has not, been done. Balance the account of the admitted good and evil imputed, and the result will fill the hearts of his enemies with the bitterest disappointment. But, sir, this is not the justice intended for him. He is responsible for all that is complained of. Let us see the Senator from Mississippi [Mr. POINDEXTER's] catalogue. There were no cabinet councils. Did the country suffer from this failure to follow the example of late administrations, from this adherence to the example of General Washington? But there was one cabinet council called to sit on a lady's reputation. Indeed: and this Mr. Van Buren is also answerable for; and is it true, sir, that the honorable members of the late cabinet, who remained so tranquilly at their posts, enjoying all their emoluments and honors with becoming gratification, suffered themselves to be deprived of their accustomed rights of a seat and voice at the council board of deliberations on great matters of vital interest to the public, and yet obeyed the beck and call of Mr. Van Buren, to sit upon a lady's reputation! Of what stuff were they made, that they did not distinctly ascertain if this restriction of claimed right, and this insulting call upon them to step out of their appropriate spheres, was the work of Mr. Van Buren, or the act of the President? If the first, why did they not demand his dismissal, and, if refused, indignantly throw their commissions in the teeth of the Chief Magistrate?

The omitted cabinet councils, and the single call, were no such dreadful offences until obliged to follow Mr. Van Buren's example, and resign. The history of the last year establishes the wisdom of the President in calling no cabinet council to deliberate, as there could have been no harmony in their consultations; and on the single question said to have been submitted, the ex-cabinet have shown themselves incompetent to decide. He is not competent to decide on a lady's reputation, who throws out of view, on the question of how she should be treated, her guilt or innocence. I will not condescend further to refer to the trash with which the public presses have been loaded and polluted for months; and unless the Senator from Mississippi has better evidence than the public has yet seen, the hope of implicating Mr. Van Buren in the disturbances that preceded the dissolution of the cabinet, is forlorn. Let us see the next crime in the catalogue of the Senator from Mississippi, [Mr. POINDEXTER.] Mr. Van Buren intrigued the dissolution of the late cabinet, taking care previously to secure a safe and prominent retreat in the mission to England. It is known to every well-informed man in this District, that Mr. Van Buren, by his admirable tem-

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per, his conciliating manners, and unwearied exertions, kept the cabinet together long after its discordant materials were so well ascertained, that its dissolution, sooner or later, was a matter of common speculation. Sir, nobody doubted that the parties could not get on together, and the only surprise was that the President did not proceed to restore harmony by the removal of those whose disagreements produced the discord. But Mr. Van Buren had the unparalleled effrontery to resign on motives of delicacy and disinterestedness; and as this mode of conduct was so unusual, it has excited a vast deal of surmise and wonder. The Senator from Mississippi [Mr. POINDRESTER] has, however, satisfactorily to himself, solved the mystery. Mr. Van Buren arranged himself into a prominent place before he resigned, and a new cabinet to suit his ambitious views. Now, sir, as to the proof of this preconcerted arrangement for his accommodation and elevation. The President told somebody, who was a late Secretary, that Mr. Van Buren was to go to England, and named to him the Secretaries who were to come in; but this was after Mr. Van Buren had resigned. In the interview, it is acknowledged that Mr. Van Buren's letter of resignation was handed to this volunteer repeater of confidential conversation with the Chief Magistrate. But the Senator says it was before the letter was published: thence he concludes that Mr. Van Buren had made a cat's paw of the President, for the promotion of his own views: a most logical inference truly! And this new cabinet arranged to further Mr. Van Buren's unholy ambition! Is there a man, woman, or child in the country, who does not know and feel that the change has been beneficial to the public; that there is now more strength, more virtue, and more harmony, than there was before? Is there any man who will hazard his reputation by asserting that the present Secretaries are capable of being made the instruments of any man's ambition, or so subject to the undue bias of individual influence as the late? Partisans are not substituted for pure, disinterested patriots; and let me say, sir, that more partisans have gone out than have come in. But this mission to England was not sought by Mr. Van Buren: his friends know that it was pressed on him by the President, and that it was reluctantly accepted at the earnest solicitations of friends who were satisfied it would promote his own reputation, and redound to the honor and welfare of the nation. I will not follow, further, the Senator's lead. Long known to me as a politician and as a man, acting together in the hour of political adversity, when we had lost all but our honor—a witness of his movements when elevated to power, and in the possession of the confidence of the Chief Magistrate, and of the great majority of the people, I have never witnessed aught in Mr. Van Buren which requires concealment, palliation, or coloring—never any thing to lessen his character as a patriot and as a man—nothing which he might not desire to see exposed to the scrutiny of every member of this body with the calm confidence of unsullied integrity. He is called an artful man—a giant of artifice—a wily magician. From whom does he receive these opprobrious names? From open enemies and pretended friends. In the midst of all the charges that have been brought against him, in shapes more varying than those of Proteus, and thick as the autumnal leaves that strew the vale of Valambrosa, where is the false friend or malignant enemy that has fixed upon him one dishonorable or degrading act? If innocent of artifice, if governed by a high sense of honor, and regulating his conduct by elevated principles, this is not wonderful; but if the result of skill, of the *ars celare artem*, he must be more cunning than the devil himself, to have thus avoided the snares of enemies and the treachery of pretended friends.

It is not possible, sir, that he should have escaped, had he been otherwise than pure. Those ignorant of his unrivalled knowledge of human character, his power of pene-

trating into the designs and defeating the purposes of his adversaries, seeing his rapid advance to public honors and popular confidence, impute to art what is a natural result of those simple causes. Extraordinary talent, untiring industry, incessant vigilance, the happiest temper, which success cannot corrupt nor disappointment sour; these are the sources of his unexampled success—the magic arts—the artifices of intrigue, to which only he has resorted in his eventful life. Those who envy his success may learn wisdom from his example.

Having disposed of the catalogue of the Senator from Mississippi, let me advert to the grounds occupied by a little army of objections on the other side of this chamber. How many sacrifices of feeling to duty! The honorable Senators of Maryland, Connecticut, Delaware, Massachusetts, Ohio, and Kentucky, are constrained by duty to vote against his nomination—and all on public grounds—no private feelings. Oh no! nothing like it: public duty against private feeling, is the order of the day. And what is the dreadful public crime he, Mr. Van Buren, has committed? Hear, sir, hear! He has degraded the country by giving instructions to the late minister to Great Britain, Mr. McLane, about the West India trade. What instructions? Can it be those on which the act of 1830 passed—those which have been among our printed documents for these twelve months, forming part of the President's communication to Congress, of January, 1831? Have those honorable gentlemen who are now so shocked at the public degradation, so eager to punish the author of this national disgrace, been sleeping at their posts—no one to cry out to ring the alarm at the dangers to which the public honor was exposed—no one to interfere to prevent the United States from being placed at the footstool of the British throne? Quietly witnessing the consummation of the crime, passing an act with the knowledge of these instructions, to secure the boon which they now see was begged in the name of party from the British crown, we are now electrified by bursts of indignation at this first act of degradation in the history of American diplomacy. What a spectacle is here! How long is it since he who was the instrument to bow us down before Great Britain, was unanimously confirmed to a post of honor and important trust? But the instrument by whom he was ordered to act, is to bear the punishment. The author of the instructions, he by whom they were given, is too high to be reached at present; the author of the crime, he who ordered it, escapes—he who commits it, by order, goes free; he who conveys the order, answers for both, and upon his head falls all the indignation of these incensed Senators, acting upon public grounds, and reluctantly performing a painful—painful—duty!

Well, sir, to this degradation. It is found in the instructions to Mr. McLane; and, to make out their case, the honorable Senators from Massachusetts and Kentucky have given us a sketch of the history of the West India negotiation. Both brought down their narratives to the taunting reply of Mr. Canning to Mr. Gallatin, given during the late administration. From this point, both these honorable Senators found it convenient to slide, no, sir, to leap, over all intervening events to the instructions to Mr. McLane. With permission, I will fill up this little unimportant chasm. The terms of the British act of Parliament not having been accepted by the United States, American vessels were excluded, by an order in council, from the British West India ports. Why this important interest was neglected, we have been just told by the Senator from Kentucky, "the late administration were ignorant of the act of Parliament, until it was casually seen by them." "It was not officially communicated by the English Government to our Government." "Even when we were colonies, we were not bound by British acts of Parliament, unless specially named in them." Indeed! Is it possible that the late administration did not know an act of Parliament affecting important interests? Where were all

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our accredited ministers and commercial agents in Great Britain, that this Government was not informed of this measure, known to all Europe, and taken advantage of by most of the Powers interested in it! But it was not officially communicated to us. Well, sir, was it officially communicated to any other Government, interested in its contents as we were?

The British Government, I apprehend, would have considered such a communication a gross reflection upon our accredited agents. It would have compelled them to say, in effect, we communicate to you an act, supposing your agents are too negligent of their duty to send it to you. What were our ministers and agents about? How were they employed, that they did not send to their Government this important information?

But the last excuse is worse than all. Even when colonies, we were not bound by acts of Parliament in which we were not named specially. What a discovery! and it is concluded from this wise recollection, that we are not now bound to take notice of acts of Parliament not specially and officially communicated to us. I imagine we are not bound by them, communicated to us or not, but we are bound to know all those touching our interests, and any administration is severely reprehensible for ignorance of them, and for failing to attend to those that bear injuriously upon the interests of the people. The act was, however, at last known; and when Mr. Gallatin presented himself to negotiate, with instructions to waive all claims that were formerly presented, and had prevented an arrangement, he was tauntingly told, you have lost your day in court—the privilege, the boon offered, had not been secured by accepting the conditions; we have taken our course; negotiation is not our plan. Well, sir, what said the administration, of which the honorable Senator from Kentucky formed a part? There was an act of Congress, requiring, on the shutting of the British West India ports against us, an interdict by proclamation. Smarting under this taunting refusal to negotiate, what was done? The execution of an act of Congress positively directing the proclamation, was suspended by Executive authority for two months before the meeting of Congress, and during the whole succeeding session, to see if Congress, who had been prevented the preceding session from legislating, the administration preferring the eclat of a negotiation, could not legislate the Executive out of the difficulty into which he had placed the country by negligence, or, if the Senator from Kentucky pleases, ignorance of the act of Parliament. We all know how that effort terminated. The two Houses disagreed about the mode of effecting the purpose; both, however, willing to take the privilege on the conditions proposed by Great Britain.

The Senate passed a bill; the House, under the influence of the Senator from Massachusetts, amended it, and the question was, whether one or the other oblique path should be trodden. The session terminated without legislative enactment, and then, and not till then, the proclamation of interdiction was issued. Thus, sir, smarting under the taunt of the British minister, our administration left the whole trade in the hands of Great Britain for six or eight months, sought to cover itself from censure by invoking legislative interposition, and then was compelled to act on the suspended statute. The interdict being proclaimed, the trade stood upon the very advantageous footing, according to the Senator's judgment, which we have lost by the negotiation. Notwithstanding we were enjoying such eminent advantages, the late administration, in spite of the taunt, directed Mr. Gallatin to try again to procure what is now disparaged, by opening the door of negotiation after it had been shut in his face. He was again repulsed. But this humiliation was not enough. Mr. Barbour was sent to London, and he too had his instructions, and went, cap in hand, knocking at the closed door for negotiation. Sir, he knocked at the door of the British

ministry under circumstances humiliating in the extreme. If a gentleman should go a second time to a house, the proprietor of which, speaking from his window, had directed his porter to deny him to the visiter, his visit would have been somewhat like Mr. Barbour's second call. Yes, sir; yet the humiliation was vain; the second as fruitless as the first.

Such was the condition of this question when General Jackson was placed at the head of the country. One of the first objects of his administration was the recovery of the British West India trade, an arrangement of it upon terms of just reciprocity, satisfactory to both parties, and, therefore, promising to be permanent. Mr. McLane was selected to go to England, and these much abused instructions prepared by the late Secretary of State. Let it be remembered, sir, these are instructions from the President of the United States to the American minister, never intended for the eye of the British Government, and which, in no country but ours, would ever have seen the light.

The opening of this negotiation was the chief difficulty. To remove it, two grounds are taken. It will be remembered that our refusal to accede to the terms of the act of Parliament was made the ground of refusing to treat with Mr. Gallatin and Mr. Barbour, both of whom went prepared to offer an arrangement by reciprocal legislation, taking the act of Parliament as the British legislation. To obviate the difficulty, after a fair and full history of the transaction, these suggestions are presented to Mr. McLane, to be pressed, so far as he might deem it useful and proper so to do. If the British persist in refusing to hear you on this subject, remind them of the circumstances that have occurred; of the difference of opinion among ourselves on it; of the abandonment by the administration of those pretences that had prevented an adjustment of it; that they are not to be again brought forward; that the past administration was not amenable to the British Government, nor to any other than the people of the United States, who had passed upon all their acts. Say to the British, if it makes pretensions formerly advanced the pretext for still declining to negotiate, the sensibility of the American people will be deeply awakened; that the tone of public feeling, by a course so unwise and untenable, will be aggravated by the known fact that Great Britain had opened her colonial ports to Russia and France, notwithstanding a similar omission on their parts to accede in time to the terms offered by the act of Parliament. And this, sir, is represented as the language of entreaty, as the begging of a boon. This menace of the public indignation; this declaration that the late administration was neither to be censured nor praised by foreign nations; was amenable for their conduct to no earthly tribunal but the people of the United States, is tortured into a claim of privileges, on party grounds, for party purposes, and as a disgraceful attempt to throw upon a previous administration unmerited disgrace, for the sake of currying favor with a foreign Power, and that Power, of all others, Great Britain. Great Britain could not resist this frank, and open, and manly appeal. Committed by their concession in favor of France and Russia, and the ministry distinctly told by Mr. McLane that he would not remain if they declined negotiation, or placed their refusal upon any other ground than an open declaration that their interests could not permit them to enter into a reciprocal engagement with the United States, the English cabinet reluctantly yielded; and then came the most odious feature in this transaction, that which has sharpened the intellect of the opposition, to discover dishonor in truth, and a want of dignity in a frank exposition of facts—its crowning success. Mr. McLane and Mr. Van Buren, under General Jackson, succeeded in effecting an object of public solicitude, that Mr. Adams, and Mr. Clay, and Mr. Gallatin, and Mr. Barbour, could not obtain. The country was humiliated by the preceding administration, without success; hence the charge against Mr. Van Buren; hence the overwhelming

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anxiety to prove that the success of the late negotiation has been purchased by humiliation. The British cabinet desired not to make the arrangement; it interfered with great local interests, and if they could, without a manifest and unjust distinction to our prejudice, they would have declined admitting the United States to the privileges granted to the other maritime Powers. Not satisfied with his condemnation of Mr. Van Buren's instructions, the Senator from Kentucky attempts to show us, by referring to another letter of instructions, how this affair should have been conducted, consistently with his ideas of national honor and dignity. The letter from which he has read to the Senate extracts, is, I think, signed H. Clay. Will the Senator tell us who is responsible for it? If he is, then he exhibits himself in the singular position of a man triumphantly contrasting the work of his own hands with that of a rival author. The Senator knows that there were two other instructions, written by himself, of a subsequent date, one to Mr. Gallatin, after Congress failed to legislate, and another to Governor Barbour, neither of which is before us, and, therefore, not to be contrasted with Mr. Van Buren's work. I am content to abide by the result of a contrast of the instructions he has condemned with those he has quoted.

Let us see how the gentleman's letter will stand the test of examination. Mr. Gallatin, he says, was not instructed to abandon a right; we were to be at liberty at a more convenient season to resume it. Mr. Gallatin was to give a strong proof of our desire to conciliate by a temporary concession of what we had previously claimed throughout the whole negotiation. Was Mr. Gallatin instructed to say to the British Government, this is a temporary concession? No, sir, he was authorized to waive the claim, and make an arrangement on the British basis. Put this into plain language, and what was it? Strip it of its diplomatic drapery and verbiage, and it is neither more nor less than an abandonment of a pretension which, though we had supported by argument, we were resolved not to enforce by power. Sir, this covering up of a plain truth is the common trick of diplomacy; it deceives no one; and had Mr. Gallatin presented these conciliatory concessions, they must have been received as a virtual and total abandonment of our pretensions. The honeyed words of right, waived from a conciliatory spirit, and with the hope of corresponding friendly dispositions, would have been received with a sneer, lurking in the official—artificial smile of a—thorough bred diplomatist. The Senator insists, however, it was a right, and not a pretension. If it was a right, why was it waived or surrendered? For conciliation sake. Why, sir, we were the offended party; England had taunted us; England had refused once, twice, thrice, to negotiate, and yet to conciliate England we were waiving a well grounded right! For what purpose were we thus conciliating? To place the trade on its present footing, to the great injury of the navigation and commerce of the United States. Such is the view now taken by several honorable Senators who have favored us with their opinion on this subject. The present administration waived no right for conciliation sake, sacrificed no principle. It stood upon the truth, and the truth only; and whatever may be the custom of others, and the ordinary usages of diplomacy, the administration was right. Nations fold themselves in the robes of falsehood, and swell and strut in vain—to preserve an air of dignity and decorum. No nation ever was just to its own character, or preserved its dignity, that did not stand at all times before the world in the sober and simple garb of truth. Sir, the character of our diplomacy has undergone a marked change; we are no longer pretenders to skill and artifice; all our wiles are facts and reasons, all our artifice truth and justice. The honorable Senator tells us that this instruction is false, or else it proves Mr. Van Buren to have been criminally ignorant of what it was his duty to know.

How does he make this appear? He alleges that Mr. Van Buren charged the late administration with being the first to advance the pretension it subsequently abandoned; and this he declares is untrue, the pretension was set up before the late administration came into power. Now, sir, as I read this paragraph, Mr. Van Buren does not charge the late administration with being the first to advance this pretension. The Senate will recollect this is a letter to Mr. McLane, whose personal knowledge is appealed to, and who must have understood the writer as alluding to a fact of general notoriety; the words are "those who first advanced," &c. have subsequently abandoned. Can any man mistake the meaning—the meaning perfectly in accordance with the fact? The pretension was advanced by the use of the famous elsewhere in our act of Congress; an act known to have been penned by Mr. Adams, who had previously occupied the ground covered by it, in his instructions to Mr. Rush. It was Mr. Adams who first advanced and abandoned this ground. The credit or the odium, whichever term belongs in justice to the act, attaches to Mr. Adams, and so Mr. McLane could only have understood it, and so must the Senator from Kentucky, if he examines with a desire to understand it in the spirit of the author. There are considerations connected with Mr. Van Buren, if I deemed it consistent with his honor, that I could present to those that hear me, that would not fail to make a deep impression upon their minds. But I ask no remembrance of his forbearance, no recollection of his magnanimity. I appeal to no one to imitate his mildness, and courtesy, and kindness, in his deportment here, nor to judge him as he judged his rivals for fame and power. I demand for him nothing but justice—harsh, harsh justice.

Mr. CLAY (in reply to Mr. FORSYTH and other gentlemen) observed that a doctrine had been advanced much more important in its consequences than the nomination under consideration. It had been maintained that the instructions, so often adverted to, were the President's instructions; that he alone was responsible for them; and that the Secretary of State stood in no manner amenable on account of them. This doctrine was directly at war with the genius of all our institutions, which suppose every public functionary to be responsible for every official act he performs. This responsibility runs through our entire system, and attaches to every officer of Government, from the highest to the lowest. If the President sanctions instructions emanating from the Department of State, undoubtedly he also is responsible for them; but this cannot screen the Secretary of State from his share of the responsibility. Is not the Secretary of State impeachable under the constitution? Suppose he is guilty of "treason, bribery, or other high crimes and misdemeanors," could he not be impeached by the House of Representatives, tried, and convicted? And would it be any defence that the crime was committed by the command of a President? If he is directed to perform an act forbidden by law, or repugnant to the national honor, he can withhold his signature, and surrender the seals of office. It is remarkable that it appears there were no cabinet consultations when these instructions were given; and, consequently, Mr. Van Buren's responsibility was greater. I have been asked if I considered myself liable for the instructions which I gave, in conformity with the directions of the President, when I was in the Department of State? Most certainly. I never gave an instruction, or prepared a diplomatic note, without a full consciousness of the responsibility under which I acted.

It has been argued that the real cause of the objection to this nomination is the mortification which is felt at the success of this administration in recovering the colonial trade, and its general success in the management of our foreign affairs, when contrasted with the previous administration. With respect to the value of the colonial trade,

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under the arrangement* which has been made, and its effects upon our navigation and commerce, I hope that an opportunity for an ample discussion of them will occur, when it will not be difficult to show that what has been done is decidedly more disadvantageous to us than the previous state of that trade. But what is the arrangement? There is no treaty, no compact, nothing obligatory upon Great Britain. The operation of an act of the British Parliament has been simply extended to our intercourse with the British colonies. What we have gotten proceeds from the breath of a British Parliament, and the same breath can take it away whenever they please. Let us look at the other vaunted instances of the diplomacy of this administration. The residue of our claims on Denmark, for which indemnity was not obtained under the late administration, have been satisfied. But Mr. Wheaton was engaged in negotiations respecting them prior to the termination of that administration. A treaty is understood to have been made with Turkey. But the information which led to the negotiation was procured during the late administration, which had actually commenced a negotiation, and would, in all probability, have conducted it to a successful conclusion, if it had remained in power. A treaty has been signed and concluded with Austria by the present administration. But that treaty, I believe, word for word, was negotiated and prepared for signature by the Austrian minister and myself. A day had even been appointed to proceed to the signature, when the caution of the Austrian minister prompted him to refer the treaty to his Government for its approbation. The French treaty, providing for the satisfaction of the claims of our citizens on France, has been concluded during this administration; but the whole world knows

* There is a statement in the published speech of Mr. SMITH, which, if he made it in the Senate, did not attract my attention. He says he asked me whether the terms proposed by the British act of Parliament of July, 1825, were satisfactory; and that I said I "considered they were all we could ask." Now, I am perfectly confident that the Senator's recollection is inaccurate, and that I never did say to him that the terms proposed by the act were all we could ask. It is impossible I should have said so. For, by the terms of the act, to entitle Powers not colonial (and of course the United States) to its privileges, those Powers are required to place the commerce and navigation of Great Britain (European as well as colonial) upon the footing of the most favored nation. That is, if we had accepted the terms as tendered on the face of the act, we would have allowed British vessels all the privileges which we have granted by our treaties of reciprocity with Guatemala and other Powers. The vessels of Great Britain, therefore, would have been at liberty to import into the United States, on an equal footing with our own, the productions of any part of the globe, without a corresponding privilege on the part of our vessels in the ports of Great Britain. It is true that the King in council was authorized to dispense with some of the conditions of the act, in behalf of Powers not possessing colonies. But whether the condition, embracing the principle of the most favored nation, would have been dispensed with or not, was unknown to me at the time the Senator states the conversations to have happened. And, long after, Mr. Vaughan, the British minister, was unable to afford any information as to the act of Parliament. That very authority, vested in the King, demonstrates the necessity there was for further explanation, if not negotiation.

With respect to the note from me to the Senator, which he says he received accompanying the draught of the bill introduced by him, it would be more satisfactory if he would publish the note itself, instead of what he represents to be an extract.

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that it has proceeded from a fortunate conjuncture. If it had not been for the revolution of July, we should probably not have obtained the treaty.

Now, under the last administration, let us see what was done. It concluded at Washington treaties with Guatemala, Denmark, and the Hanseatic cities, founded on the most liberal principles, and forming models for future treaties. It made treaties abroad with England, and the Emperor of the Brazils, with Sweden, and with Mexico, the latter of which remained to be ratified by the Mexican republic. It adjusted the difficult subject with England relating to satisfaction for slaves taken during the late war. During that administration indemnity was obtained for claims of American citizens, on Colombia, the Brazils, Denmark, Sweden,* and Russia. In respect to the indemnity from Russia, I request permission of the Senate to relate an anecdote which reflects so much honor upon the late Emperor Alexander. Baron Maltitz being one day in the Department of State, I casually observed to him that I thought the Russian Government had not treated us well respecting that claim; that it had been repeatedly, during a long course of years, brought before that Government; that we could get no answer to our representations; and that we were at least entitled to a decision one way or the other. He communicated this conversation to his Government; the Emperor Alexander, as I was subsequently informed, sent for the papers, personally inspected them himself, and directed the payment of the claim. It was accordingly adjusted and settled by Baron Tuyl and myself by an exchange of diplomatic notes.

The gentleman from Georgia contends that the late administration submitted to indignities from the British Government; and that it repeatedly knocked at the door of the British minister at London, to renew the negotiation, without gaining admittance. The gentleman is mistaken. After the refusal of Mr. Canning to treat of the colonial intercourse, an elaborate despatch was, on the 11th of November, 1826, transmitted to Mr. Gallatin, containing a vindication of the whole course of our Government, in which, without retaliating on Mr. Canning's sarcasms, the honor, good faith, and character of our Government are maintained, whether with ability or not, it does not become me to pronounce. In that despatch Mr. Gallatin is told: "What may be the nature of the proposals which you are authorized to make, upon the renewal of the negotiation so confidently anticipated, it is not now proper should be communicated to the British Government."

* My belief was, and I so stated, that Mr. Hughes was instructed to aid Mr. Connell, the agent of the claimants against Sweden, to procure indemnity. Mr. Hughes was instructed and charged with a negotiation for the claims of our citizens on Denmark, in which he was assisted by Mr. Connell, the agent of the claimants there also. Having had no recent access to the Department of State, it is possible I was mistaken as to the fact of Mr. Hughes being especially instructed in respect to the Swedish claims, and that I confounded the two negotiations. In point of fact, however, Mr. Hughes, either under his general instructions, the particular instruction given by Mr. Adams, or as incident to his diplomatic character, did aid, and, by his address, essentially aid, Mr. Connell in the liquidation of the Swedish claims.

It appears that the present Secretary of State, at the instance of an individual member of the Senate, has undertaken to furnish a copy of instructions transmitted to a foreign minister, and to negative the existence of other instructions, so far as the records of the department would enable him to negative their existence. Hitherto, instructions have been only communicated to Congress upon the calls of that body, or voluntarily by the Executive. They have been sometimes even refused to one of the Houses of Congress.

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Respect for ourselves, no less than for that Government, forbids that we should obtrude upon their consideration proposals against which they have deemed it proper to shut their ears." Mr. Barbour succeeded Mr. Gallatin; but he was not, according to my recollection of his instructions, charged with any renewal of the negotiation. No man was ever more tenacious of the honor of his country than the late President, and he would have been the last to have authorized a degrading or derogatory solicitation to renew the negotiation. It is alleged that he forebore for a long time to issue his proclamation interdicting British vessels, coming from the colonial ports, an entry into our ports. The situation of that administration was peculiar. During a great part of it, the opposition had the majority in Congress. At the session of 1825-6, Congress had taken up the subject of the colonial intercourse, although it failed to pass a law. In the despatch to Mr. Gallatin, already cited, he was informed that the whole matter would be communicated to Congress. It was communicated at the session of 1826-7. Could the President with propriety have issued his proclamation during that session? Shortly after its close, Congress having omitted to legislate in respect to the colonial trade, the President, without hesitation, issued his proclamation, in conformity with the existing law.

The gentleman from Georgia further contended that the withdrawal or waiver of the demand, on the part of the late administration, of the admission of our produce into the British West Indies on the same footing with similar produce from the British colonial continental ports, was equivalent to the abandonment of the pretension made by the present administration; and that it was a mere difference of diplomatic phraseology. But I cannot agree with the gentleman. The withdrawal or waiver of the demand was a concession, the operation of which would have been temporary, limited to the duration of the treaty, in which it was expected the negotiation would terminate. Upon the expiration of the treaty, the right would have revived, and might have been insisted on in future negotiations. Moreover, it was expected that equivalents would have been obtained, and especially some provision for our trade on the St. Lawrence and the Sorrel. But when the demand is abandoned as an unsustainable pretension; when our Government is denounced for having brought forward such a pretension, and too long and too tenaciously clung to it, how can we ever hereafter assert it? With what face can an American negotiator again put forward the demand? It could only be done by following the bad example of one administration, disavowing to a foreign Government the acts of its predecessor.

The more I reflect upon these instructions, the stronger am I convinced of their reprehensible nature. If there be one point more than all others of which all Governments, whatever may be their form, are justly more jealous, it is that of a foreign interference in domestic affairs. But of all Governments, republics should guard with the most assiduous care against such interference. All history, from the days of Greece and Philip, proclaims that this is the point of most danger. But these instructions invite the attention of the British Government to the fact of our dissensions, present it as a topic for consideration, for persuasion, for deliberation. When that Government is thus legitimately put in possession of the fact, do we not know that the transition from deliberation upon those divisions to action is short and perilous!

The gentleman from New York [Mr. MARCY] supposes, in adverting to the practice of proscription which I understood prevailed with the dominant party in his State, that I had reflected upon the character of that State; and he alleges that the practice has existed for thirty years, with every dominant party, and was rigorously exercised, many years ago, by my friends. Nothing was further from my intention than to reflect, in the smallest degree,

upon that powerful and respectable State. On the contrary, I honor and admire it for its noble institutions, its splendid public works, and its enterprise and intelligence. But I must pronounce my abhorrence of the practice to which I allude, no matter with whom it originated, whether friend or foe, or by whom it may be continued. It has been carried by the present administration to a most odious extent in Kentucky. Almost every official incumbent, who voted against the present Chief Magistrate, and who was within the Executive reach, has been hurled from office; whilst those who voted for him, have been retained, no matter how long they had been in their stations. It is not practised in Kentucky by the State Government, when in the hands of the opposition to this administration. Very lately, Governor Metcalfe has appointed to one of the three highest judicial stations in the State a supporter of this administration. The gentleman appointed is a nephew of the gentleman from Maryland, [Mr. SMITH,] and although highly respectable and eminent in his profession, he is not more so than twenty other lawyers in the State, belonging to the opposite party. The Governor also renewed the appointment, or commissioned several gentlemen opposed to him in politics, as attorneys for the commonwealth. And, recently, the Legislature appointed a president of one of the banks from the ranks of the friends of this administration, and several other officers.

Mr. FORSYTH said, I have no desire to pursue this argument with the Senator from Kentucky. I am content to leave it where it stands, with this explanation of my opinion of the responsibility of the Secretary of State. He is, like every officer of the Government, responsible—punishable for his offences by public reprobation and judicial sentence. His responsibility for instructions to our ministers abroad is secondary, not primary. In giving dishonest, dishonorable, or treacherous instructions, he is punishable as an accessory, not as principal. It is impossible not to understand that the Senators who have reprobated Mr. Van Buren, hold him as the principal, as the prime mover, not as the agent of the President. I do not seek to shield him under the President's name or office. What belongs to his place, let him answer for. He was, like Mr. McLane, an agent in the commission of this imputed offence. He stands to the President as the Senator from Kentucky did to the late President, as Mr. Jefferson did to General Washington.

Mr. F., in the discussion of the Senate, did not understand that he was supposed to have charged the late administration with designing to degrade the United States in the negotiation with Great Britain on the West India trade. Had such been his impression, he would have declared, as he now declares, that he had no such design. He concurs with pleasure in the remark of Mr. CLAY, that there is no man in the Union who would be more unwilling to countenance what he believed to be an act of degradation to his country, than John Quincy Adams.

Mr. MARCY said, I will trouble the Senate with a few words in answer to what has just fallen from the honorable Senator from Kentucky. He did not intend, he assures us, to apply his animadversions to the whole State of New York, but only to the dominant party there—the political friends of the minister to London, Mr. Van Buren. But, sir, the state of facts relative to the conduct of parties in that State will not allow of such a restricted application. If there has been any thing censurable in that respect, the honorable Senator's own political friends must come in for a full share: if any distinction is to be made, it cannot be in favor of those whose good opinion he enjoys. A recurrence to facts will show that proscription—if it is to be called—enters more deeply into their practice when they get power, than it does into the practice of those who are selected as the particular objects of attack. I could refer to recent instances to verify

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the assertion. Give them success only in a single city, and the work of removal from office at once begins. They leave very few "spared monuments;" almost all are swept off—from the highest to the lowest—down even to the lamp-lighter. The truth is, sir, the political friends of the Senator from Kentucky are not converts to the liberal doctrines he has avowed on this occasion. If they have ever heard of them, they heed them not.

After all, Mr. President, it is quite evident from what we have heard, in relation to the conduct of parties in Maryland and elsewhere, that New York does not differ from other States. Political men in all of them have the same passions, and are actuated by like motives, and only differ in conduct by reason of some difference in their circumstances. Where there is alternation of success and defeat, there will be removals—called restoration or retaliation by those who use power, and proscription by those who feel it.

If the honorable Senator understood me to speak of only one office holder, a single spared monument, as he called it, friendly to the late administration, being retained, he had misapprehended me. The number of changes made in that State is small; and I can assure him that, notwithstanding the ferocious and proscribing policies ascribed to us, he has many friends now enjoying offices under both the General and State Governments: more than that, sir, Mr. Van Buren has been censured by some of his own political friends, for having counteracted, as they suppose, the efforts which have been made, in some instances, to effect changes.

So far as my observation has extended, I can discover no sort of resemblance between the condition of actual office holders opposed to the administration, and that which has been described. They were portrayed as a class of men in the most abject state of fear and trembling, not daring to speak but in whispers on public affairs, and even under restraints in their social intercourse. They may present themselves or be presented in this light to the honorable Senators, but I am sure they are not so presented to others, for that is not their true condition. Their political predilections and sentiments are not restrained by fear, or expressed in whispers; their opposition is open and active, and sometimes noisy, and yet they remain in undisturbed possession of their offices.

I must again allude to the grounds of the removal of some subordinate officers by the present administration, in order that it may be understood upon what principle the act is vindicated, and to repel the charge of wanton proscription. The necessities of the late administration were such that it compelled these officers to become partisans in the struggle. Many of them mingled in the hottest of the fight; they were paragraph writers for the newspapers, and the distributors of political handbills, and thereby exposed themselves to the vicissitudes to which those are always exposed for whom the political contests in free Governments are waged. If among this class of officers there was more mortality attendant upon the late conflict, it was because there was more disease.

The Senator from Kentucky has denounced removals from office as a violation of the freedom of opinion and the liberty of speech and action. He advocates the liberty of speech and action. He advocates a course of conduct towards political opponents, characterized by great moderation and forbearance, and, what is more, he professes to have conformed his actions to his precepts. We all of us, I believe, admire these liberal sentiments, and feel disposed, in our abstract speculations, to adopt them as the rule of our conduct. The theory is, indeed, beautiful; but, sir, do we put them in practice when brought to the experiment? I would ask the honorable Senator if he has himself practised them. I will not say he has not, because he assures us he has; but I will say that some part of his conduct has exposed him to a strong suspicion of hav-

ing departed from the path which he now points out as the true one, and of having wandered into that which he now thinks it is so censurable for others to have pursued.

It will be recollected, sir, that there is considerable patronage attached to the Department of State. To it appertains the selection of the newspapers in which the laws of the United States are published. I well remember that while that honorable Senator was at the head of that department, and when the fortunes of the late administration began to wane, the patronage of publishing the laws was withdrawn from certain public journals, which had long enjoyed it. What was the cause of this change, this removal from office, I believe I may call it? It was not a violent and vindictive opposition to the existing administration. Some of these journals had scarcely spoken in whispers against it. No, sir, it was for lukewarmness—for neutrality—a want of zeal in the cause of the administration was alleged to be the offence; proscription was the punishment. Where was then that sacred regard for the freedom of opinion and the liberty of speech and action which we now hear so highly extolled? Was not this an attempt to control public opinion through the medium of the press, and to bring that press into a subserviency to the views of the men in power?

Sir, I wish not to be misunderstood. I have not alluded to these things for the purpose of accusation. I do not even complain of the manner in which the honorable Senator used the patronage entrusted to him; but I do complain that he has seen fit to bring before this body the conduct of a political party in New York as a theme of reproach and animadversion, when its conduct is not distinguishable (except for more moderation and tolerance) from that of his own personal and political friends in that State; when its conduct does not differ from that pursued by political men in other States; and when it has a justification, if it needed one, in the honorable Senator's own example.

Mr. SMITH had spoken in the debate on the nomination of Martin Van Buren several times. The whole of his remarks, are, however, embraced in the following speech:

Mr. President: I have said "that the Secretary of State is not responsible for instructions given by order of the President;" that the President is the only responsible person known to the constitution. In England, agreeably to its constitution, the King can do no wrong, and his advisers are held responsible to Parliament. Our constitution is different, as I understand it. The law which created the State Department, in 1789, is that under which every Secretary has acted, and must continue to act. This law says: "The Secretary for Foreign Affairs shall perform and execute such duties as shall from time to time be enjoined on, or entrusted to him, by the President of the United States, (agreeably to the constitution,) relative to correspondences, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiate with public ministers from foreign States or Princes, and, furthermore, that the said principal officer (Secretary of State) shall conduct the business of the said department, in such manner as the President of the United States shall, from time to time, "order or instruct."

Such, Mr. President, is the law. The Secretary can do no act without the direction of the President; and whatever he directs, (if agreeably to the constitution,) the Secretary, under the oath he takes, must perform. What is the oath? "Well and faithfully to execute the trust committed to him." What is that trust? Obedience to the instructions of the President in all cases where the constitution is not to be violated.

I have, Mr. President, been thirty-nine years in Congress, and this is the first occasion I have ever heard any other construction seriously urged, than "that the instructions given to ministers abroad are the act of the

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President." All the instructions I remember, commence thus—"I am instructed by the President to give you the following views, &c. &c.," or words to that effect. I well remember a case in point, which transpired while I was in Congress more than thirty years past. I was called from my seat by the then Secretary of the Navy. He asked me what the House of Representatives were doing. I replied, that they were discussing the report of Mr. Pickering. Do the House consider it as the report of the President or Secretary of State? It is considered as the act of the President, who sent it; and how could it otherwise be considered? I come, said the Secretary, from Mr. Adams, to request you to say that he disavows it, and trusts that the House will consider it as the act of Mr. Pickering, and not as his (Mr. Adams's) act.

I returned into the House of Representatives, and, in the debate, took occasion to comment upon the report, as severely as the report reflected upon Mr. Gerry for remaining in France. I was called to order three times. I then asked the Speaker in what respect I was out of order. He replied, "you must consider the report as the act of the President; for the Executive had made it his by sending it to the House." I answered, that the President disavowed it, and therefore I could not treat the report as the President's. I took my seat. An appeal from the Speaker's decision was had, and the vote of the House sustained the opinion of the Speaker, by a large majority; thus establishing that the President was responsible, and not the Secretary, for acts done under his authority. In the case before us, the President gave his directions; the instructions were put into form by the Secretary; the President read and approved them, and they were delivered to Mr. McLane. How do we know but that the paragraph, which has offended the delicate sensibilities of gentlemen, had been actually dictated by the President? I do not think it at all improbable, and, if so, is it not an act of gross injustice to make Mr. Van Buren responsible for it? The paragraphs so frequently alluded to in debate are substantially true; I admit they might as well have been omitted.

Some one has said that he did not believe that General Jackson had ever read the instructions. Little does that Senator know of the President, if he believes so. I can assure that Senator that the President read, and carefully, too, the instructions to Mr. McLane, and approved them.* I wish that Senator would converse with the President upon any of our national affairs; and he will certainly find that the President is as well, and I might say better, informed, than himself, on any thing done in any or all of the departments, and on all matters relating to our foreign affairs. At least, I have found him so; in all matters as well, and in some much better, informed, than I am. He is known, by his friends, to be particularly well informed in every thing that relates to our foreign relations.

A Senator from Maine [Mr. HOLMES] has said that "Mr. McLane was sent to bow and cringe at the feet of the British minister." That Senator knows little of Mr.

* Since the above speech was delivered, I have seen and conversed with the President, and have been authorized to say "that the objectionable paragraphs alluded to in the debate were dictated by him to Mr. Van Buren; that they were his act, and not the act of Mr. Van Buren;" and I have been subsequently informed, by a Senator from Tennessee, that prior to his leaving home, to assume his station in the Senate, the President had told him that he (General Jackson) would, on all occasions of consequence, require the opinion of his cabinet in writing, thus (as the Senator understood him) dispensing with cabinet meetings. The fact, then, of not calling his cabinet together, was the President's own act, and not in consequence of the advisement of Mr. Van Buren, as has been so repeatedly affirmed.

McLane! What! a native American, the son of a distinguished officer of the revolution, bow and cringe at the feet of any man! I can assure that Senator that Mr. McLane is not made of such pliant materials. No, sir; Mr. McLane came to the point at once. He asked for what was right. He set up no silly pretensions. He frankly demanded what his country required. The ministry tried to avoid a negotiation, as they did with Mr. Gallatin. But, sir, his firmness and frankness conquered the reluctance of the ministry to enter into a negotiation. He convinced them that they had departed from a rigid construction of the act of Parliament of July, 1825, in the cases of France, Russia, and Spain; they could not, therefore, in justice, he asserted, refuse a similar departure, in the demand of equal justice to the United States. He frankly told them that he had come for the sole purpose of opening the colonial trade, and that, if not indulged in a negotiation, he would return home. Call you this bowing and cringing at the feet of the British ministry? Is there any cringing in the despatches of Mr. McLane? No one will say there is. The truth is, Mr. President, and it ought to be known to the people, that the front of the offence is, the negotiation has completely succeeded under the instructions given by Mr. Van Buren, and as completely failed under those of another—a crime that never can be forgiven by the opponents of General Jackson. They will never pardon him for his succeeding in all the negotiations in which the preceding administration had completely failed. For instance, the late administration had attempted and failed, in all the following important objects, namely, in the claims on France; in the opening of the Black Sea to our commerce; in making a treaty with Mexico; in obtaining from Colombia a reduction of the duties on our produce and manufactures, and in equalizing the duties charged on our trade with those charged to England. In all these matters, there was a complete failure by the one, and complete success by the other administration. The successful negotiations were under the instructions of Mr. Van Buren. How then can Mr. Van Buren be pardoned by those who had failed? It is true that the convention with Denmark and the Brazils, for seizures, had been closed, or nearly so, when the present administration came into office. Payment by Sweden was effected by Mr. Connell, the agent of the claimants, without any instructions having been received by the chargé d'affaires. The chargé acted, he told me, as a private friend of the agent, and succeeded.

[The Senator from Kentucky, [Mr. CLAY,] in a subsequent speech on this subject, remarked, that he had himself instructed Mr. Hughes, the chargé d'affaires to Sweden, to attend to the claims of our merchants against Sweden, and that the Senator from Maryland [Mr. SMITH] was either mistaken or misinformed. Mr. Smith made no reply, but addressed a note to the Secretary of State for information, whether Mr. Clay, when Secretary of State, had ever given the instructions which he asserted had been given by him to Mr. Hughes. The reply of the Secretary of State contradicts the averment of Mr. Clay on this point.—See note at foot of the speech.]

The Senator from Kentucky [Mr. CLAY] has charged Mr. McLane with having done injury to the navigating interest, by the opening of the St. Lawrence and the Northern ports to our free intercourse; thus transferring, as he said, the carrying of the produce of Michigan, Ohio, New York, Vermont, and Maine, to British ships, which would otherwise have been carried by our own ships. I believe the farmers of those States do not complain. They know that their produce, sold in Montreal, is received there free of duty, and is carried to England, Ireland, and the West Indies, as if it were the produce of Canada. It is of little importance to them who is the carrier, provided they get an additional market, and a better price for their produce. I regret, Mr. President, that I cannot give the

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credit of that important act to Mr. McLane. He, however, had nothing to do with it. It formed no part of his arrangement. The opening of that intercourse, for certain articles of our produce, had been done gratuitously by the British Government, in 1826, prior even to the attempt at the negotiation by Mr. Gallatin. Now that act must have been known. It could not fail to have been known to the Senator, [Mr. CLAY,] then the Secretary of State. Why, then, does he now charge it as a fault committed by Mr. McLane, who had no more to do with it than the man in the moon? Nor had Mr. McLane any thing to do with the act of Great Britain, passed subsequently to the arrangement made by him; by which act, other articles of our produce are admitted free of duty into the Northern colonies, and from thence are received in England and the West Indies, as if they were the produce of the Canadas. The Senator [Mr. CLAY] complains that the produce of our farmers, bordering on Canada, is received in England on equal terms with those of Canada, thus giving a new market to a part of their articles, without which other markets might be overstocked. The Senator [Mr. CLAY] has truly said that the wheat of the States bordering on the Canadas passes into Canada, is there ground, and the flour shipped to British ports, as if it were the produce of the wheat of Canada. This has been the spontaneous act of Great Britain, adopted for her own interest, and is most certainly highly beneficial to our farmers. An immense number of sheep, hogs, horses, and cattle, are driven annually from Maine to Quebec, and New Brunswick. The farmers and graziers of Maine differ in opinion with the Senator from Kentucky, [Mr. CLAY,] and are really so simple as to believe that their free intercourse with Lower Canada and New Brunswick is highly beneficial to them. Whether the intercourse with the British North American colonies be beneficial, or whether it be injurious, the present administration, nor Mr. McLane, had little part in it. It had been effected, in part, before the arrangement was concluded, and soon after for another part. It formed, as I have previously said, no part of the arrangement with Great Britain, and this fact must have been known by the Senator, [Mr. CLAY,] for he then acted as Secretary of State. We have for nearly half a century been claiming the free navigation of the St. Lawrence as a natural right. It has at length been gratuitously conceded to us by Great Britain, and now the Senator from Kentucky [Mr. CLAY] complains of it as a grievance.

The Senator [Mr. CLAY] also complains that the instructions state "that the late administration had abandoned certain pretensions." The Senator admits that these pretensions had been waived. The Senator from Georgia [Mr. FOSBERT] has contended that there is no difference in substance between these words. I leave this grave question to be settled by those learned Senators, and will proceed to show what those pretensions were, and which I can hardly restrain myself from pronouncing were puerile in the extreme.

During the session of 1822, Congress was informed that an act was pending in Parliament, for the opening of the colonial ports to the commerce of the United States. In consequence, an act passed, authorizing the President, in case the act of Parliament was satisfactory to him, to open the ports of the United States to British vessels, by his proclamation. The act of Parliament was deemed satisfactory, and a proclamation was accordingly issued, and the trade commenced. Unfortunately for our commerce, and I think contrary to justice, a treasury circular issued, directing the collectors to charge British vessels entering our ports with the alien tonnage and discriminating duties. This order was remonstrated against, (I think,) by Mr. Vaughan. The trade, however, went on uninterrupted. Congress met, and a bill was draughted in 1823, by Mr. Adams, then Secretary of State, and passed

both Houses, with little, if any debate. I voted for it, believing that it met, in a spirit of reciprocity, the act of Parliament. This bill contained, however, one little word, "elsewhere," which completely defeated all our expectations. It was noticed by no one. The Senator from Massachusetts [Mr. WEBSTER] may have understood its effect. If he did so understand it, he was silent. The effect of that word "elsewhere" was to assume the pretensions alluded to in the instructions. What were they? "That the produce of the United States should be received in the West Indies, on payment of the same duties as were payable on the produce of the North American colonies." The British minister said, "as well might we ask that our sugar should be received free of duty, as is the sugar of Louisiana."

The result was, that the British Government shut their colonial ports immediately, and thenceforward. The act of 1822 gave us a monopoly of the West India trade. It admitted, free of duty, a variety of articles, such as Indian corn, oats, Indian meal, pease, beans, &c. &c.

The British Government thought that we entertained a belief that they could not do without our produce, and by their acts of 27th June and 5th July, 1825, they opened their ports to all the world, on terms far less advantageous to the United States than those of the act of 1822; and these are the pretensions which the instructions say had been abandoned by the late administration. They were abandoned, Mr. President, by the following words in the instructions to Mr. Gallatin: "That the United States consent to waive the demand which they have heretofore made of the admission of their productions into British colonies, at the same and no higher rate of duty as similar articles are chargeable with when imported from one into another British colony, with the exception of our produce descending the St. Lawrence and the Sorrel." Now, sir, whatever difference there may be between the words "waiver" and "abandonment," in common parlance, it is in this case a complete abandonment in diplomatic language. What, in simple truth, is, after all, the great ground of objection? It is this. Mr. McLane has made an arrangement conformably to the preceding instructions from Mr. Adams to Mr. Gallatin. *Hinc illos lachrymas.*

The dissolution of the late cabinet, Mr. President, has been charged upon Mr. Van Buren; and what is there at home or abroad that we have not heard charged to him? The elder Adams changed all his cabinet, except the Secretary of the Navy. They change was approved by the democratic party, and disapproved by the aristocracy of the day. A change of the cabinet is, therefore, nothing new. We now grieve and lament over the late change, and yet never was a cabinet more traduced than the late one, by the whole body of the opposition throughout the Union. The cabinet certainly was such a one as did not meet the views or approbation of the friends of the administration. They regretted in silence the selections which the President had made. The gentlemen selected were honest and honorable men. They were my political friends, and, I may say, some of them were my personal intimates. Their dismissal has done no harm to the nation. The new cabinet is (I believe) more acceptable to all parties. The members of it are known to be competent to the special duties of their several departments, and equally so as advisers in the great affairs of the nation. What is it to the people whether A, B, C, or D, be at the head of affairs? All the people ask, is, that their duties shall be well performed, and that they act in harmony. But the present President has held no cabinet councils for two years, and Mr. Van Buren is charged as being the adviser of the President to that course. Is this mode new? I believe not—I think General Washington held no cabinet council during the first two years of his administration, and I remember well a discussion in strong terms, against the President's holding them, on the ground of

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their being unconstitutional. I think that General Jackson was at that time a member of Congress, and perhaps he then imbibed the opinion that cabinet councils were not conformable with the constitution. Reasoning thus, I must believe that the not assembling his cabinet was his own act, and not in consequence of the representations of Mr. Van Buren. The unpardonable crime of this gentleman has always been that the President has great confidence in his talents and abilities, which all will admit he possesses in an eminent degree.

The Senator from Massachusetts [Mr. WEBSTER] says, that "instructions showing a difference of opinion in the dominant party with that of the defeated party, had never been given by any Government." I ask, Mr. President, on what ground does the Senator make that assertion? Few nations, if any, except our own, have ever published the instructions to their ministers. We, therefore, cannot know what has been done. But I hardly think it possible that such instructions never have been given. They are natural, and were for Mr. McLane alone, and never shown by him to any person. But I infer from Mr. Hartley's language to our commissioners at Paris, when treating for a peace, that he must have had some such instructions, as he would not otherwise have talked of a change of ministry, as holding out a fairer prospect of ultimately leading to a general peace.

Mr. Van Buren has also been charged with being the father of what has been improperly called the "proscriptive system;" or, in other, and more appropriate language, "the removal from office." Where is the proof? None can be produced: all is surmise and conjecture. I act on no such ground. When an assertion such as this is made, I want proof of its being well founded. But I absolutely deny the charge, and will offer unquestionable proof of the correctness of the denial. The charge cannot possibly be substantiated, unless the Senator who made it can satisfy this Senate that Mr. Van Buren could be at Albany and Washington at one and the same time. I will simply state the facts. Mr. Van Buren was at Albany acting as Governor of the State of New York when the extra session of the Senate met on the 4th March, 1829. I think he, Mr. V. B., was nominated on the 5th March. At this extra session of the Senate, seventy-five officers were appointed, principally to fill vacancies occasioned by removals from office. Of these officers, Mr. Van Buren could know nothing. The advisers to this course, if there were any, were the members of the cabinet then present. Mr. Van Buren could know but few of those removals, or of those appointed. I well remember that I saw Mr. Van Buren in Baltimore after my return home, and therefore conclude that it must have been at least a month between the time of his appointment and his arrival at Washington. I think, Mr. President, that I have proved that Mr. Van Buren could not have been the father of what is improperly called the "proscriptive system;" a system adopted by some of the States of this Union both before and after this administration came into office. For myself, I am opposed to removals from office for opinions declared. But, sir, I would remove any officer who made use of his office to force inferiors to act contrary to their wishes. I would remove every postmaster who had been known to frank "the coffin handbills," or any other abusive papers of either of the candidates. Few removals of consequence have been made in Maryland. I think four in Baltimore, where the most important offices are. One of these removals I regretted—it proceeded from the best feelings of the heart.

Before I finish my remarks, Mr. President, I will notice what passed between the then Secretary of State [Mr. CLAY] and myself, in relation to the act of Parliament of July, 1825. I first saw a copy of that act in Baltimore, and mentioned it to the Secretary. He said that he had the

act in his possession, and handed it to me. I asked him whether the terms proposed were satisfactory. He said that he considered they were all we could ask. I then observed, why not issue a proclamation under our acts, and thus open the trade? He replied that he would prefer negotiation. I asked, why? for what will you negotiate? We have nothing to do but to give our assent, and the trade is at once opened. I had the act printed, and handed a copy to Mr. Adams, who had never seen it before. He agreed that the terms were satisfactory. I then pressed him to issue his proclamation, and told him that if he did not, I should be compelled to introduce a bill. He remarked that he wished I would do so, and that he would not only sign it, but sign it with pleasure. I did prepare a bill, under the order of the Senate; and doubtful whether it might be correctly drawn, so as to effect my object, I sent it to the then Secretary of State, [Mr. CLAY,] with a request that he would correct it if necessary. He replied, in writing, to this effect: "that the bill was draughted to meet my object; that it was so doubtful whether it were best to act by law, or by negotiation, that it was indifferent which course should be adopted." The bill was opposed by Mr. Lloyd, who, it was believed, had the confidence of the Executive. It failed to become a law, I believe from want of time to act upon it. The Senator [Mr. CLAY] has said Mr. Canning had observed that even if the bill had passed, it could not have been admitted as satisfactory. This observation may have arisen from its being imperfectly drawn, or from some other cause. Perhaps the British minister expected that the President would have opened our ports by proclamation, as he, Mr. Canning, knew that the President possessed full power to do so, under our acts of 1823 and 1824, both of which we know had been draughted by Mr. Adams when Secretary of State.

I have deemed it necessary, Mr. President, to make these remarks in relation to the colonial trade, as a reply to the observations on this subject which have fallen from the Senator from Kentucky, [Mr. CLAY.]

NOTE.—The following letter, and accompanying extract from another letter, on the same subject, have been received from the Secretary of State:

DEPARTMENT OF STATE,
Washington, January 30, 1832.

SAMUEL SMITH, Esq. *Senate of the United States:*

SIR: I have the honor to state, in answer to your inquiry of yesterday, that the records containing the instructions of the department to Mr. Christopher Hughes, when formerly chargé d'affaires of the United States in Sweden, have been carefully examined, and that all which is found in them, in relation to the then claims of our citizens upon the Government of that country, is given in the subjoined extract of a letter from Mr. Adams to him, dated 17th June, 1819.

I am, sir, very respectfully, your obedient servant,
EDWARD LIVINGSTON.

Extract of a letter from Mr. Adams, Secretary of State, to Mr. Hughes, chargé d'affaires of the United States at Stockholm.

DEPARTMENT OF STATE, June 17, 1819.

"The President has been absent from the seat of Government, on a tour to the South and West, since the 30th March. His return to this place, in the course of two or three weeks, is expected. Since his departure, Mr. Russell's latest correspondence with the Swedish Government, on the subject of the Stralsund claims, has been received, as well as that which followed Mr. Russell's taking leave of the court. It is painful to perceive the perseverance of the Swedish Government in withholding the indemnity so justly and indisputably due to our fellow-citizens who suffered by those seizures, for which not

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even a plausible pretext is alleged. It is still more painful to find this denial of justice, accompanied by insinuations neither candid nor friendly, and by allegations utterly destitute of foundation. Earnestly desirous of maintaining, with Sweden, the most friendly and harmonious relations, I shall reserve, until after the President's return, all further remarks on the subject."

Mr. WEBSTER said, in reply to some remarks of Mr. Forsyth, that it was, in his judgment, a great mistake to say that what was now called the American "pretension," originated with Mr. Adams, either as President or Secretary of State. By the way, it is singular enough that the American side of this question is called, in the instructions before us, a pretension, too long persisted in; but the British side of it is called a right, too long and too tenaciously resisted by us. This courteous mode of speaking of the claims of a foreign Government, and this reproachful mode of speaking of the claims of our own, is certainly somewhat novel in diplomacy. But, whether it be called, respectfully, a claim, or, reproachfully, a pretension, it did not originate with Mr. Adams. It had a much earlier origin. This "pretension," now abandoned with so much scorn, or this claim, said, reproachfully, to have been first set up by the late administration, originated with George Washington. He put his own hand to it. He insisted on it; and he would not treat with England on the subject of the colonial trade, without considering it.

In his instructions to Mr. Morris, under his own hand, in October, 1789, President Washington says—"Let it be strongly impressed on your mind that the privilege of carrying our productions, in our vessels, to their islands, and bringing in return the productions of those islands to our own ports and markets, is regarded here as of the highest importance; and you will be careful not to countenance any idea of our dispensing with it in a treaty. Ascertain, if possible, their views on this subject: for it would not be expedient to commence negotiations without previously having good reasons to expect a satisfactory termination of them."

Observe, sir, that President Washington, in these instructions, is not speaking of the empty and futile right of sending our own vessels, without cargoes, to the British West Indies; but he is speaking of the substantial right of carrying our own products to the islands, for sale and consumption there. And whether these products were shut out by positive act of Parliament, or by a tariff of duties, absolutely and necessarily prohibitory, could make no difference. The object was to provide, by treaty, if it could be done, that our products should find their way, effectually and profitably, into the markets of the British West Indies. This was General Washington's object. This was the "pretension" which he set up.

It is well known, sir, that no satisfactory arrangement was made, in General Washington's time, respecting our trade with the British West Indies. But the breaking out of the French revolution, and the wars which it occasioned, were causes which, of themselves, opened the ports of the West Indies. During the long continuance of those wars, our vessels, with cargoes of our own products, found their way into the British West India islands under a practical relaxation of the British colonial system. While this condition of things lasted, we did very well without a particular treaty. But when the European wars, and our war, all ceased, then Great Britain returned to her former system; then the islands became shut against us; and then it became necessary to treat on the subject. And, sir, we proposed to treat; our ministers were, successively, instructed to treat, from that time forward. And, sir, I undertake to say that neither Mr. Madison, who was then President, nor his successor, Mr. Monroe, gave any authority or permission to any American minister to abandon this pretension, and give it up, or even to waive it, or postpone it, and make a treaty without pro-

viding for it. No such thing. On the contrary, it will appear, I think, if we look through papers which have been sent to the Senate, that, under Mr. Madison's administration, our minister in England was fully instructed on this subject, and expected to press it. And as to Mr. Monroe, I have means of being informed, in a manner not liable to mistake, that he was, on this subject, always immovable. He would not negotiate without treating on this branch of the trade; nor did I ever understand that, in regard to this matter, there was any difference of opinion whatever among the gentlemen who composed Mr. Monroe's cabinet. Mr. Adams, as Secretary of State, wrote the despatches and the instructions; but the policy was the policy of the whole administration, as far as I ever understood. Certain it is, it was the settled and determined policy of Mr. Monroe himself. Indeed, sir, so far is it from being true that this pretension originated with Mr. Adams, that it was in his administration that, for the first time, permission was given, under very peculiar circumstances, and with restrictions, to negotiate a treaty, waiving this part of the question. This has been already alluded to, and fully explained, by the honorable member from Kentucky.

So, then, sir, this pretension, asserted in the instructions to have been first set up by the late administration, is shown to have had President Washington for its author, and to have received the countenance of every President who had occasion to act on the subject, from 1789 down to the time of the present administration.

But this is not all. Congress itself has sanctioned this same "pretension." The act of 1st March, 1823, makes it an express condition, upon which, and upon which alone, our ports shall be opened to British vessels and cargoes from the West Indies, on the same duties as our vessels and cargoes; that our products should be admitted into those islands, without paying any other or higher duties than shall be paid on similar productions coming from elsewhere. All this will be seen by reference to the third section of that act. Now, remember, sir, that this act of Congress passed in March, 1823, two years before the commencement of Mr. Adams's administration. The act originated in the Senate. The honorable Senator from Maryland, who has spoken on this subject to-day, [Mr. SMITH,] was then a member of the Senate, and took part in the discussion of this very bill; and he supported it and voted for it. It passed both Houses, without material opposition in either. Now, sir, how is it possible, after referring to this law of 1823, to find any apology for the assertion contained in these instructions, that this claim is a pretension first set up by Mr. Adams's administration? How is it possible that this law could have been overlooked, or not remembered? In short, sir, with any tolerable acquaintance with the history of the negotiations of the United States, or their legislation, how are we to account for it, that such an assertion as these instructions contain should have found its way into them?

But the honorable member from Georgia asks why we lay all this to the charge of the Secretary, and not to the charge of the President. The answer is, the President's conduct is not before us. We are not, and cannot become his accusers, even if we thought there were any thing in his conduct which gave cause for accusation. But the Secretary is before us. Not brought before us by any act of ours: he is placed before us by the President's nomination. On that nomination we cannot decline to act. We must either confirm, or reject it. As to the notion that the Secretary of State was but the instrument of the Pre-

* The circumstance did not occur to Mr. Webster's recollection at the moment he was speaking; but the truth is, Mr. Van Buren was himself a member of the Senate at the very time of the passing of this law; and Mr. McLane was, at the same time, a member of the House of Representatives. So that Mr. Van Buren did himself, certainly, concur in "setting up this pretension" two years before Mr. Adams became President.

sident, and so not responsible for these instructions, I reject, at once, all such defence, excuse, or apology; or whatever else it may be called. If there be any thing in a public despatch derogatory to the honor of the country, as I think there is in this, it is enough for me that I see whose hand is to it. If it be said that the signer was only an instrument in the hands of others, I reply, that I cannot concur in conferring a high public diplomatic trust on any one who has consented, under any circumstances, to be an instrument in such a case.

The honorable member from Georgia asks, also, why we have slept on this subject; and why, at this late day, we bring forward complaints. Sir, nobody has slept upon it. Since these instructions have been made public, there has been no previous opportunity to discuss them. The honorable member will recollect that the whole arrangement with England was done and completed before ever these instructions saw the light. The President opened the trade by his proclamation, in October, 1830; but these instructions were not publicly sent to Congress till afterwards; that is, till January, 1831. And they were not then sent with any view that either House should act upon the subject; for the whole business was already settled. For one, I never saw the instructions, nor heard them read, till January, 1831; nor did I ever hear them spoken of as containing these obnoxious passages. This, then, is the first opportunity for considering these instructions.

That they have been subjects of complaint out doors since they were made public, and of much severe animadversion, is certainly true. But, until now, there never has been an opportunity naturally calling for their discussion here. The honorable gentleman may be assured that, if such occasion had presented itself, it would have been embraced.

I entirely forbear, Mr. President, from going into the merits of the late arrangement with England as a measure of commercial policy. Another time will come, I trust, more suitable for that discussion. For the present, I confine myself strictly to such parts of the instructions as I think plainly objectionable and reprehensible; whatever may be the character of the agreement between us and England, as matter of policy. And I repeat, sir, that I place the justification of my vote on the party tone and party character of these instructions. Let me ask, if such considerations as these are to be addressed to a foreign Government, what is that foreign Government to expect in return? The ministers of foreign courts will not bestow gratuitous favors, nor even gratuitous smiles, on American parties. What, then, I repeat, is to be the return? What is party to do here for that foreign Government which has done, is expected to do, or is asked to do, something for party here? What is to be the consideration paid for this foreign favor? Sir, must not every man see that any mixture of such causes or motives in our foreign intercourse is as full of danger as it is of dishonor?

I will not pursue the subject. I am anxious only to make my own ground fully and clearly understood; and willingly leave every other gentleman to his own opinions. And I cheerfully submit my own vote to the opinion of the country. I willingly leave it to the people of the United States to say whether I am acting a factious and unworthy part, or the part of a true-hearted American, in withholding my approbation from the nomination of a gentleman as minister to England, who has already, as it appears to me, instructed his predecessor at the same court to carry party considerations, to urge party merits, and solicit party favors, at the foot of the British throne.

Mr. MILLER said, I understood the honorable Senator from Massachusetts, when he addressed the Senate early in the debate, to say that he intended to move to have the injunction of secrecy removed, with the view that the public might be informed as to the grounds upon which this nomination had been opposed and supported; and,

from the expression of opinion from those around me, I have no doubt but that motion will prevail. The situation in which I stand, in relation to the parties here and at home, requires me briefly to assign my reasons for the vote I shall give. I may be permitted to declare I have the most perfect respect for this body, individually and collectively. The observations I shall make are to show to the public, the Senate, and my constituents, the ground on which I stand. I trust if any thing escapes from me, in the hurry of debate, savoring of severity on the conduct of the nominee, it will be considered as springing from the conscious sense of what I owe to myself, and the State I in part represent, and not in the slightest degree to implicate the feelings of any one here, much less influence their opinions. Thus called on to give a vote on a responsible and delicate subject, it would have been desirable that I should have had the same grounds to rest on with others who have embarked in the debate; but I have not this consolation. Upon this question I am insulated, and have reasons which have not as yet been brought forward, which are peculiar to myself. I stand here like one of the sons of Ishmael: my hand is against every one, and the hand of every one against me.

The Senator from Mississippi [Mr. POINDEXTER] said, on yesterday, he had heard, in his absence, that a motion had been introduced for a specific inquiry into the conduct of the nominee during his superintendence of the State Department, and that this inquiry had been resisted by his friends. And I understood the member from Georgia [Mr. FORSTER] to say, the Senator from Mississippi was misinformed as to the course of the friends of the nominee on these resolutions. Sir, it will be recollected, when this appointment first came under consideration, that I suggested doubts upon my mind in relation to it. I supported the motion to refer it to the Committee on Foreign Relations, desiring to shelter myself under the authority of that most respectable and enlightened committee, upon several points incidentally thrown out, such as to the cause of the late dissolution of the cabinet; the propriety of having a resident minister at the court of St. James, when we had only a chargé d'affaires from that court here; and the propriety and reasons of the recall from that court of our very popular minister, Mr. McLane. It was then urged by a Senator on my left, [Mr. KANE], a friend of the nominee, that the reference should take place; and it was asserted that the character of the Senate required the investigation, after the suggestions thrown out by myself.

I certainly did not intend to put the character of the Senate in issue by any thing thrown out by me; nor do I think it was so placed; but it is equally certain I meant, and had the right, to put the character of this applicant for office in issue, so far as to clear up my objections to him, if unfounded.

When the resolutions of the Senator from Maine were under consideration, I did not entirely concur in the propriety of sending them to the committee. There were objections to the call made on the President, which might involve the Senate in difficulty. I doubt the expediency of one branch of the Government ever formally asking another co-ordinate branch to state the reasons of its conduct. There are questions of privilege of a delicate character, which ought not to be sported with. We ought not to put ourselves ever in a position to be insulted with impunity. When we make a call on the President, it ought to be such a one as we have the right to insist on being responded to. Hence, early in the session, before I was yet warm in my seat, I objected to the call proposed to be made by the Senators from Maine on the subject of the Northeastern boundary. I voted, therefore, with the mover, to lay the resolutions on the table; but I certainly did believe that those who voted against laying the resolutions on the table, meant to vote against them, and not to refer them; and I must add, my impressions as to the

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course the friends of the nominee desired, are in confirmation of the views taken by my friend from Mississippi. I can scarcely be mistaken on this matter; but, lest I may be so, I take the liberty to put directly the question to the Senator from Georgia, [Mr. FORSYTH,] whether he did not, by voting against the resolutions of the Senator from Maine, on the table, intend to follow up his vote, if successful, by voting to reject them? [Here Mr. FORSYTH rose, and answered, that he did intend so to vote, to reject them.]

I perceive I did not err in the opinion I entertained of the course of the friends of the nominee, and, in conformity with what was suggested by them, I have taken the trouble to inform myself on some of the points. Yet I still would be satisfied to let a committee be charged with this subject, should the friends of the nominee require it. Otherwise, from the facts I have heard and believe, (the names of the persons giving the information are authorized to be given up; they are the most intelligent and respectable, on whose statements I rely most implicitly,) I have determined to vote in the negative on this question. The gentleman from Georgia has told us that he is both the personal and political friend of the nominee. In this he has the advantage of me. I never had the honor to see him; I did not happen to meet with him in his Southern pilgrimage. I once considered myself his political friend. I do not now—he has forced me from the ranks of those who may be considered the faithful adherents of the present administration. I am left to follow, untrammelled by the force of party, what is right, approving what is commendable, and censuring what is reprehensible. Among the objections of a personal and political character, I reckon not the least the agency he has had in alienating the President from a portion of his old and most devoted personal friends, his earliest supporters, and rendering a very respectable portion of the people of South Carolina disaffected, more or less, to the Chief Magistrate, whom they have formerly held in the highest estimation, as well for his public services as for his supposed sound political principles. For my own part, I was bred up with a personal regard for the character of the President—he was the native of my own district, reared up by one relation, and himself the patron of another. My father was his friend—he taught my elder brothers and sisters the first rudiments of their education. I hope the Senate will pardon me for reading a sentence or two, extracted from an address made by myself previous to his election, as illustrative how far I sustained him, upon personal as well as political grounds:

Extract from a speech at a dinner at Sumpter, 1828.

“Permit me to return you my sincere thanks for the complimentary notice it has pleased you to bestow upon old Waxaw. He must have a heart as cold as marble, who does not kindle with enthusiasm at the mention of his native land. My kindest and most endearing recollections are blended with that little neck of land to be found on our map, between the angle made by the North Carolina line and the Catawba river. It was there I was first made to admire the fame and the talents of Davie. It was there that Jackson was the idol of the country, in the mild radiance of his youthful virtues, long before the lustre of his name as a distinguished and able general had overspread an admiring and grateful nation. While all of us are proud that our State has the honor of presenting to the republic so great a man, I can assure you that Jackson is equally proud of the land of his nativity. We have a guaranty in the philosophy of nature of his local attachments. Should your predictions and your hopes be realized, and the 4th of March next shall give us Jackson as our President, the triumph will be one of magnificence and grandeur. It will be a triumph of the people over the power and patronage of the Government—it will be a

triumph of the spirit of the constitution over its loose and perverted exposition. We may then hope to see and to feel a practical and common sense administration. No light-houses in the skies—no splendid mission—no entangling alliances—no governmental exertion to bring out the capabilities of the nation, by partial, unjust, and unconstitutional legislation. Bred up in the Jeffersonian school, elevated by the democracy of the country, we shall look to him to restore simplicity and economy. We shall see a pure patriot, who, having power, refuses to use it, when it adds not to the prosperity of the Union. Then will the enemies of the constitution be confounded, and its friends rejoice at the lustration. It will be emphatically a great day to the American people, and a glorious one for South Carolina.”

Mr. M. proceeded. Now, sir, it will, I think, by almost every one who hears me, be admitted that the events of the present administration have not entitled me to much consideration as a prophet. Indeed, immediately after the address, a very distinguished and highly valued friend of mine, now no more, who was older and better acquainted with men than myself, wrote to me, and pleasantly remarked, that so much of my address as alluded to General Jackson, was *ad captandum*, he presumed. But I replied with the greatest sincerity, that I did hope and believe that, if he were elected, he would appoint a strong cabinet, and bring about him the best talents of the country; and that by his decision of character and purity of purpose, aided by sound constitutional advisers, such predictions would be verified.

That they have failed signally, and none more so than the one which alludes to the local attachments of General Jackson to South Carolina, I readily admit; and for that failure, as far as my vote will go, I intend to make the nominee responsible.

I happened to be in Charleston, from which place I reside some distance, when the appointment of the late cabinet was announced. Although none of the rumors of delicate and disturbing character in relation to “harmony” and Mr. Eaton, had taken hold of the public mind, his appointment was unpopular. And the 4th of March was not ushered as intended, with any manifestation of popular gratification, owing to the objections taken into the cabinet by some of the distinguished citizens of Charleston, not now my political friends. It was urged that Mr. Eaton had neither the talents, the weight of character, or scientific information, to make efficient and successful the administration.

Although it was understood that the gentlemen in Congress from South Carolina, who shrunk from no responsibility, who toiled gallantly in the House, and at home in the canvass, did not seek any reward but an honest and faithful administration of the Government, it was supposed by us at home that their claims would not be overlooked.

I believe the President did go so far as to tell the eminent and accomplished gentleman, now chief magistrate of South Carolina, but for his violent and decided anti-tariff sentiments, he would have made him Secretary of War. Sir, I regret he did not—and I think the American people regret it. There were considerations of a political nature, which would have made this a most felicitous appointment. The popular attractions of this gentleman, his talents, fine manners, and manly bearing, might have staid the rapid decrease of public confidence in the administration of the National Government in general, and furnished a better ground for his friends at home to suppose their oppressions were less substantial, if he participated in their perpetuation. Sir, the organization of the cabinet was no doubt the result of an incipient and pre-conceived scheme to make the nominee the successor, and Mr. Eaton was the instrument through which it was effected.

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Mr. Branch, from North Carolina, Mr. Berrien, from Georgia, and Mr. Rives, sent to France, from Virginia, were intended to compliment those States. South Carolina was skipped in the arrangement; and why? It was because you resided there. You were the obstacle to the approach of popular favor with the administration at its commencement, even up to the moment when Van Burenism was introduced into South Carolina, upon the adjournment of Congress, 1830, no doubt the result of preconcert by a leak from the mountains, and a wave from the shores at the same time. From that time, the claims of our citizens were, for the first time, taken notice of. Those only were confined to the party who now favor the pretensions of the nominee. Sir, we have an appointment now on the table, of *chargé d'affaires* to Belgium, from those who, *par excellence*, claim to be the Union party; one every way worthy of the trust, as I have already borne testimony; and I am told we have another arrival to-day from the same quarter, in quest of Executive favor.

Nothing will be left undone which is presumed likely to give the minority the ascendancy in South Carolina. Every man of any consequence among them has a right to expect something—Vice President, Governor of a territory, minister, or *chargé d'affaires*, or something else. And who are they? We are informed of their existence by their memorial presented against the tariff and nullification. As they have come into the Senate as a party, I shall speak of them as such. The great body of this party, resident in Charleston, took it into their heads, on the last 4th of July, to celebrate that day as a party, and sent for foreign aid; made a formal communication requesting the President to come to their assistance—something after the manner of the instructions to Mr. McLane—and the aid was furnished in a letter containing a threat against the opposite party of military force, to coerce State legislation to conform to federal legislation. Sir, this letter has given umbrage to the majority of the Jackson party in South Carolina, for the other party is composed principally, I mean in Charleston, of Adams men; men who look to the General Government for favor and patronage, who follow the changes of successive Presidents like the sunflower does the sun.

This letter has been publicly censured in the popular meetings of the people, and by the Legislature. I hope I will be excused for making a single remark upon the character of the threat intimated in this letter. It sometimes happens that our most able and distinguished men, those most favorable to constitutional right and civil liberty, in the possession of power, do forget right. Such was the case with that great apostle of free institutions, Mr. Jefferson, when he took it into his head that because he wished to "see the laws faithfully executed," he had a right to use the military force of the United States to turn a private citizen out of his possession of what was thought by him, the then President, public property, (I mean the batture near New Orleans.) And pray, how did he escape the responsibility of the law for so doing, when he was sued for breaking the close of Mr. Livingston? Not by writing a learned book, in the shape of instructions to his lawyers about the legal right of the United States to the property in dispute, but by his counsel prudently placing his defence on the technical legal ground that he could not be sued in Virginia for a trespass committed in Louisiana; certainly not a very meritorious defence for the military head of the nation. Well, it may be asked, what would be the result of the President sending a military force against the State laws of South Carolina? Sir, if he headed his force himself, one of our judges would serve him with a rule, as Dominie Hall did, when at the head of his army; and if he did not obey the rule, he would be committed. We have his own precedent, that, as a peaceable citizen, he would submit to the constitution

which makes the civil authority of a State greater than the military authority of the United States.

Without resting wholly on the objection taken to the exceptionable correspondence, in which Mr. McLane is desired to place his own Government in the wrong, I agree entirely in the force and power of the arguments against this appointment, in that particular. It will furnish a decided reproof to such public functionaries as desire to compromise the national honor, from personal motives. I consider the attempt to screen Mr. Van Buren under the responsibility of the President entirely indefensible; he is, in law and in fact, the man who is responsible.

Would any one consider the President as responsible for the positions taken in the last report of the Secretary of the Treasury? We have his report distinctly at variance with the President's views on the bank, and alleged to be his own, for which the President is not responsible. Here, then, is proof that the heads of the departments are considered the responsible organs of the Government, in their respective spheres. I deprecate as criminal all efforts by politicians to avail themselves of foreign assistance, whether it be in an attempt of Union men in South Carolina to enlist in their cause the General Government, or the Secretary of State of the United States, to propitiate Great Britain. My patriotism prompts to go for South Carolina against the United States, and the United States against the world. No statesman of correct feeling or correct principles would ever, as to a foreign Government, put his own in the wrong. I know it is often the practice of secondary men, those who find themselves in the back ground at home, to take such a position as will make them popular abroad. I do not envy such men their inglorious distinction. I want no better evidence of the want of good sense, or good feeling, than to find any one setting himself up against public opinion at home, as the champion of an interest abroad. It remains yet to be seen whether the great benefits of this treaty, achieved by reflections on the constituted authorities of the nation, will be more substantial than the amazing favor of permitting, by special grace, the anti-tariff and anti-nullification memorial to go to the Committee on Finance.

I have understood, upon the best authority, by a member of Congress then, not now, that this odious tariff act of 1828 became a law, by Mr. Van Buren's failure to redeem a pledge to vote against amendments which would have prevented the manufacturers, to a certain extent, voting for the same, thereby after putting his Southern political friends in a worse situation than they would have been had they treated him as inimical. With these evidences of faithless conduct towards the Southern interests, he could scarcely expect to become a favorite with those whom he had deceived.

Sir, one of the most decided objections I have to the confirmation of this appointment, is, that the most active influence of the patronage of the Government was exercised with a view to make this nominee, at the end of the present incumbent's term of service, the President. I believe this power was exercised for this purpose, to a criminal and corrupt extent. I have been informed by a gentleman of the most unquestionable integrity and high character, that the Post Office patronage was avowedly lent to this purpose; and that, within one month after the late Secretary of State took possession of the seals, the postmasters, by order of that department, were appointed upon this principle, removed or retained by this criterion; and some very singular specifications of the circuit through which the applicants made their approaches and sent in their adhesion, were detailed to me. The Senator from Maryland [Mr. SMITH] has told us of instances in Maryland, in which the proscriptive principle was not applied to the friends of the late administration. Sir, that was not the test. It would have been more satisfactory to me to have known whether, in the exceptions to the rule,

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some indication was not furnished as to their ulterior preference for Mr. Van Buren for President. This was, I understood, the passport, the Shibboleth, which admitted to the treasury through those departments under the control of the Secretary of State. This is not all: I am informed he introduced, under his patronage and influence, mere boys into profitable appointments, one not more than sixteen or seventeen years of age, in the most wanton exercise of official favoritism, thus perverting the public trust, and abusing his power, not only in turning out, but in turning in.

In the South, the proscriptive system never was adopted, nor could it be. It is so odious—so much at war with the principles of justice, that no administration could venture to adopt it in South Carolina. For my own part, I do not think the power to turn out one man and put in another, as a mere arbitrary exertion of Executive authority, does exist. I think it a violation of the constitution, and I pledge myself to sustain any course which this Senate can adopt to restrain the use of such power. It is the essence of tyranny, and the precedent on which it rests is to be found in those gloomy days of federalism and consolidation, when those of the convention which formed our constitution, who wished to have a monarchy, were entrusted with the new Government as the friends of the constitution; when the preamble to the first revenue law was interpolated with an inhibited power; when the judiciary act was enacted; when the alien and sedition laws were considered constitutional; when, in fact, it was thought nothing but fair by the advocates of monarchy, and Executive power and supremacy, to acquire, by legislative construction, under the constitution, what they failed to get in the convention. I am prepared to put my negative on its exercise. It is at war with civil liberty and the genius of our institutions, and ought to be abandoned or prohibited. I am perfectly satisfied that this practice has been introduced in its most corrupt form, and brought secretly to bear upon the President by a regency left here in the interest of the nominee.

Again, sir: It is pretty generally admitted that the court paper was established under the auspices of the late Secretary of State, and speaks his sentiments, and acts under general instructions to pursue such a policy as will bring him into power.

One of the means resorted to, to effect this purpose in the South, is to strengthen the Northern or Union party in South Carolina, who are supposed to be friendly to him, and use up the love of union with the love of him; transfer, through the affection the people bear to the President, their attachment to his favorite, and to separate the President from his old Carolina friends; hence, when no hope exists for whipping any one into the views of the central regency, the most bitter denunciations are pronounced on them "by authority." Thus, when Branch, Ingham, and Berrien, honest and honorable men, who know the intrigues of the court party, even express a willingness to act on principle with the administration, notwithstanding their personal wrongs, the understrappers of the nominee tell them they are influenced by fear of the people. In pursuance of the same reckless spirit of hostility towards those it is my pride and my honor to be identified with, while this nomination is pending, the following article appears in the *Globe*:

"It is evident that the political leaders of the nullifiers are not ready to come out in open hostility to the President, because that would go to defeat their own efforts to control the State of South Carolina; and while they cunningly contrive to keep a footing among the South Carolina Jacksonians, gradually to undermine him there, they proclaim to the rest of the Union that they entertain feelings of gratification in considering the late message of the President as affording indications of a change more favorable than heretofore to the principles maintain-

ed' by them. This, it is hoped, will operate against him in the other States. The Columbia school of politicians would do honor to such a master as Machiaveli."

I submit whether I do not stand justified in the opinion of the Senate, in pronouncing this a wanton and unwarrantable calumny. Look at the message. It is skilfully framed to please the South with general phrases, suited to the tariff interests. Look at the treasury report, in which a seesaw is established on the bank with the message; and I may ask, where is the strongest proof of Machiavelism to be found, in the federal papers or the State resolutions? [Here Mr. M. read extracts from papers from Pennsylvania, to show the message was understood there as in South Carolina.] Sir, the present administration seems disposed to test indifferent and well settled supporters, by a rule resorted to among farmers or hunters, to select from a redundant kennel what supernumeraries are to be drowned by holding them up by the ear. For my part I am determined not to place myself in the power of such political friends as will attribute my support to fear, and not to principle. As soon as I vote for the nominee, I shall be told I dare not do otherwise; your friends at home attempt to break down the President by praising him, and they dare not oppose him openly, and you vote for Mr. Van Buren to injure him, not from any principle of attachment to the President, but because you want to make the tariff States believe he is anti-tariff, and thereby break him down upon the Machiavel plan. We are told we dare not oppose the President. Sir, the people I represent dare do any thing that brave and generous men dare do; and, standing here, I dare speak the truth, and vote against the principal who uses such agents to represent them at the court of St. James. I believe, sir, the statement read by the Senator from Mississippi, as to the nominee's reason for the dissolution of the late cabinet, given to his friends in New York; I believe he did say that it was owing to a conspiracy formed by the Vice President and Mr. Ingham, to exclude a virtuous woman from society; and I do believe that in making this statement he did not speak the truth.

I believe, moreover, from the information before the public, that he planned, was the beginning and end, the Alpha and Omega, of the breach in the personal friendship between the first and second officers of the Government; his trail may be found in the circumstances, and the motive was palpable and manifest. Who else had any interest in raking up these by-gone transactions, in which you acted your part, honestly and faithfully, both to the public and General Jackson? Sir, I recollect something of the Seminole war. It was in this dark and difficult hour of the President's life that I first saw, and first had an opportunity of manifesting my friendship to him, at a time when the sedate and venerable fathers, such as Macon, Barbour, and Smith, of South Carolina, loured and spoke in dark hints of censure and reprobation, I declared my determination to sustain him, right or wrong. I felt grateful for his military services, and would not consent, while he was the exponent of our Government in a quarrel with Spain, to censure him. I recollect to have heard the doggerl verse about William Fell, affirmatively applied to me by the honorable Senator from Kentucky, then Speaker of the other House, who then, as well as now, stood forth openly and boldly in opposition to him. I recollect also the part my friend from Mississippi took in that debate. He was the able, eloquent, and accomplished advocate of his military fame; and when he concluded, was cheered from the galleries—but where was the Senator from Georgia?

If I mistake not, Cobb, Crawford, &c. led the van of attack. After all, this matter was rather excused than justified. It was the generous attachments of young men, and not the sober judgment of the old, that sustained the conduct of the commanding general in the Seminole

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War; and I am at a loss for any good reason for resuscitating it, except to enable parties to change position. With the hazard of differing from the Senator from Georgia, I declare my determination, in the execution of the appointing power, to hold any one as criminal, who boldly, openly, and indecently invades public sentiment and public morals. As the guardians of female character, we must sustain the majesty and supremacy of female virtue. For my part, I am ready to put the seal of condemnation on him who shall attempt, knowingly, to narrow down the distance in society which separates the suspected from the modest woman; and upon such information as satisfies me, I believe the nominee obnoxious to such a charge. The gentleman from Georgia has, in bold and eloquent language, asked for the nominee, at the hands of the Senate, justice. Sir, I will give him justice—the measure meted to others, I will mete to him. With cold and Sardonian smiles he dismissed from office the most faithful public servants, without any reference to economy or the public interest. He proscribed the Carolinas—recalled a popular minister from the Russian court, the son of one of the signers of independence, and sent the Roanoke orator, relying on his influence in the good Old Dominion to further his pretensions. He recalled Mr. Poinsett, an accomplished gentleman, from Mexico, and sent a frontier character, a rambling statesman, a Carolinian by birth, it is true, but one she has long ceased to cherish or honor. These are not of my political friends, but they are my countrymen.

I may do injustice to the State Department on the question of the recall of Mr. Middleton, Mr. Poinsett, and Mr. Watts. I do not know whether they desired to be recalled or not, but presume they did not.

Sir, I do not complain that our favorite sons are unrequited for their faithful services, or turned out of office. It is not this which calls forth my censure and indignation. It is the belief that my friends and fellow-citizens are hunted down with savage ferocity, not for political opinions, but because they are supposed to be your friends—that we will not make war on you, is the heresy which must be expiated with fire and faggot.

And shall we not retaliate? I hold the nominee responsible for this breach in our ranks; nay, more, I hold him responsible for the unredeemed pledges he made to the public, pending the last Presidential canvass. What were they? One term of service as President; retrenchment of public expenditure; no official tampering with the press, to perpetuate the dynasty; no selection of members of Congress for offices of profit. Public expectation on these topics has not been realized. I excuse a generous, confiding President, and hold the wily, subtle minister and the subalterns liable for the failure. I will pay a portion of my share of the debt, by putting my veto on this appointment.

Sir, we are told if we reject the nominee we shall surely make him Vice President; and such is the substance of a letter before me from one of his confidential and favored editors. No one can mistake the object of the Baltimore Convention; it is to nominate him in any event. Look at the source whence it originates; observe the double delegates from Ohio, gotten up under the central influence here. I do not, however, regard it of any sort of importance whether he be made Vice President or not. I shall not resort to the common pretence of left-handed friendship, and place my reasons for voting on the ground that he is too useful to be absent. I shall do what is my duty, and let consequences take care of themselves.

In closing my remarks on this somewhat exciting topic, permit me to express my acknowledgments to the Senate for their consideration, while I have stated, in a hasty, imperfect, and unpremeditated manner, my opinions of the claims of the nominee to public confidence, and the reasons of my refusal to vote for his confirmation.

Mr. FORSYTH said, we were told by the Senator who has just concluded, in the beginning of his extraordinary

speech, that he intended to publish his remarks for his own vindication. No friend of Mr. Van Buren will complain of the fulfilment of this intention.

Of the long list of offences committed by Mr. Van Buren, it was natural that Senator should begin with those at home. He says General Jackson has been separated from him and his friends by the artifices of Mr. Van Buren, and he tells us of his own zeal and devotion to the hero of New Orleans, and read extracts from his own speech at the Waxaws, when he assured his auditors that “the philosophy of nature” was “a sufficient guaranty” for the General’s “local attachment.” How does it appear that Mr. Van Buren produced this dreadful separation? No evidence of it is exhibited; and, with due deference to the Senator, I would suggest that he was only mistaken in his theory; “the philosophy of nature” was not so strong a guaranty as he imagined. But, is what is insinuated, fact? Has General Jackson forgotten his local attachments, the land of his birth and of his earliest affections, where he has so many devoted and disinterested friends? No, sir; it is not possible; General Jackson has not separated from South Carolina, nor has South Carolina yet withdrawn from him, although the Senator seems to be earnestly hunting up causes for a divorce.

The radical party in South Carolina—the Unionists—have, the Senator says, given in their adhesion from interested motives to Mr. Van Buren for the succession to the Presidency; and this is another of his crimes. Now, sir, I do not know that it is true that they desire the succession for Mr. Van Buren; certainly they might go further and fare worse, and fare much worse and not go quite so far. For this supposed interested adhesion, they are stigmatized here by one of their Senators. I am treading, Mr. President, upon almost forbidden ground; travelling into a neighboring State to mingle in its party strife; but I feel for these radicals—these Unionists; we acted together in by-gone times; we think alike still; and if I were not to say a word in their behalf, as the two Senators from the State are of the party opposed to them at home, they might chance to be condemned for the want of the plea of not guilty to the charge exhibited against them. Under these circumstances, I stand bound to repel the imputations cast upon the anti-nullifiers of South Carolina, and, taking up the evidence, shall prove that they are unjustly charged. What is this evidence? The Senator who makes the charge on the question of the Seminole War, stood by the General with firmness and zeal; defended him, right or wrong. The radicals were among his censurers, and the question is emphatically asked, where was Georgia then? Georgia then was where she is now, and where I trust she will ever be found, by the side of the Unionists, standing up for the right and reprehending the wrong. The Senator seems to imagine that the true patriotism consists, in favor of one’s friends, in ceasing to discriminate between truth and error. Such is not our theory—for violated laws, we hold all responsible, friends and foes. Recent developments have shown that General Jackson had means of defence he disdained to use; but if there is one Georgian, one radical, who regrets the part he took on that transaction, I thank God, to me he is unknown. I trust, sir, that to atone for his own error is defending what he now insinuates was wrong, he does not, under the power of some master feeling, intend to censure every thing that is right.

Mr. Cobb and Mr. Crawford have been named by the Senator. Mr. Cobb is no longer among us to answer. He did his duty, according to his conception of that duty, in this and every other act of his public life. His friends know that his conduct was open, and his motives pure. The ground he stood upon here, he never abandoned while he lived. Mr. Crawford, I am surprised the Senator should think—[Mr. MILLER said he alluded to Mr. Crawford, (Joel,) a member of the House of Representa-

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tives when the Seminole question was agitated.] I am glad to be corrected. Mr. Joel Crawford acted with his friends, and is guilty of the charge of having voted for inquiry into the Seminole war. He lives to remember, not to regret that act.

This Union party, which seems to haunt his imagination, if I am not strangely mistaken, had the honor, a short time since, to number him as a member of it. [Mr. MILLER denied that he had ever been.] Well, sir, the Senator ought to know: but in this fact I cannot be mistaken; the Senator was a candidate, brought forward by that party for the State Government—and the cause for postponing for two years the elevation of the accomplished gentleman who now stands at the helm of her affairs. The recollection of that fact should have prevented a charge against them of being, from selfish motives, love of office, devoted to the dominant power: following, like the sunflower, the motions of the risen sun. To this last charge, I do not plead for them, not guilty—they do follow, like the sunflower—the sunflower does not change its attitude for the rising, or the meridian, or the setting sun. Elevating its broad face to the light of heaven, it stands unchanged, and is found when he sets in the Western, as it stood when he rose in the Eastern sky. Poetically understood, as Ovid describes the heliotrope, the Senator is right; what is good in poetry is not always good in prose; and the charge is, that, for interest sake, the South Carolinians, unfriendly to the Senator, know no will but the President's, and are obedient to his whistle.

We are taught to expect shoals of them here, seeking, as the rewards of devotion, honors, and trusts, foreign missions, &c. &c. one of them being already before us, as the avant-courier of a thousand more! No allusion could have been more unfortunate. Who and what is the gentleman at whom this arrow has been cast; the first of the shoal of office seekers! Why, sir, the Senator himself speaks highly of his character. Described by his colleague, he is a high-minded man, of extensive information, and unsullied integrity, in whose hands the best and dearest interests of the people may be safely confided. And are such men office seekers, and interested devotees to existing power in South Carolina? If so, what are the patriots? They must be angels. They cannot be men. The Senator may eulogize his friends to the utmost of his power, exalt them in the scale of talent and integrity to the highest pitch; I venture to place his opponents by their side, and challenge comparison without fearing or intending to depreciate in the slightest degree the honor of any of South Carolina's distinguished sons.

The arrangement of the first cabinet did not please the Senator. South Carolina was neglected. Governor Hamilton was told he might have been Secretary of War but for his violence against the tariff; and what seemed to have added venom to the sting, South Carolina was not only passed over, but an Attorney General was looked for in Georgia; and all this was the work of the Dom Daniel of New York. The Senator is difficult to please. He liked not the first, and likes less the second cabinet. But how was the fact in regard to Governor Hamilton? If my memory deceives me not, he has publicly declared he might have had office had he desired; he did not desire it. In this, and in all other things, he is incapable of deceit. Passing over the unpardonable offence of going to Georgia for a member of the first cabinet, does the Senator really suppose the choice of the late Attorney General was the work of Mr. Van Buren? [Mr. MILLER nodded an assent.] The Senator never committed a more egregious mistake. Of all the men of the day, his equals in professional attainments and talents, admitted to be great, I think he is the last man who would have been selected by Mr. Van Buren; and sure I am Mr. Van Buren is the last man on earth to whose influence the late Attorney General would have been willing to owe his place.

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Considered as the originator and the fosterer of the disagreement between the first and second officers of the Government, Mr. Van Buren is to bear the extremity of the Senator's wrath. On this subject, Mr. President, I can only refer the Senate to the explicit and prompt denial of the justice of the charge by the party accused, long since publicly made, and never yet impeached by any one having a claim to character. The facts before the public prove that the charge is the coinage of a distempered brain, baseless as the fabric of a vision. If the Senator has any desire to enter into further inquiry, I repeat here this explicit and positive denial, in the name of an absent friend; and if he ventures upon the investigation, I pledge myself to satisfy even his preoccupied mind that not a shadow of suspicion can rest upon Mr. Van Buren's fame. I speak on the highest authority, when I state to the Senate that his deportment in relation to that controversy deserves the respect and admiration of every honorable and delicate mind.

The Globe! the Globe! the official paper, has abused the Senator and his friends. The editor was brought here by Mr. Van Buren, and he is accountable for all it contains—all that is bad, I mean: he gets credit for no good, appear where it may.

This charge is made because the Globe is called the Government paper, Mr. Van Buren and the Government being previously identified. I must not be misunderstood as defending the editorial management of the Globe. I see with regret many attacks on persons for matters that ought not to be brought before the public. I detest all investigation of the private transactions, all malignant scrutiny into the every day business of political aspirants. Their private characters are known to the people; and so far as character should operate to their prejudice, it will be weighed. Even the defensive recriminations of the Globe deserve censure. But, sir, I do not admit that Mr. Van Buren or the administration is responsible for the lighter offences, much less the enormities of any newspaper writer—even for the Globe—which, black as the gentleman may consider it, is as pure as this unsullied sheet, compared with the journals that are published by its side. But does the Senator mean to assert that every one who aids in the establishment of a newspaper is responsible for its enormities? Will the Senator consent that his friends and all his opponents shall be judged by the same rule? I ask him to glance his eye back over the history of the press in this District for a few past years. Does he remember the Federal Republican, the Washington City Gazette, the Washington Republican? Does he know any thing of the National Journal and the United States Telegraph? Has he present to his recollection the atrocious calumnies by which they have been polluted—their dark insinuations and open falsehoods, by which the reputation of the virtuous of both sexes has been wantonly and grossly assailed? Slander has flown—still flies to all corners of our country, as if borne on the wings of the wind. If all these things are present to his view, will he admit that those who patronized these journals were participators of those hateful crimes? Can he trust the reputation and honor of his friends to the application of his own rule?

[The VICE PRESIDENT asked if the Senator from Georgia had any allusion to the occupant of the chair.] Mr. FORSYTH. By what authority, sir, do you ask that question?

The VICE PRESIDENT said the allusion appeared to be so direct, he had a right to ask the question.

Mr. FORSYTH. I deny the right; and if it is considered as a question of order, I appeal to the judgment of the Senate.

The VICE PRESIDENT said, if the allusion was directed to him, there was no foundation for it.

Mr. MILLER rose, and addressed the Chair.

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Mr. FORSYTH claimed the floor, which he said he was in some danger of losing between the Chair and the Senator.

The VICE PRESIDENT said the Senator from Georgia is entitled to the floor.

Mr. FORSYTH. That being understood, I give way with pleasure to the Senator for any explanation he may desire to make.

Mr. MILLER explained, and concluded by saying, as to the rule by which he judged others in relation to the official press, he was willing that it should be applied to himself and his friends.

Mr. FORSYTH replied to the argument as explained, and then said, as to the public press, the Senator consents that he and his friends shall be judged by his own rule. Then God help the Senator's friends, for they are beyond all human aid, and so are all those who patronize and support, in times of high party strife, a thoroughbred partisan newspaper. Leaving to others to adopt or reject the rule, and to apply it or not to the patrons and supporters of the Journal and Telegraph, and to the former patrons of the Washington Republican, the Washington City Gazette, and Federal Republican, I deny, explicitly, Mr. Van Buren's responsibility for any articles of the Globe. If the Senator will produce satisfactory proof that he has been instrumental in establishing a press, here or elsewhere, for the purpose of dragging down by calumnies any good man's name, my vote shall damn him here—my voice every where.

In the spirit of manly frankness, not in the spirit of this discussion, I appeal to the Senator to reflect upon the irreconcilable contradiction between all his conclusions to Mr. Van Buren's prejudice, and the character of the Chief Magistrate—not the character of the President with his present friends and the people, but according to his own conceptions of that character before the President had the misfortune to think that the Senator and his friends were pursuing a policy dangerous to the union of the States. He was, as described by the Senator, all that was good and great, and performed with the purest patriotism more important services than any man since the days of Washington. His known firmness has been called obstinate self-will, by his adversaries, and he has been held up by his enemies as a roaring lion, requiring implicit obedience from all who venture to approach his den. Take the good or the bad of this description—judge this matter by the opinion of the President's friends, by the Senator's, or by the President's enemies, and the part allotted to Mr. Van Buren could not have been played here. What, sir! this pure patriot, this great public benefactor—this self-willed, obstinate man—this roaring lion, to be a wet rag in any man's hands: a nose of wax, to be pinched into any and every shape by Mr. Van Buren's fingers! If the Senator will calmly reflect, he will be compelled to acknowledge that he is or has been greatly mistaken. The President is not what he declared him to be—what his friends or his enemies believe him to be—or else flagrant injustice has been done to Mr. Van Buren. I will not quarrel with the Senator's choice. He may take either branch of the alternative. He cannot hold both.

The formidable array of facts in support of his charge of corrupt management against Mr. Van Buren reminds me of an occurrence said to have happened in France. There is, it seems, such a thing as an action to recover damages for seduction, which may be brought by an unfortunate lady who has listened too credulously to a flattering tongue. A pretty lady, who had quarrelled and parted with her lover, called on an advocate to bring a suit for the damages she had sustained. She described the origin and progress of the *liaison*, the happiness enjoyed while it lasted, and the time of its duration, and then its fatal end. The advocate listened with profound attention to the story, and saw that it was one of those cases in which it was diffi-

cult to say who was in fault, the gentleman or the lady, and that an action could not be maintained for seduction. How to convey this without offending the fair one, was the difficulty. All Frenchmen, of all professions, avoid that as the deadliest of sins. The advocate managed it with the proverbial skill of his profession and of his country. "Madam, it would give me infinite pleasure to obey your wishes, and punish the ingrate who has separated himself from so much beauty; but I am obliged to tell you that the facts are not sufficient to support an action." This seemed very strange to the lady, as she had been very minute in her detail of all the facts. Pouting and petulant, she left the advocate to his books and briefs. The whole affair was forgotten by him; but in the course of a few days the lady burst triumphantly into his room, exclaiming, with joyful eagerness, "another fact, sir, he seduced me again this morning." And so it is with the Senator. His facts, like the lady's, do not go to the point he must reach to effect his purpose. Each one is like unto the other, and all like the seduction of that morning.

Mr. HAYNE said, before the question is taken on this nomination, I desire merely to state the grounds on which my vote shall rest. I do this as an act of justice to myself, without desiring or intending to influence the vote of any gentleman here. When the resolution offered by the Senator from Maine [Mr. HOLMES] was before the Senate a few days ago, proposing, among other things, an inquiry into the conduct of Mr. Van Buren, I took occasion to say that though I could not vote for that resolution, because, in the form in which it then stood, it proposed to make a call upon the President, which I did not consider as quite respectful in its character; and also because, even in relation to Mr. Van Buren himself, it was altogether too vague and indefinite to lead to any practical result; yet, that, if any Senator would move for an inquiry, in proper form, I would not only vote for it, but cheerfully abide by the result. The friends of Mr. Van Buren, while opposing the resolution of Mr. HOLMES, had not themselves thought proper to institute any such inquiry. I do not mean to censure them for this, nor to draw any inference from their course in this respect, unfavorable to Mr. Van Buren. They believed the charges against him required no investigation; and for my own part I was willing to acquiesce in the suggestion which had been thrown out, that from the nature of the case it was peculiarly proper that each gentleman should make the necessary inquiries for himself, and, having satisfied his own conscience, act accordingly. I have, Mr. President, pursued this course, and by the result shall my conduct, on this occasion, be governed. From the time when Mr. Van Buren took possession of the Department of State, up to the moment of his departure for England, I have been an attentive observer of the passing events here. I have, also, since this nomination came before the Senate, taken pains to inform myself, from the very best sources, as to the correctness or incorrectness of my first impressions with respect to the conduct of Mr. Van Buren, while Secretary of State, and the result has been a firm conviction that I ought not to give my advice and consent to his appointment as minister to England. From facts and circumstances which have fallen under my own observation, many of them notorious to the whole country, as well as from information derived from sources on which I implicitly rely, I have arrived at the following conclusion: that, when Mr. Van Buren came into the cabinet, he found a state of circumstances here that opened a door to the establishment of an influence favorable to his personal views; that, instead of exerting himself to remove the causes of discord and dissension by which the Executive was unhappily surrounded, he dexterously availed himself of them, and wielded them for the promotion of his own personal and political interests, and for the advancement of his friends and supporters to office, to the exclusion of almost all others.

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It is known to all who hear me, that General Jackson came into office under most auspicious circumstances, which, properly improved, could not have failed to secure for his administration the highest honor, and, as I still believe, lasting benefit to his country.

It is notorious that the fruits of the great political victory which brought him into power, have been, in a great measure, lost. The expectations of the country have not been fulfilled. Dissensions and discord have divided a party who were once cemented together by the strongest ties. Men who espoused General Jackson's cause at the earliest dawn of his political fortunes, who stood by him in the heat of the contest, have been discarded from his confidence, and proscribed, while those who came in (like Mr. Van Buren himself) at the eleventh hour, who never lifted a finger in his defence, or raised a voice in his favor, now have undisputed sway. I have no doubt whatever, that, for all this, the country is chiefly indebted to the influence of Mr. Van Buren, successfully, though cautiously, directed to the single object of advancing himself at the expense of all who were supposed to stand in his way; and, what is worse, at the expense of the success of the administration, and at the imminent hazard to the best interests of the country.

I firmly believe, sir, that it was not until Mr. Van Buren discovered, in the course of the last winter, that, by creating a unity of interests between the President and himself and alienating him from his faithful and true friends—instead of elevating himself, he was pulling his benefactor down—that he determined to break up the cabinet, by withdrawing himself, and driving his colleagues from their stations; taking care, however, to provide a safe retreat for himself in this mission to England. I think the dissolution of the cabinet, under all the circumstances which attended it, was most unfortunate for the Executive, and disreputable to the country; and such; I am persuaded, is the opinion of the great body of the people, of all parties, throughout the United States. From all that I have seen and heard upon that subject, I have not the shadow of a doubt that this event would not have taken place, but for the firm and manly resistance made by certain members of the cabinet to the views of Mr. Van Buren. If they had enlisted under his banner, and consented to follow his lead, all would have been well. I believe, moreover, that Mr. Van Buren, while Secretary of State, used the influence derived from his high office, for the purpose of controlling, injuriously, the domestic and social relations of this community; and that his conduct was, in other respects, inconsistent with the dignity of his station and the character of the country. Having arrived at these conclusions, after a careful and deliberate examination of the whole case, my duty is, of course, made plain. We are called upon to give our advice and consent to the appointment of Mr. Van Buren to a high and most responsible office. I know that a decision in his favor will be regarded here, and held up elsewhere, as a triumphant acquittal from all the charges that have been preferred against him. I cannot consent to be an instrument in producing such a result, believing, as I do, that these charges are true.

Allusion has been made to the strong prejudices which are said to have followed Mr. Van Buren through his whole political course, and of which it is said he is now to be made the victim. For my own part, I am unconscious of being under the influence of any such feelings. Though I have never had the honor to be classed among the personal and political friends of this gentleman, yet, so far from having ever indulged any prejudice against him, my feelings towards him have been of an opposite character. Up to the time of his going into the cabinet, but a single circumstance had occurred to shake my confidence in him as a public man; and notwithstanding this, he went into the Department of State with my "advice

and consent;" and I should have continued in the same relation towards him to this day, but for a course of conduct while in that office, which I honestly believe has brought incalculable evils upon this country. In coming to these conclusions, I have not been governed, as has been supposed, by "vague rumors merely." My opinions have been made up on facts and circumstances which are notorious, some of which have fallen under my own observation, and upon information derived from the most unquestionable sources. It is possible I may be deceived, but if so, I can only say, that so strong are the convictions under which I am acting, that if I were a juror in the box, sworn to give a true verdict in the issue now made up between Martin Van Buren and his country, I should feel myself constrained to give that verdict against him. On this conviction I shall act. Be the consequences what they may, I shall do what I believe to be my duty, in recording my vote against Mr. Van Buren as minister to England.

Mr. BROWN, on the conclusion of Mr. HAYNE's remarks, adjured parties not to pursue this discussion; it could lead to no good. Every one's mind no doubt was made up. Let us vote, and avoid any further irritation, already too great on this subject.

Mr. FORSYTH said, I am aware of the propriety of the suggestion of the gentleman from North Carolina, and do not rise to continue the discussion. The gentleman who has just taken his seat, [Mr. HAYNE,] has expressed his opinion—he will of course act upon it—that is his affair; he has founded it on sources within his reach: these sources are not disclosed—we cannot speak of them. No evidence, other than that already before the public, has been referred to by him. We cannot examine what we do not see. All this is for the judgment of others. The honorable Senator has said that the course he has taken in coming to his conclusion was suggested by the friends of Mr. Van Buren. This I must deny. The suggestion of that course was made by the Senator from Massachusetts, [Mr. WEBSTER,] who is not to be numbered among the friends of the person nominated, either politically or personally. Although believing investigation unnecessary, we have stood ready, at all times, to vote for it in any form not disgraceful to the Senate. The whole question will soon be before the public, and we are ready to abide by the result.

[Mr. MILLER kept no note of his rejoinder to Mr. FORSYTH. He replied at the moment to such suggestions as seemed to require notice at his hands. The publication of Mr. F.'s speech in reply, renders it proper that the rejoinder by Mr. MILLER should be published to correct and explain portions of Mr. F.'s reply.]

Mr. President: I will trouble the Senate, said Mr. M., with only a few observations in reply. The gentleman from Georgia has said that I seemed earnestly hunting for causes for a divorce from the President. This is not so. I mean in this case to vindicate the character of my constituents from servile devotion to an administration that shows no respect to their feelings and their character. Upon every point connected with the interest and principles of South Carolina, and the correct policy of the nation, it shall have my support. The Senator seems to consider the Union party and the old radical party in South Carolina as identical; and as well versed as he may be in our local politics, he will permit me to put him right. The Union party in South Carolina cannot be said to have had an existence antecedent to 1830, unless they may be considered, in fact and principle, the old federal party. Taking this for granted, the gentleman knows best how far back he may be able to establish a "by-gone" fraternity with his Union friends. I do not know more than one of the old radical party who ever acted with the gentleman, and he will scarcely be regarded sufficient to give a party name to a very respectable portion of the popula-

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tion in South Carolina. The gentleman admits that his friends, as well as himself, stood up for principle, and against General Jackson in the Seminole war. He says Georgia was then where she now is, beside the Unionist, standing up for the right, and reprehending the wrong.

I am inclined to believe that if the gentleman would retrace the history of his own State, he would find himself and his friends occasionally as much at war with the Union, as ever the South Carolina nullifiers have been. Upon the whole, one remarkable difference is found in the honorable gentleman's course and mine. I am content with my position. He censured General Jackson when he was out of power, and I sustained him; and he sustains him in power, while, in the case now before the Senate, I do not, for the reasons detailed, which he affects to consider most extraordinary. He must not indulge in visionary apprehensions as to what I shall do. Sufficient for the day is the evil thereof. He says the Union party brought me forward for Governor, and thereby postponed the present incumbent. The gentleman here falls again into an error; the same persons who brought me forward for Governor, brought me forward for the post I now fill; and I consider myself here, representing in the Senate the principles of the old radical party, which is another name with us for the old republican or State rights party.

The gentleman says that I liked not the first cabinet, and less the last. This last assertion is not warranted by any thing which has fallen from me. It is not true that I like the second cabinet less than the first. I have voted to confirm the appointment of all the latter, and I would not vote for all the first if they were before us now for confirmation.

The gentleman denies, with great emphasis, the fact of the nominee having any agency in ripping up the cabinet transactions in relation to the Seminole war. I stated my belief from the facts before the public, and the gentleman and myself draw different inferences from those facts. He says the facts before the public prove that the charge is the "coinage of a distempered brain, and baseless as the fabric of a vision."

[Mr. MILLER did not understand Mr. FORSYTH as using, in the debate, such strong language, and will now repeat his belief, as he heretofore has done, and, further, his impression, that he could, upon the evidence, convict him before any impartial jury, unless the gentleman should furnish to such jury other information than he has done to the Senate. If he mistook not, the gentleman had something to do with this matter, and his opinions may be entitled to a consideration which Mr. M.'s does not possess. The high authority referred to, together with the personal knowledge of the Senator, may convince him, but not others, who are less informed on this subject.]

I shall not take any step to prove the guilt or innocence of the nominee, as requested by the gentleman. It does not concern the public or myself, further than it constitutes a feature in the history of the gentleman's life, and I am at liberty to state my belief and act on it, when called on to give my vote.

The gentleman misunderstood me, if he supposed I objected to the establishment of the Globe, as the Government paper, by Mr. Van Buren, or any one else. I concede the right of every man, public or private, to establish presses; but, in doing so, they must take them *cum onere*. If they abuse me and my friends, by their express or implied authority, to obtain favor with others, they must look to those whom they themselves desire to propitiate for support.

Now what are the facts here? Pending the nomination, a majority of the Legislature, constituting the entire mass of my political friends, pass a resolution approving of so much of General Jackson's late message as recommends a reduction of the tariff to a revenue measure, and the

most disingenuous and base motive is attempted to be fixed upon them, by an administration print, which is the mouth-piece of the nominee and his party. In this matter, I put myself on my reserved right, and if I had no other ground to stand on, I would substitute my will for the reason, and reject the patron of such a press. It is one of the sovereign rights of a freeman to put those who ask his vote for office at least upon terms of respect.

Mr. FRELINGHUYSEN said, I beg the indulgence of the Senate, barely to state the reasons of the vote that I shall give on the nomination before us. In this, I regard Mr. Van Buren as a public man, and my reasons for withholding my advice and consent to his nomination are public reasons. They are purely national, in which neither party nor prejudice have place. I feel the weight of all the responsibility to be incurred by the important measure of recalling a foreign minister for causes that implicate him in public censure; but I also feel fully sustained by the considerations that shall influence my vote.

Sir, the true interests of the nation require a minister that will represent his country, and not merely advance his party. We want a minister of that lofty character, who will, the moment his mission commences, drop the habiliments of party, and robe himself in the pure and loyal vestments of his country—his undivided country. I desire such a man to go forth, forgetting all the strifes at home, and remember only that he is an American minister, and to act upon American principles. But when we perceive the gentleman, now before us, deliberately at his bureau, instructing our minister to a foreign court to call to his aid in conducting our negotiations the results of our political contests, I have good cause to fear that he does not possess those elevated principles that will dispose him to reject the counsels which he so freely and so anxiously communicates to others.

In the instructions prepared and given by Mr. Van Buren to Mr. McLane, we have evidence not to be mistaken of Mr. Van Buren's policy. And it is so purely selfish, as to absorb all considerations of country. It is so devoid of American spirit and character, that I am compelled, by a high and solemn sense of duty, to bear a decided protest against it.

What is the scope of these instructions? As I understand them, they distinctly direct our minister to employ the influences of party, and of his party, too. They commission him to apprise the British court of the character of our political collisions, and especially to let him know who triumphed and who were defeated. Sir, it is humiliating to think of it. These instructions urged our minister to put his party in the right, and the country in the wrong—to refer the British minister to the results of the ballot box here, and to press upon that cabinet the vicissitudes of our political controversies—our own domestic differences, as motives to persuade them—to what, sir? Why, plainly, to grant that favor, to extend that privilege, to his now dominant party, that was refused to those in whose keeping the arrangement of American interests had theretofore been confided. This is the first attempt, in our diplomacy with foreign States, to separate the administration of the country from the country. How wanting in all justice, as well as magnanimity, was it to make this dangerous and unwarrantable assumption a plea with any foreign court! Sir, who is, by our constitution, who alone can be our public organ, but "the administration?" And yet hear a clause of these instructions. Mr. Van Buren really argues the point: "To set up," he proceeds, "the acts of the late administration as the cause of forfeiture of privileges which would otherwise be extended to the people of the United States, would, under existing circumstances, be unjust in itself," &c. &c. Wherefore unjust under existing circumstances? Because, as was before stated, *we*, that is *we*, the new men, now in power, did not participate in the acts of the late administration, and, therefore,

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we humbly hope that we may be spared the forfeiture of these privileges. This, with other portions of this extraordinary document, is so humiliating to our national character, that I cannot consent to countenance it by advising the President to appoint Mr. Van Buren to the very court at which he has humbled us. No, sir, let us rather meet the case at the threshold, with our unqualified disapprobation, and never suffer it to grow into the authority of precedent by our acquiescence.

Why, sir, the consequences of such a course of diplomacy would be most disastrous. It would perpetually distract our public councils on every change of administration—nay, on every prospect of a change—on every commotion in the country that might indicate it, we should be driven by such measures to entertain a stronger jealousy of our diplomatic functionaries abroad, than of the courts and nations to which they were sent.

Are we prepared to say, sir, and have it understood, that our political conflicts are to leave our own shores, and cast their influence abroad? That our ministers are to become the agents of a party, and drive its purposes in such manner and by such means as they deem fit? I trust not. Let us preserve the honorable and manly character of our foreign intercourse, and expect and require that our ministers shall, in their discussions and conduct, act for their country, and not make a foreign court the arena on which to play off the intrigues or push the interests of a party.

Mr. MOORE said, I do not now rise for the purpose of prolonging this debate. Under all the circumstances of the case, notwithstanding the able views which have been presented, and the impatience of the Senate, I feel it a duty incumbent upon me, not only in justification of myself, and of the motives which govern me in the vote which I am about to give, but, also, in justice to the free and independent people whom I have the honor, in part, to represent, that I should set forth the reasons which have reluctantly compelled me to oppose the confirmation of the present nominee. Sir, it is proper I should declare that the evidences adduced against the character and conduct of the late Secretary of State, and the sources from whence this evidence emanates, have made an impression upon my mind, that will require of me, in the conscientious though painful discharge of my duty, to record my vote against his nomination. But let it not be understood that I am opposed to the Executive or his administration. On slight grounds, I am incapable of assuming such an attitude; for, sir, I have the honor of having been associated with my fellow-citizens in elevating General Jackson to the Presidency; and the broad principles which elevated him to office continue the beacon lights of my political course. And, sir, it must be remembered that the proud people whose representative I am, are too patriotic to wink at a compromise of the nation's honor, too virtuous to encourage intrigue and corruption, and too honest to withhold their approbation from a faithful discharge of public duty. In the name of this people, then, whose servant I rejoice to call myself, as far as my vote may go, I shall protest against that highly reprehensible course of conduct which has been pursued by the nominee. I repeat, sir, that the vote I shall give does not proceed from hostility to the Executive; I came here prepared, and am now disposed, to give a liberal and generous support to the great leading measures of his administration. It is, therefore, with no small degree of satisfaction that I can recur to my cordial support of most of those measures and nominations which have passed in review before the Senate, and especially the nominations of his cabinet ministers; and I am now, sir, free to state that my vote shall be given for Martin Van Buren as minister to England, if the charges which shall have been preferred against him shall, by any means, be weakened, or done away. As the friend of Andrew Jackson, I have been,

and am still, disposed to prosecute this inquiry into the truth of the charges, believing that it is due, both to the President and to the nominee, that every gentleman present should be fully satisfied of the correctness of his vote. No man in the nation can boast sincerer friendship for the Executive than I can; no man in the dark hour of trial was more fervent in his support, (for I was an original advocate of his claims.) But, sir, I cannot obey the slavish dictates of party discipline. I am constrained to yield to the deliberate convictions of my conscientious judgment. When my reason is convinced, I dare not disregard her mandates.

Sir, as has been remarked by the honorable gentleman from Maryland, [Mr. CHAMBERS,] I, too, am aware of the danger to which my vote may subject me. For, sir, it is my fate to have bitter enemies; but, sir, it is my peculiar fortune to be able to boast of the most sincere and warmest friends. I am, also, aware that the malignity of those who cannot appreciate the obligations of an honest motive, may cause them to hurl the shafts of calumny against me, and attempt to prejudice the minds of my constituents. I am aware, too, that there are those whose minds are narrowed to the confines of party predilections, on whom those assaults may prove successful. I am, also, aware of my misfortune in differing with my honorable colleague, and that the motives which have induced me to assume my stand may be utterly misrepresented. However, after due deliberation and reflection, and under a strong impression of my high responsibilities, and with a perfect conviction of the approbation of my conscience and constituents, no satisfactory explanation of the weighty charges alleged against him having been given, I am compelled to record my vote against the nomination.

[The above, it is believed, comprises all the material debate in the Senate on the rejected nomination, with the exception of a few remarks of Mr. MANEUX, not reported, in which he is understood to have declared that he did not approve the tone and tenor of the instructions of Mr. Van Buren to Mr. McLane, but that he saw in them nothing to justify the rejection of the nomination. When Mr. MANEUX concluded, the question was taken on agreeing to the nomination, and decided in the negative, as stated in the proceedings at the beginning.—*Publishers.*]

WEDNESDAY, DECEMBER 7, 1831.

NORTHEASTERN BOUNDARY.

The following message was received from the President of the United States, by Mr. Donelson, his Secretary:

Gentlemen of the Senate: In my public message to both Houses, I communicated the state in which I had found the controverted claims of Great Britain and the United States in relation to our Northern and Eastern boundary, and the measures which, since my coming into office, I had pursued to bring it to a close, together with the fact that, on the 10th day of January last, the sovereign arbiter had delivered his opinion to the plenipotentiaries of the United States and Great Britain.

I now transmit to you that opinion for your consideration, that you may determine whether you will advise a submission to the opinion delivered by the sovereign arbiter, and consent to its execution.

That you may the better be enabled to judge of the obligation, as well as the expediency, of submitting to or rejecting the decision of the arbiter, I herewith transmit—

1. A protest made by the minister plenipotentiary of the United States, after receiving the opinion of the King of the Netherlands, on which paper it may be necessary to remark that I had always determined, whatever might have been the result of the examination by the sovereign arbiter, to have submitted the same to the Senate for their advice, before I executed or rejected it; therefore, no instructions were given to the minister to do any act that

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should commit the Government as to the course it might be deemed proper to pursue, on a full consideration of all the circumstances of the case.

2. The despatches from our minister at the Hague, accompanying the protest, as well as those previous and subsequent thereto, in relation to the subject of the submission.

3. Communications between the Department of State and the Governor of the State of Maine, in relation to this subject.

4. Correspondence between the chargé d'affaires of his Britannic Majesty and the Department of State, in relation to the arrest of certain persons at Madawaska, under the authority of the British Government of New Brunswick.

It is proper to add, that, in addition to the evidence derived from Mr. Preble's despatches of the inclination of the British Government to abide by the award, assurances to the same effect have been informally made to our minister at London, and that an official communication on that subject may very soon be expected.

ANDREW JACKSON.

December 7, 1831.

The message and accompanying documents were read.
Ordered, That they be printed in confidence for the use of the Senate.

WEDNESDAY, DECEMBER 21.

The following message was received from the President of the United States, by Mr. Donelson, his Secretary:

WASHINGTON CITY, December 21, 1831.

Gentlemen of the Senate: Since my message of the 7th instant, transmitting the award of the King of the Netherlands, I have received the official communication, then expected, of the determination of the British Government to abide by the award. This communication is now respectfully laid before you, for the purpose of aiding your deliberations on the same subject.

ANDREW JACKSON.

The message, and the document therein referred to, were read.

Ordered, That they be referred to the Committee on Foreign Relations, and that the document be printed in confidence for the use of the Senate.

The following motion, submitted by Mr. HOLMES, having been transferred on the 19th instant from the legislative to the executive journal, was considered:

Resolved, That the President be requested to inform the Senate whether any further negotiation is commenced or proposed, in regard to the Northeastern boundary of the United States.

On motion of Mr. HOLMES,

Ordered, That it lie on the table.

TUESDAY, JANUARY 24, 1832.

Mr. SPRAGUE submitted the following resolutions; which were read, and ordered to be printed in confidence for the use of the Senate:

1. *Resolved*, That the General Government has no constitutional power to cede or transfer to a foreign nation any portion of the territory or inhabitants of any one of the United States, without the consent of such State.

2. *Resolved*, That the power of the General Government in establishing the exterior limits of the United States, does not extend to the making of a new line of boundary for any one of the States, but only to the ascertaining and defining the true line described and agreed upon in the treaty of peace of 1783, according to the fair construction and real intent of said treaty.

3. *Resolved*, That the opinion of the King of the Ne-

therlands, as communicated through our minister at the Hague, does not purport to ascertain or define the Northeastern boundary of the United States as described in the treaty of peace of 1783, but recommends a new line, palpably distinct and variant from the true line of the said treaty.

4. *Resolved*, That his Netherland Majesty has not decided any question submitted to his determination relative to said boundary, but declared his inability to do so; and, in expressing his opinion of what would be a suitable or convenient line of division between the United States and the territories of Great Britain, has gratuitously assumed the character of an adviser, to which he was never invited by the parties.

5. *Resolved*, That the United States have never, in any manner, rendered it obligatory upon them to submit to, or acquiesce in, such advice; and have no power, without the consent of the State of Maine, to agree upon or establish the new line of boundary thus recommended.

6. *Resolved*, That the Senate recommend to, and advise the President of the United States to open and pursue friendly negotiations with his Britannic Majesty, for the purpose—1. Of ascertaining with precision that point of the highlands lying due north of the St. Croix river, and north of St. John's river, which is designated in the treaty of peace of 1783 as the northwest angle of Nova Scotia, and of surveying and marking upon the surface of the earth the boundary line between the United States and the dominions of Great Britain, which extends from the source of the river St. Croix, directly north, to the abovementioned northwest angle of Nova Scotia; thence, along the said highlands, which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut river. 2. Of securing to the United States and their citizens the undisturbed enjoyment of the right to the free navigation of the St. John's river throughout its whole course to the Atlantic Ocean, and granting to his Britannic Majesty and his subjects the undisturbed enjoyment of a right of free passage and transit between the city of Quebec, in Lower Canada, and the city of St. John's, in the province of New Brunswick, in a direct and convenient route through the State of Maine, to be accurately surveyed, limited, and defined: *Provided*, That the express consent of the State of Maine to the granting of such free passage and transit shall be first had and obtained.

WEDNESDAY, JANUARY 25.

The Senate proceeded to consider the resolutions submitted yesterday by Mr. SPRAGUE; and on his motion,

Ordered, That they be referred to the Committee on Foreign Relations.

FRIDAY, JANUARY 27.

The following message was received from the President of the United States, by Mr. Donelson, his Secretary:

WASHINGTON, January 27, 1832.

To the Senate of the United States: In compliance with the resolution of the Senate of the 18th instant,* I herewith transmit a report of the Secretary of State, which, together with the letter of his Britannic Majesty's chargé d'affaires, heretofore communicated, demanding the execution of the opinion delivered by the sovereign arbiter, contains all the information requested by the said resolution, omitting nothing that may enable the Senate to give the advice requested by my message of the 7th of December last, on the question of carrying into effect the opinion of the King of the Netherlands.

ANDREW JACKSON.

The message and accompanying documents were read.

* This resolution will appear on the legislative Journal, p. 22.

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WEDNESDAY, FEBRUARY 8.

The following message was received from the President of the United States, by Mr. Donelson, his Secretary:

WASHINGTON, February 3, 1832.

To the Senate: In addition to the documents relating to the settlement of the Northeastern boundary of the United States, now in possession of the Senate, I have just received certain proceedings and resolutions of the Legislature of the State of Maine, on the subject, which are herewith transmitted.

ANDREW JACKSON.

The message was read.

The following motion, submitted by Mr. SPRAGUE, was considered and agreed to:

Resolved, That the Secretary of State be requested to transmit to the Senate the two volumes of maps, and the volume of surveys, which were laid before the arbitrer under the convention of 1827, and which have been returned to the Department of State; and also map A.

On motion of Mr. SPRAGUE,

Ordered, That the message of the 27th of January, transmitting additional documents respecting the Northeastern boundary, be referred to the Committee on Foreign Relations; and that the following papers, thereby communicated, be printed in confidence for the use of the Senate:

Mr. Clay to the Governor of Maine, December 5, 1825.

Same to the Governor of Maine, January 4, 1826.

Same to the same, January 29, 1827.

The Governor of Maine to the President of the United States, June 20, 1826.

Mr. Clay to Mr. Vaughan, January 9, 1829.

Mr. Hamilton to Mr. Vaughan, March 11, 1829.

Same to the Governor of Maine, March 13, 1829.

Mr. Van Buren to Mr. Vaughan, May 11, 1829.

Correspondence between the Executive of the United States and the British Government, and between the Executive of the United States and the King of the Netherlands.

THURSDAY, FEBRUARY 9.

The following motion, submitted by Mr. SPRAGUE, was considered and agreed to:

Resolved, That the President of the United States be requested to transmit to the Senate the despatch of Mr. Gallatin, transmitting the convention of September 29, 1827; and to inform the Senate at what time the said despatch and convention were received at the Department of State; and the report, by Daniel Rose, of an exploring survey from the Sebois river to the head waters of the Penobscot river, made in the year 1829.

MONDAY, FEBRUARY 13.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting two volumes of maps, a volume of surveys, and map A, required by a resolution of the Senate of the 8th instant.

The communication was read.

MONDAY, FEBRUARY 20.

The following message was received from the President of the United States, by Mr. Donelson, his Secretary:

WASHINGTON, February 13, 1832.

To the Senate: I herewith transmit a report from the Secretary of State, containing the information and documents called for by a resolution of the Senate of the 9th instant.

ANDREW JACKSON.

The message was read.

TUESDAY, MARCH 20.

The following motion, submitted by Mr. HOLMES, was considered and agreed to:

Resolved, That the President be requested to inform the Senate whether any, and, if any, what communications have passed between the Executive Department of the Government of the United States and the Executive or Legislative Department of the State of Maine, relative to the Northeastern boundary; and whether any proposition has been made by either that the boundary designated by the King of the Netherlands shall be established for a consideration to be paid to Maine; and, if so, what consideration is proposed, so far as the same may not be inconsistent with the public interest.

WEDNESDAY, MARCH 21.

Mr. TAZEWELL, from the Committee on Foreign Relations, to whom were referred the several messages of the President of the United States of the 7th and 21st of December, 1831, of the 27th of January and 8th of February, 1832, together with the several documents which accompanied the same; and to whom were also referred the motion and resolution submitted to the Senate by one of the Senators from the State of Maine, on the 24th day of January last past, submitted the following report:

That this committee have bestowed upon the several subjects to them referred, all the attention which their great importance demanded. At the commencement of their examination of these interesting subjects, every member of this committee was equally aware that their feelings, as citizens of the United States, might very probably mislead any judgment they might be disposed to form in regard to the correctness of the determination of his Majesty the King of the Netherlands, which proposes to establish the boundary between the possessions of the United States and those of his Majesty the King of Great Britain. Every argument which suggested itself to the mind of any member of this committee, to prove the truth and justice of the several positions for which the United States have contended in the course of the discussion of this subject, had already been presented by their different agents, and had proved unsatisfactory both to Great Britain and to the arbitrator mutually chosen by the two Powers to settle and determine the subject of difference between them. This circumstance, of itself, was sufficient to warn the committee against confiding too implicitly in their own opinions, with regard to a matter as to which they were conscious of feeling so deep an interest, and to induce them to view the subject as it now exists, rather than to consider it as presenting a question still open for discussion.

This committee entertain no doubt of the perfect right of the United States to refuse to abide by the award of his Majesty the King of the Netherlands, if the constituted authorities of the United States shall think that this award is not made within the terms or meaning of the submission; and they are aware that many reasons exist which, to the minds of our own citizens at least, may appear strong, to induce the opinion that such is the case. But will such arguments satisfy others? and, if not, what will be the effect of rejecting this award? These are the only questions which this committee think it necessary now to examine.

The history of this country will show that the question, what is the true Northeastern boundary of the present United States, has been often discussed between the different parties interested in its decision. While France held the territory contiguous to the former colonies of Great Britain on their Northern and Eastern frontier, this question then disturbed the relations of these two Powers, and it was only settled by the treaty which transferred all

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the dominions of the former, in this quarter, to the latter. Not long after that event, the same question was revived between Great Britain and her then colony of Massachusetts. As the King of Great Britain was at that time the sovereign of all the provinces limited by this boundary, no matter where it was established, or how it was run; and as no private rights had then been acquired near to the line which was ultimately settled by him as the boundary of these provinces, it was then of little moment to any where this line was fixed. Hence, probably, in establishing the Northeastern boundary of Massachusetts at that time, but little regard was paid to accuracy of description or precision of terms, and a line was fixed upon, of which the "*terminus a quo*" was not more certainly described than the "*terminus ad quem*." Before it became necessary to ascertain this line with any degree of accuracy, our revolution commenced, and the uncertain boundary established by the previous act of the Government of Great Britain was recognised by the treaty of 1782 as the Northeastern boundary of the United States.

Thus the old question, what this boundary line was, and where it ran, was revived. The settlement of this question constituted the subject of the fifth article of the treaty between the United States and Great Britain in 1794; and it was supposed by both the parties to be determined with sufficient accuracy by the final decision of the commissioners appointed in pursuance of that article. It is worthy of remark here, that the decision of these commissioners differed not less widely from the positions contended for by each of the two disagreeing parties at that time, than does the present determination of his Majesty the King of the Netherlands, from the positions assumed by each of the same parties upon this occasion. Yet both the United States and Great Britain concurred in adopting the decision of these commissioners, although it varied essentially from the claim of boundary set up by each of the two Powers.

This decision settled definitively the uncertain "*terminus a quo*" the Northeastern boundary of the United States was to run; and as no difference then existed between the two Powers as to the course or direction of this line of boundary, the "*terminus ad quem*" was also supposed to be fixed. Doubts being afterwards suggested on the part of Great Britain as to this point, it was the purpose of the fifth article of the treaty of Ghent, in 1814, to remove these doubts, by adopting a mode for settling them, similar to that which had been found satisfactory to the parties in the previous case. The commissioners appointed by the high contracting parties, in pursuance of this fifth article of the treaty of Ghent, could neither agree in their opinions, or effect any other adjustment of the matter to them referred; therefore, the event contemplated by that article having thus occurred, it became necessary, under the provisions of this treaty, that the two Powers should refer the subject to some friendly sovereign or State, to be named by them for that purpose, who should determine the same. His Majesty the King of the Netherlands was the friendly sovereign named by the two high contracting parties for this purpose. He having accepted the functions of arbitrator so conferred upon him, by his award has decided the whole subject.

The committee have made these statements merely to show that the question determined by this award is one of long standing, which has been much vexed, and that the points involved in it, and necessary to its accurate determination, have, in some degree, been changed by the acts of the parties themselves. Under such circumstances, it is not reasonable to expect that Great Britain, who has thus long and often refused her assent to the positions taken by the United States in regard to this controverted point, will yield a more ready acquiescence in our wishes now, than she has hitherto done; especially when she sees that her own opinions are sustained, at

least in part, by the determination of a disinterested arbitrator, mutually selected by both the parties.

Should this prove true, if the United States, on their part, refuse to abide by this award, the necessary consequence must be, that the pretensions heretofore set up by Great Britain, and which are in part rejected by the award, will be revived and insisted upon by her in their full extent. In what mode, then, can the controversy so revived be settled?

A new negotiation cannot be supposed likely to produce more beneficial results than those which have already taken place. In the discussions which were had at Ghent, in those carried on between the commissioners appointed to determine this question of boundary, and in those addressed to his Majesty the King of the Netherlands, the argument on either side seems to have been exhausted. No profitable result, then, can be expected from reviving a discussion in which nothing new can be presented on either side, and in which the rights and interests of the parties, whatever these may be, remain as heretofore.

Besides, previously to entering upon such a negotiation, something must be agreed upon in regard to the disputed territory. Recent events very plainly show that, without some agreement upon this point, border conflicts will inevitably take place between the citizens and subjects of the two Powers who claim this territory; which conflicts must soon produce a general war between these Powers. What, then, is to be done with this subject of controversy, pending the negotiation instituted to adjust the title to it?

A stipulation that it shall remain, as now, unoccupied by either party, until the question of right is settled, seems to favor the views and policy of Great Britain so decidedly, that such a stipulation would amount in effect to an abandonment of claim on our part to the whole subject. No termination favorable to the United States ought to be expected from any negotiation which holds out such an inducement to the other party for procrastination and delay. The same result is equally probable, if each party should be permitted to occupy such portion of the disputed territory as is allotted to them respectively under the award, which would be then declared not to be obligatory upon either. In the latter case, too, the matter would be made of still more difficult adjustment, by reason of the rights and interests which the citizens and subjects of each of the two parties would acquire in the territory yielded to the occupation of the other; and a proposition that one should occupy the portion of the territory assigned to it, while the negotiation was pending in regard to the right of the other to the remaining portion of the same territory, which should not be occupied by that other until the question of right was finally determined, would be a proposition so wanting in reciprocity, that it ought not to be made by any Power which pays proper regard to its own character.

Under such circumstances, where negotiation promises to yield nothing of good, but one resort remains. To this last resort, the committee do not understand that even the State of Maine itself is willing now to come. But, if the case was different, it would present a question worthy of the most grave consideration, whether the United States should ever willingly involve themselves in war with any Power whatever, to maintain an asserted right to territory long disputed, which had been determined not to be theirs by an arbitrator chosen by themselves. Although it may perhaps be truly said in this case that the United States are not bound by this award, as such, yet it will be considered by all the civilized world as the impartial opinion of a disinterested judge, upon a question of much perplexity and difficulty. Such an opinion would have the effect of placing us (seemingly at least) in the wrong, and therefore would greatly impair the moral force the

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United States have always brought into every contest in which they have hitherto been involved.

These considerations have induced this committee to think that the policy of the United States will be best conducted by announcing to Great Britain their willingness to assent to this award. But as the boundary which it establishes will probably be found not less inconvenient to Great Britain than to the United States, and as under the award the navigation of the river St. John and its tributary streams is not made free and common to both parties, this committee are of opinion that it will be advisable for the President, in communicating to Great Britain his determination to abide by the award, to signify to that Power his desire to open a new negotiation, for the purpose of settling a more convenient boundary between the territories of the two empires, than that which is so established; and, also, for securing to each party the free navigation of the river St. John and its tributary streams, from its mouth to their respective sources. Should Great Britain accede to this overture, if, in the course of the negotiation, it is found practicable so to do, the President will of course avail himself of any and every occasion to obtain a boundary more acceptable to the State of Maine than that which is established by the determination of his Majesty the King of the Netherlands.

In regard to the objections urged to this award in the resolutions which have also been referred to this committee, they deem it only necessary to say, that, as the provisions of the fifth article of the treaty of Ghent admit the fact that the true boundary of the United States, thereby referred to, was not then settled, and establish a mode whereby this boundary might thereafter be ascertained and determined, it cannot be admitted that the subsequent settlement of this matter by the mode then agreed upon can properly be considered as a cession or transfer to a foreign nation of any portion of the territory or inhabitants of any one of the United States.

If the commissioners appointed to determine this matter had concurred in opinion as they did in 1795, although the determination might have been, as it then was, in opposition to the pretensions set up by each of the disagreeing parties, none can believe that their award would not have been held as conclusive as was that referred to, although both these awards would have been subject to precisely the same objections which are now urged. And so far as the question of authority is concerned, it would be impossible to show that the umpire had less authority over the subject than the disagreeing commissioners possessed. In no case can the adjustment of any controversy be properly regarded as an abandonment of right in the subject, the title to which is contested. In all such cases, the decision does nothing more than to determine in which of the two disagreeing parties the right originally was; and neither can properly be said to yield to the other that which the decision affirms to have always belonged to that other. So that the question recurs—Will the United States adopt this award as determining what was their original and true boundary? Once admit the award to be binding on our faith, and the question of right ceases; and even if the award be set aside, the determination not to abide by it must never be rested upon the ground that it deprives us of rights which we believe to be ours, but upon the ground that it decides matter which was never submitted to arbitration. If the authority to decide the question is admitted, the correctness of the decision can never be questioned, except by impugning the integrity of the judge, a charge which none can prefer or sustain in this case.

The committee therefore recommend to the Senate to adopt the following resolution:

Resolved, That the Senate advise the President to express to his Majesty the King of the Netherlands the assent of the United States to the determination made by him, and consent to the execution of the same.

The report was read.

On motion of Mr. HOLMES,

Ordered, That it be printed in confidence for the use of the Senate.

MONDAY, APRIL 2.

The following message was received from the President of the United States, by Mr. Donelson, his Secretary:

WASHINGTON, March 29, 1832.

To the Senate: In compliance with the resolution requesting the "President to inform the Senate whether any, and, if any, what communications have passed between the Executive Department of the United States and the Executive or Legislative Department of the State of Maine, relative to the Northeastern boundary; and whether any proposition has been made by either, that the boundary designated by the King of the Netherlands shall be established for a consideration to be paid to Maine; and, if so, what consideration was proposed, so far as the same may not be inconsistent with the public interest," I transmit herewith a report from the Secretary of State.

ANDREW JACKSON.

The message and the accompanying documents were read.

On motion of Mr. HOLMES,

Ordered, That they be printed in confidence for the use of the Senate.

TUESDAY, JUNE 12.

The Senate proceeded to consider the resolution reported by the Committee on Foreign Relations, on the 21st of March, on the subject of the Northeastern boundary.

A motion was made by Mr. HOLMES to amend the same, by inserting after the word "Resolved" the words "two-thirds of the Senators present concurring therein."

And after debate, on motion of Mr. HOLMES,

The Senate adjourned.

WEDNESDAY, JUNE 13.

The Senate resumed the consideration of the resolution reported by the Committee on Foreign Relations on the subject of the Northeastern boundary, together with the amendment proposed thereto.

And, after debate, on motion of Mr. HOLMES,

The Senate adjourned.

THURSDAY, JUNE 14.

The Senate resumed the consideration of the resolution reported by the Committee on Foreign Relations on the subject of the Northeastern boundary, together with the amendment proposed thereto.

And, after debate, on motion of Mr. SILSBEE,

The Senate adjourned.

FRIDAY, JUNE 15.

The Senate resumed the consideration of the resolution reported by the Committee on Foreign Relations on the subject of the Northeastern boundary.

And, after debate, on motion of Mr. FORSYTH,

The Senate adjourned.

SATURDAY, JUNE 16.

The Senate resumed the consideration of the resolution reported by the Committee on Foreign Relations on the subject of the Northeastern boundary, together with the amendment proposed thereto.

On the question to agree to the amendment, to wit, after "Resolved," insert "two-thirds of the Senators present concurring"—

It was determined in the affirmative, as follows:

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YEAS.—Messrs. Bell, Bibb, Buckner, Clay, Clayton, Dickerson, Dudley, Foot, Frelinghuysen, Hendricks, Hill, Holmes, Kane, Knight, Miller, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Sprague, Tomlinson, Webster, Wilkins.—27.

NAYS.—Messrs. Benton, Brown, Chambers, Ellis, Forsyth, Grundy, Hayne, King, Mangum, Marcy, Moore, Smith, Tazewell, Tipton, Troup, Tyler, White.—17.

So the amendment was concurred in.

A motion was made by Mr. MANGUM to amend the resolution by striking out all after the word "Resolved," and inserting "That the Senate advise the President to communicate to his Majesty the King of the Netherlands that the United States decline to 'adopt' the boundary recommended by his Majesty as being 'suitable' between the dominions of his Britannic Majesty and the United States."

"Resolved, That the Senate advise the President to open a new negotiation with his Britannic Majesty's Government for the ascertainment of the boundary between the possessions of the United States and those of the King of Great Britain on the Northeastern frontier."

Mr. CLAYTON called for a division of the question. And being taken on striking out, it was determined in the affirmative—yeas 35, nays 8, as follows:

YEAS.—Messrs. Bell, Benton, Brown, Buckner, Chambers, Clay, Clayton, Dickerson, Ellis, Foot, Frelinghuysen, Grundy, Hayne, Hill, Holmes, Kane, King, Knight, Mangum, Marcy, Moore, Naudain, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tomlinson, Waggaman, Webster, Wilkins.—35.

NAYS.—Messrs. Bibb, Dudley, Forsyth, Miller, Tazewell, Tipton, Tyler, White.—8.

The question then recurring on inserting the proposed amendment,

On motion of Mr. HOLMES,
The Senate adjourned.

THURSDAY, JUNE 21.

The Senate resumed the consideration of the resolution reported by the Committee on Foreign Relations on the subject of the Northeastern boundary, together with the amendments proposed by Mr. MANGUM.

A motion was made by Mr. EWING to amend the proposed amendment by striking out the words, "That the Senate advise the President to communicate to his Majesty the King of the Netherlands that the United States decline to 'adopt' the boundary recommended by his Majesty as being 'suitable' between the dominions of his Britannic Majesty and the United States;" and, in lieu thereof, to insert, "That the Senate do not advise a submission to the award of the King of the Netherlands, or consent to the execution thereof."

And it was determined in the negative—yeas 20, nays 23, as follows:

YEAS.—Messrs. Bell, Bibb, Chambers, Clay, Clayton, Ewing, Foot, Frelinghuysen, Hayne, Johnston, Knight, Miller, Moore, Naudain, Prentiss, Robbins, Seymour, Silsbee, Tomlinson, Webster.—20.

NAYS.—Messrs. Benton, Brown, Dallas, Dickerson, Ellis, Grundy, Hendricks, Hill, Holmes, Kane, King, Mangum, Marcy, Robinson, Smith, Sprague, Tazewell, Tipton, Troup, Tyler, Waggaman, White, Wilkins.—23.

On motion of Mr. MILLER, that the original resolution lie on the table,

It was determined in the negative—yeas 11, nays 33, as follows:

YEAS.—Messrs. Bell, Clay, Clayton, Foot, Johnston, Knight, Miller, Prentiss, Silsbee, Tomlinson, Webster.—11.

NAYS.—Messrs. Benton, Bibb, Brown, Chambers, Dallas, Dickerson, Ellis, Ewing, Forsyth, Frelinghuysen, Grundy, Hayne, Hendricks, Hill, Holmes, Kane, King,

Mangum, Marcy, Moore, Naudain, Robbins, Robinson, Seymour, Smith, Sprague, Tazewell, Tipton, Troup, Tyler, Waggaman, White, Wilkins.—33.

On motion of Mr. WEBSTER,

To amend the proposed amendment by striking out the first clause thereof, and inserting the following:

"That, having respectfully considered the message of the President of the United States, of December 7, 1831, transmitting the opinion of the King of the Netherlands, in relation to the Northeastern boundary of the United States, for the consideration of the Senate, whether it will advise a submission to that opinion, and consent to its execution, the Senate is not of opinion that this is a case in which the Senate is called on to express any opinion, or give any advice to the President."

It was determined in the negative—yeas 17, nays 26, as follows:

YEAS.—Messrs. Bell, Clay, Clayton, Foot, Frelinghuysen, Hayne, Johnston, Knight, Moore, Naudain, Prentiss, Robbins, Seymour, Silsbee, Tomlinson, Waggaman, Webster.—17.

NAYS.—Messrs. Benton, Bibb, Brown, Chambers, Dallas, Dickerson, Ellis, Ewing, Grundy, Hendricks, Hill, Holmes, Kane, King, Mangum, Marcy, Miller, Robinson, Smith, Sprague, Tazewell, Tipton, Troup, Tyler, White, Wilkins.—26.

On motion of Mr. CLAYTON,

To amend the proposed amendment by inserting, at the end of the first clause thereof, the following words: "Because, in the opinion of the Senate, the King of the Netherlands has not decided the question submitted to him, touching the Northern and Northeastern boundary of the United States."

It was determined in the affirmative—yeas 24, nays 14.

YEAS.—Messrs. Chambers, Clay, Clayton, Ewing, Foot, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Kane, Mangum, Marcy, Naudain, Poindexter, Robbins, Robinson, Seymour, Silsbee, Sprague, Tipton, Tomlinson, Webster, Wilkins.—24.

NAYS.—Messrs. Benton, Bibb, Brown, Dallas, Dickerson, Ellis, Hayne, Johnston, King, Miller, Moore, Tazewell, Tyler, White.—14.

On motion of Mr. CHAMBERS,

The proposed amendment was further amended, by striking out the words, "his Majesty the King of the Netherlands," where they first occur, and inserting, in lieu thereof, "the British Government;" and by inserting in the 4th line, after "his Majesty," the words "the King of the Netherlands."

On motion of Mr. MILLER, to postpone the resolution indefinitely,

It was determined in the negative—yeas 16, nays 25.

YEAS.—Messrs. Bell, Clay, Clayton, Foot, Hayne, Johnston, Knight, Miller, Moore, Naudain, Poindexter, Robbins, Silsbee, Tomlinson, Waggaman, Webster.—16.

NAYS.—Messrs. Benton, Bibb, Brown, Chambers, Dallas, Dickerson, Ellis, Ewing, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Kane, King, Mangum, Marcy, Robinson, Smith, Sprague, Tazewell, Tipton, Tyler, White, Wilkins.—25.

A division of the question on the proposed amendment having been called for,

The question was taken on inserting the first clause of the amendment, amended as follows:

"That the Senate advise the President to communicate to the British Government that the United States decline to 'adopt' the boundary recommended by his Majesty the King of the Netherlands as being 'suitable' between the dominions of his Britannic Majesty and the United States; because, in the opinion of the Senate, the King of the Netherlands has not decided the question submitted to him touching the Northern and Northeastern boundary of the United States."

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It was determined in the affirmative—yeas 21, nays 20.
YEAS.—Messrs. Benton, Brown, Chambers, Clay, Dallas, Dickerson, Ellis, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Kane, King, Mangum, Marcy, Robinson, Smith, Sprague, Tipton, Wilkins.—21.

NAYS.—Messrs. Bell, Bibb, Clayton, Ewing, Foot, Hayne, Johnston, Knight, Miller, Moore, Naudain, Poindexter, Robbins, Seymour, Tazewell, Tomlinson, Tyler, Waggaman, Webster, White.—20.

On motion of Mr. WAGGAMAN,
 The Senate adjourned.

SATURDAY, JUNE 23.

The Senate resumed the consideration of the resolution reported by the Committee on Foreign Relations on the subject of the Northeastern boundary, together with the amendment proposed thereto; the second member thereof being under consideration;

On motion of Mr. GRUNDY,

The amendment was amended by inserting at the end thereof, "of the United States."

On motion of Mr. SPRAGUE,

The amendment was further amended by inserting at the close thereof, "according to the treaty of peace of 1783."

On the question to insert the following member of the proposed amendment:

"That the Senate advise the President to open a new negotiation with his Britannic Majesty's Government for the ascertainment of the boundary between the possessions of the United States and those of the King of Great Britain, on the Northeastern frontier of the United States, according to the treaty of peace of 1783."

It was determined in the affirmative—yeas 26, nays 16.

YEAS.—Messrs. Benton, Brown, Clay, Dallas, Dickerson, Dudley, Ellis, Grundy, Hendricks, Hill, Holmes, Kane, King, Mangum, Marcy, Moore, Robinson, Ruggles, Smith, Sprague, Tazewell, Tipton, Troup, Tyler, White, Wilkins.—26.

NAYS.—Messrs. Bell, Bibb, Chambers, Clayton, Ewing, Foot, Frelinghuysen, Hayne, Johnston, Miller, Naudain, Poindexter, Robbins, Seymour, Tomlinson, Webster.—16.

The question recurring on the original resolution, as amended,

A motion was made by Mr. MOORE to postpone the same indefinitely; and

It was determined in the negative—yeas 16, nays 29.

YEAS.—Messrs. Bell, Clay, Clayton, Foot, Frelinghuysen, Hayne, Johnston, Knight, Miller, Moore, Naudain, Poindexter, Prentiss, Silsbee, Tomlinson, Webster.—16.

NAYS.—Messrs. Benton, Bibb, Brown, Chambers, Dallas, Dickerson, Dudley, Ellis, Ewing, Grundy, Hendricks, Hill, Holmes, Kane, King, Mangum, Marcy, Robbins, Robinson, Ruggles, Seymour, Smith, Sprague, Tazewell, Tipton, Troup, Tyler, White, Wilkins.—29.

On motion of Mr. MILLER,

To amend the resolution by inserting after "Resolved," the words "two-thirds of the Senators present concurring,"

It was determined in the negative—yeas 11, nays 30.

YEAS.—Messrs. Bibb, Clay, Clayton, Ewing, Foot, Frelinghuysen, Miller, Naudain, Robbins, Tomlinson, Webster.—11.

NAYS.—Messrs. Benton, Brown, Chambers, Dallas, Dickerson, Dudley, Ellis, Grundy, Hayne, Hendricks, Hill, Holmes, Johnston, Kane, King, Knight, Mangum, Marcy, Moore, Poindexter, Robinson, Ruggles, Smith, Sprague, Tazewell, Tipton, Troup, Tyler, White, Wilkins.—30.

On the question to agree to the resolution, reported by the committee, as amended,

A division of the question was called for; and being taken on agreeing to the first member, as follows:

"Resolved, That the Senate advise the President to communicate to the British Government that the United States decline to adopt the boundary recommended by his Majesty the King of the Netherlands as being 'suitable' between the dominions of his Britannic Majesty and those of the United States; because, in the opinion of the Senate, the King of the Netherlands has not decided the question submitted to him, touching the Northern and Northeastern boundary of the United States."

It was determined in the negative—yeas 14, nays 30.

YEAS.—Messrs. Dickerson, Ellis, Grundy, Hendricks, Hill, Holmes, Kane, Marcy, Moore, Robinson, Ruggles, Sprague, Tipton, Troup.—14.

NAYS.—Messrs. Bell, Benton, Bibb, Brown, Chambers, Clay, Clayton, Dallas, Dudley, Ewing, Foot, Frelinghuysen, Hayne, Johnston, King, Knight, Mangum, Miller, Naudain, Poindexter, Prentiss, Robbins, Seymour, Smith, Tazewell, Tomlinson, Tyler, Webster, White, Wilkins.—30.

So the first member was rejected.

On the question to agree to the second member, as follows:

"Resolved, That the Senate advise the President to open a new negotiation with his Britannic Majesty's Government, for the ascertainment of the boundary between the possessions of the United States and those of the King of Great Britain, on the Northeastern frontier of the United States, according to the treaty of peace of 1783."

It was determined in the affirmative—yeas 23, nays 22.

YEAS.—Messrs. Benton, Brown, Dallas, Dickerson, Dudley, Ellis, Grundy, Hendricks, Hill, Holmes, Kane, King, Mangum, Marcy, Robinson, Ruggles, Smith, Sprague, Tazewell, Tipton, Troup, White, Wilkins.—23.

NAYS.—Messrs. Bell, Bibb, Chambers, Clay, Clayton, Ewing, Foot, Frelinghuysen, Hayne, Johnston, Knight, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Seymour, Silsbee, Tomlinson, Tyler, Webster.—22.

So the second member was agreed to.

Ordered, That the Secretary lay this resolution before the President of the United States.

Mr. SPRAGUE submitted the following resolution; which was considered by unanimous consent:

Resolved, That the Senate do not advise a submission to the opinion of the sovereign arbiter, in relation to our Northern and Eastern boundary, and do not consent to its execution.

A motion was made by Mr. BIBB to amend the same, by striking out all after the word "Resolved," and inserting "That, in the opinion of the Senate, good faith and sound policy require the execution of the award made by the King of the Netherlands, between the Government of the United States and the Government of Great Britain."

And it was determined in the negative—yeas 8, nays 34.

YEAS.—Messrs. Bibb, Dallas, Dudley, Hayne, Miller, Tazewell, Tyler, White.—8.

NAYS.—Messrs. Benton, Brown, Chambers, Clay, Clayton, Dickerson, Ellis, Ewing, Foot, Frelinghuysen, Grundy, Hendricks, Hill, Holmes, Johnston, Kane, King, Mangum, Marcy, Moore, Naudain, Poindexter, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, Sprague, Tipton, Tomlinson, Troup, Webster, Wilkins.—34.

A further amendment having been proposed by Mr. MANGUM,

Mr. SPRAGUE withdrew the resolution.

TUESDAY, JUNE 26.

The following motion, submitted by Mr. HOLMES, was considered:

Resolved, That the injunction of secrecy be removed from the journal, proceedings, and debates of the Senate in relation to the Northeastern boundary of the United States.

TUESDAY, JULY 10.

On motion of Mr. HOLMES,

The Senate resumed the consideration of his motion of the 26th of June, to remove the injunction of secrecy from the journal, proceedings, and debates of the Senate in relation to the Northeastern boundary of the United States.

On the question to agree thereto,

It was determined in the affirmative—yeas 28, nays 17.

YEAS.—Messrs. Bell, Benton, Bibb, Buckner, Clay, Clayton, Dickerson, Ellis, Ewing, Foot, Grundy, Hayne, Holmes, Kane, King, Mangum, Marcy, Miller, Moore, Naudain, Poindexter, Robinson, Silsbee, Sprague, Tomlinson, Troup, Waggaman, Wilkins.—28.

NAYS.—Messrs. Brown, Chambers, Dallas, Dudley, Hendricks, Johnston, Knight, Prentiss, Robbins, Ruggles, Seymour, Smith, Tazewell, Tipton, Tyler, Webster, White.—17.

So the motion was agreed to.

[The injunction of secrecy having been removed from the debates, as well as the proceedings on the above subject, the remarks which follow were reported and furnished for publication by the respective speakers.]

The following resolution, reported by the Committee on Foreign Relations, being under consideration on the 2d of June:

Resolved, That the Senate advise the President to express to his Majesty the King of the Netherlands the assent of the United States to the determination made by him, and consent to the execution of the same—

Mr. SPRAGUE addressed the Senate as follows:

Mr. President: Notwithstanding the rights and the interests of Maine are so deeply involved, and my own solicitude is so intensely excited upon this subject, I shall, nevertheless, yield to the admonitions to brevity which are presented by the period of the session, and the hour of the day. Suppressing a strong desire thoroughly to improve the whole wide field of discussion, I shall compress my remarks, even upon the topics introduced by the report of the Committee on Foreign Relations, and the speech of its chairman. And I do this the more cheerfully, since I have, heretofore, fully availed myself of opportunities to communicate my views and arguments in detail to the individual members of the Senate. The immediate question is, shall a majority of two-thirds be required to pass the advisory resolution reported by the committee? The President has asked our advice upon the question of submission to the opinion of the arbiter. Why did he come to this body? Only because we, by the constitution, are his advisers in relation to the formation of compacts with foreign nations; and as such treaty-making power, acting by a majority of two-thirds. In any other character or capacity he might as well demand the opinion of the House of Representatives, or any other aggregation of individuals. If, then, we are to respond as a part of the treaty-making power, must we not do it by the requisite constitutional majority? The honorable and able member from Virginia [Mr. TAZEWELL] tells us that, when the conjoint action of the other House was requisite, as in legislation, a mere majority of the Senate only was necessary; but when acting without the check of the other branch, the majority of two-thirds was substituted as a restraint upon ourselves. He had reference, I presume, not to Executive nominations to office, but to all opinions in relation to our foreign intercourse. Upon his own principles, then, should not two-thirds be now required in reference to a public treaty, when there is to be no concurrence of the other House—no check or restraint by them upon the action of the Senate?

The gentleman also declares his opinion that the spirit and design of the constitution demand that the Senate

should be consulted both before and after the formation of a treaty. If so, do they not act in both cases under the same requisition, and by the same proportional numbers? Would it not be preposterous that the Senate, by a majority, should advise the making of a compact, and when the same is subsequently submitted for their approval, it should be rejected for the want of two-thirds—the same members voting in the same manner, without the change of a yea or a nay? What a disjointed spectacle of incongruity would that present to foreign nations!

The Senator adverted to the early practice of the Executive in the halcyon days of the first President, but it did not show a single precedent of a resolution of advice by a simple majority; while my colleague cited yesterday two instances of such action by the requisite two-thirds, and I now add another, on the 20th of January, 1792, in relation to an increase of annuity to the Seneca tribe of Indians. Principle and precedent, therefore, both demand that the proposed amendment should be adopted.

The chairman of the committee [Mr. TAZEWELL] says that his first opinion was that the Senate had no power to act upon the subject, but that the reference of the resolutions which I had the honor to introduce conferred authority to give an advisory opinion. Although such a consequence could not have been anticipated by any one, and few possess ingenuity enough to deduce it; yet, had it been foreseen, so far from constituting an objection, it would, in the state of the question and opinions of the Senate as then existing, have presented an additional inducement to their introduction, as the most probable means of preventing a catastrophe which I deprecate—the acceptance of, and submission to, this miscalculated award.

How the offering a resolution, not adopted, but referred to a committee for inquiry, should give to the Senate jurisdiction on a subject not otherwise within the scope of its legitimate powers, is not easily comprehended. Can the Senate, by such a process, by simply raising a committee of inquiry, extend its powers, and bring every thing within the range of its constitutional action?

But I hasten directly to the paramount question. Is this award or opinion binding upon the United States? And is their faith pledged to adopt the boundary therein designated? And here I cannot withhold my cordial thanks to the gentleman from Kentucky [Mr. CLAR] for the able and convincing argument which he yesterday addressed to the Senate, against the acceptance of this award, and in defence of the rights, the soil, and the citizens of Maine.

The objection arising from the essential changes in the sovereign character of the arbiter—the disruption and loss of more than half of his empire, being thrown by political convulsions a dependent upon Great Britain, not only for the demarcation of the boundaries of his own kingdom, but even for the preservation of the remnant of his power, has been, together with other topics, so ably discussed by him, that I may well, in the discharge of my duty, abstain from attempting to strengthen the impression which he has produced. But there is one point—and that the principal, leading, decisive objection—to which I feel myself bound to solicit your further and indulgent attention. It is, that there has been no decision of the question referred; the award, if such it is to be called—the advice, is not within the submission.

That this, if found to be true, would exonerate the United States from all obligation of submission, must be universally conceded. No independent nation can be required to adopt the recommendation of any sovereign, except so far as bound by compact; and if it be agreed to submit to arbitrament a distinct specific question, and the arbiter, from inability or disinclination, makes no decision, but gratuitously assumes the office of an adviser, with which he was never invested, and volunteers a recommendation upon a subject in relation to which his opinion was never asked, surely the parties, if they do not repel the

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assumption as offensive, may well decline receiving it as obligatory.

Is the award within the terms or meaning of the submission? No one has yet insisted that it is. But, on the contrary, the report of the Committee on Foreign Relations, in effect, concedes that it is not. Declining to discuss the question distinctly, the committee say that they are aware that there are many reasons which, to the minds of our own citizens, at least, may appear strong to induce the opinion that it is no decision, and may therefore be legitimately disregarded. And again, toward the conclusion, they remark: "Although it may, perhaps, be truly said that the United States are not bound by this award, as such, yet it will be considered by all the civilized world," &c. &c.

The chairman of the committee, in his speech yesterday, did not undertake to say directly that there had been any decision of the matter referred; but, following the track of the report, rather conceded that there had not—insisting, however, that we ought to acquiesce from motives of public policy, and to conciliate the favorable opinion of other nations.

Sir, it is susceptible of demonstration that there has been no decision of the question referred. The arbitrament was more immediately governed by the convention of 1827, made between the United States and Great Britain, for the sole purpose of executing the fifth article of the treaty of Ghent, which article was designed merely to carry into effect the treaty of peace of 1783, by ascertaining where upon the surface of the earth was that point of the highlands, due north from the source of the St. Croix river, designated in that original treaty as the northwest angle of Nova Scotia; and by surveying and marking two lines from that point, to fixed monuments. To begin at the fountain, then, we must recur to the description of boundary in the original treaty which acknowledges the independence of the United States. Its language, so far as pertinent to the present investigation, is:

"The following are, and shall be, their (the United States) boundaries, viz. From the northwest angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands; along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut river; * * * east, by a line to be drawn along the middle of the river St. Croix, from its mouth, in the Bay of Fundy, to its source; and from its source, directly north, to the aforesaid highlands, which divide the rivers that fall into the Atlantic Ocean from those that fall into the river St. Lawrence."

The source of the St. Croix river was ascertained in the year 1798, and has ever since been designated by a monument, then established and marked by the mutual agreement of both nations.

From that spot the boundary was to be "due north;" and the only question which could arise was, where is the termination of that north line? Which point being ascertained, all that would remain was the mere mechanical and mathematical process of surveying and marking lines between fixed monuments. The location of that point is described and defined, with the utmost clearness and precision, in the treaty of 1783. It is at "the highlands;" the due north line is to be drawn "to the highlands," and there stop. And of that *terminus* is the northwest angle of Nova Scotia; and thence another line was to be drawn along those highlands to the northwesternmost head of Connecticut river.

Now what question does the treaty of Ghent mention or suppose to exist? What was to be ascertained?

The fifth article states it with great perspicuity:

"Whereas neither that point of the highlands lying

due north from the source of the river St. Croix, and designated in the former treaty of peace between the two Powers as the northwest angle of Nova Scotia, nor, &c. * * * has yet been ascertained; and whereas that part of the boundary line * * * from the source of the river St. Croix, directly north, to the abovementioned northwest angle of Nova Scotia, thence along the said highlands which divide, &c. &c., has not yet been surveyed."

Therefore provision is made for ascertaining that single point and surveying those lines, by commissioners. They were appointed accordingly; but, differing in opinion, made their several reports to their respective Governments. Pursuant to the fifth article in the treaty of Ghent, a reference to an arbiter then became necessary, and the convention of 1827 succeeded, regulating and defining the manner of executing this requisition. The first article provided that the points of difference which had arisen should be submitted to an arbiter, to decide on such points of difference, in accordance to the treaty of Ghent, and that the parties should make their several and separate statements of the case to be laid before the arbiter. This was done, and there was no discrepancy between them as to the matters in dispute which had arisen, and upon which a decision was required. The American statement presents the point in difference, so far as relates to the present controversy, thus:

"1st. The northwest angle of Nova Scotia, and the boundary line contemplated by the treaty of 1783, extending from that angle, along certain highlands, to the northwesternmost head of Connecticut river."

And in the British statement it is expressed in the following language:

"1st. The parties differ respecting the point designated in the treaties as the northwest angle of Nova Scotia; and respecting the highlands along which the line of boundary is to be carried, which is destined to divide the rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean."

Here, then, we have the question to be decided, clearly, distinctly, and unequivocally defined and described by both parties, in the official statements upon which, by the express provisions of the treaty, the award was to be rendered.

Where is the northwest angle of Nova Scotia? Has that question been answered by the award? So far from it, that the arbiter not only does not profess to determine, but unequivocally declines it.

After some reasoning upon the subject, he says—

"Consequently the northwest angle of Nova Scotia, here alluded to, having been unknown in 1783, is to be considered as a petition of principle, (*petition de principe*,) affording no basis for a decision," &c. &c.

The inquiry respecting that angle has with him no basis of a decision, although that was the precise question propounded. And subsequently he says that he considers the question "divested of the inconclusive arguments drawn from the nature, more or less hilly, of the ground, from the ancient delimitation of the provinces, from the northwest angle of Nova Scotia, and," &c. &c.

In conclusion, he declares that "the arguments adduced on either side, and the documents exhibited in respect of them, cannot be considered as sufficiently preponderating to determine a preference in favor of one of the two lines respectively claimed by the high interested parties as the boundaries of their possessions, from the source of the river St. Croix to the northwesternmost head of Connecticut river; and that the nature of the difference, and the vague and not sufficiently determinate stipulations of the treaty of 1783, do not permit to adjudge either of those lines to one of the said parties, without wounding the principles of law and equity with regard to the other."

And he therefore tenders the following advisory opi-

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nion: "That it shall be suitable (*il conveniendra*) to adopt as the boundary of the two States, a line drawn due north from the source of the river St. Croix to the point where it intersects the middle of the tholweg* of the river St. John; thence, the middle of the tholweg of that river, ascending it to the point where the river St. Francis empties itself into the river St. John; thence, the middle of the tholweg of the river St. Francis, ascending it, to the source of its southwesternmost branch, which source we indicate on the map A by the letter X, authenticated by the signature of our Minister of Foreign Affairs; thence, a line drawn due west, to the point where it unites with the line claimed by the United States of America, and delineated on the map A; thence, said line, to the point at which, according to said map, it coincides with that claimed by Great Britain; and thence," &c.

I insist, therefore, that the arbiter did not intend or profess to decide the questions submitted, but, putting them entirely aside, proceeds to recommend the substitution of a new description of boundary. The language is—"It will be suitable (*il conveniendra*) (convenient) "to adopt" or accept, as the boundary," &c.

But even if he had designed this to be a determination within the submission, it is nevertheless palpable that it is not. The interrogatory was, where, according to the treaty of 1783, is the northwestern angle of Nova Scotia, and the line thence along the highlands? That angle of Nova Scotia is described and defined by the treaty of 1783, and again by the treaty of Ghent, to be on the highlands, and at the termination of a due north line from the source of the St. Croix. Where does the arbiter make that line terminate? In the centre of the St. John's river! and there must be his highlands, if he designed to locate that angle. But the absurdity does not cease here. After striking the angle of Nova Scotia, the only line to be drawn by the treaty is "along the highlands"—but the course of the arbiter is along the deepest channel of the river St. John, by all its meanderings, till he reaches a branch called the St. Francis, which he ascends by its deepest channel to its southwesternmost ramification, and thence to its source. And upon the hypothesis that he designed to decide this to be the treaty boundary, he must have declared that the highlands are in the deepest of the waters of the rivers St. John and St. Francis! But there is yet a further difficulty. By the treaty there can be but two lines of boundary—one due north, and the other along the highlands—the angle of Nova Scotia being at their point of intersection. The (due) north course of the King of the Netherlands ends at the centre of the St. John's; his next line is by the thread of that river and its branches, sometimes running northwardly, sometimes southwardly, and at others in a different direction to its source: but where then? The treaty allows only a north course; but he arbitrarily directs it to be due west to the highlands, and thence along that ridge.

Now, sir, to accuse the King of the Netherlands of intending to impose this upon the United States as the true original boundary, would be doing him gross injustice; it involves the supposition that he could be guilty of a falsehood so glaring as to be an insult to the intelligence of this nation; it would doom him to the inevitable condemnation of fatuity or corruption. Sir, there is no man whose intellect rises above the grade of idiocy, who can, after a due comparison, pronounce that the delimitation described by the arbiter is the same with that of the treaty of peace of 1783. No man ever has said so, and I venture to assert that no one ever will. Sir, if the arbiter had professed so to decide, fraud and falsehood would

have been stamped upon the front of his award. I cheerfully and entirely exonerate him from all such charge. He is obnoxious to no such imputation. So far from it, that he declares that he does not, and cannot ascertain the treaty boundary, but recommends a substitute. The Committee on Foreign Relations do not contend that he has decided that question, and, what is more, the British Government themselves concede that he has not. This is found in the official communication of the diplomatic agent, Mr. Bankhead, made to our Secretary of State on the 20th of December last, urging our submission to the award, and in which he uses the following language:

"Commissioners, since the treaty of 1783, have found it impossible to reconcile the description of boundary contained in that treaty with the real features of the country ascertained by actual survey; and the hopelessness of establishing absolutely, in favor of either party, the point which has thus, since the year 1783, been the subject of controversy between them, has now received a new confirmation by the solemn decision of an arbitrator chosen by both parties, who has pronounced it to be incapable of being established in accordance with the terms of the original treaty, that treaty having been drawn up in ignorance of the real features of the country which it professed to describe. Seeing, then, that there cannot be a settlement of the claims of either party in strict accordance with the treaty of 1783, what course would remain, even if the choice were now to be made, but that which was agreed upon by the negotiators of the treaty of Ghent, viz. the adjustment of the differences between the two Governments by means of an arbitrator? And how unreasonable would it be to object to such an adjustment, because it aimed at settling by compromise differences pronounced to be otherwise irreconcilable?"

The errors involved in this extract I may perhaps notice hereafter. But at present I am concerned only to occupy the two impregnable and conceded positions: 1st. That the arbiter has not decided the question submitted. 2d. That the line by him described is variant from the true boundary of the treaty. These being known and fundamental truths in this discussion, upon what ground is it urged that we should acquiesce in the award? From reasons of public policy, and a regard to the opinions of the foreign world, say the committee.

But before you act from considerations of expediency, pause awhile upon your constitutional powers and obligations. This is no award—it is not within the submission—it is not in pursuance of the treaty—it is not in execution of its provisions. It is the recommendation of a new delimitation, against which the State of Maine has solemnly protested.

Sir, it is not within the constitutional competency of this Government to assign new boundaries, known to be such, to any one of the States, whether to increase or diminish the quantum of its territory. The extent of our authority is to ascertain and define their true original exterior limits; and the United States could not, and have not attempted to confer upon an arbiter any power to prescribe or advise the institution of new delimitations. In this all are agreed; no one controverts that such is the constitutional limitation of our authority. It is said, indeed, that in the performance of this duty error may be committed, and a portion of a State be unknowingly cut off. But the possibility of mistake, in the honest endeavor to determine the truth, does not authorize the wanton, wilful departure from it by the adoption of a boundary, known and acknowledged to be variant from the original. We say, then, that the impassable prohibitions of the constitution present an insuperable barrier to the adoption of the new lines of demarcation recommended by the arbiter, without the previous consent of the State of Maine. This she has never yielded; but, on the contrary, entered her solemn protestation. Here, then, we might rest upon the ground

*Tholweg, a German compound word: thol, valley; weg, way. It means in this the deepest channel of the river.—*Tr. Gazette.*

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of irresistible constitutional right. But, nevertheless, considerations of expediency are invoked. Although we may convince ourselves, say the committee, yet will our arguments satisfy others? will not the world adjudge us guilty of a violation of our national faith?

Let us look this argument in the face. We are under no obligations to submit to this award, but we are constrained to decline it by the solemn provisions of the fundamental compact of Government. Our faith is pledged to the State to preserve inviolate the integrity of its soil, and to vindicate the sacredness of the persons of its inhabitants. And this argument of policy would persuade us to sacrifice our duty to a State, from an apprehension that other nations may, through ignorance, believe us to be faithless! to incur the actual guilt of perfidy, for fear of the mere appearance of it in foreign eyes. But even that apprehension is without foundation. This subject will be understood by the European world; and if we would not sink in their estimation, we must exhibit that intelligence which is not to be betrayed by shallow artifice, and that decision and energy which repel encroachment. Great Britain herself will more highly respect a refusal than our submission. But the opinions of foreign nations are of comparatively little moment. The dangers to our political fabric are from within, from the disaffection of the members of this Union. From the pressure of external force, we have nothing to apprehend—it will but compress and consolidate our Union—internal disaffection and mutual repulsion are the fountains of our fears. Better incur the odium of the world, than bring home to the councils of a single member of this Union a well founded conviction of violated duty and broken faith.

Again, we are asked, if we reject this award, how is this controversy to be adjusted? And, to magnify this difficulty, we are told that this dispute as to the New England boundary reaches far back into the early history of this country, even to the period when France and England were contending for the extension of their respective adjacent provinces. That this dispute is of ancient date, I strenuously controvert. I will show it to be of very recent origin. That a controversy existed between Great Britain and France, when the latter was the sovereign of Canada, I readily admit. But all the right and title of the latter were ceded to Great Britain by the treaty of Paris of 1763, who, having thus become the undisputed sovereign of all the adjacent provinces, by her own unquestionable powers, fixed and defined their boundaries by the royal proclamation of October, 1763, which established the Government of Quebec, now Lower Canada. This solemn act of the common sovereign terminated forever all pre-existing disputes, by authoritatively prescribing and defining the divisional lines of Massachusetts, Nova Scotia, and Canada. The demarcation thus established, was adopted and confirmed by the act of Parliament of 1779, and inserted in our treaty of independence of 1783. After this a new question arose—which of several rivers was the true St. Croix? This was definitively settled, and the monument at its source established, in 1798, by commissioners of the two countries, appointed pursuant to the convention of 1794, which put to rest all then existing doubts as to the true location of our Northeastern boundary. No question or ground of controversy was supposed to remain. It would have been strange, indeed, that a treaty making provision for a commission to terminate doubts as to that boundary, should not have embraced all existing controversies. It did so: and the commissioners determined finally and conclusively all matters submitted. This is historically and certainly known. Even the report of the Committee on Foreign Relations acknowledges and asserts it, declaring that “this decision settled definitively the uncertain *terminus a quo* the Northern boundary of the United States was to run; and as no difference then existed between the two Powers as to the

course or direction of this line of boundary, ‘the *terminus ad quem*’ was also supposed to be fixed.”

With what propriety or justice are those old, obsolete, long settled questions now invoked for the purpose of aggravating the difficulty of the present controversy, with which they have no connexion, which had no existence until long after they had passed away, which indeed has been brought into being since the treaty of Ghent of 1814?

What is the precise point now in contestation? It is, where are “the highlands which divide those rivers which empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean?” The treaty of independence established the boundary to be a line due north from the source of the St. Croix to those highlands, and thence, along that elevation, to the head of Connecticut river. The source of St. Croix having been definitively settled, it is now contested where are these highlands of which the north line is to terminate, and along which the next is to be drawn.

This, I repeat, was never made a question, until subsequent to the treaty of Ghent. Up to that time, even after the year 1763, the course and location of that elevation was as well known, as incontestably established, as universally acknowledged, as any great geographical feature of the country—I might say, as to the St. Lawrence river itself—and no other range or tract had ever been so claimed or denominated.

I am aware, sir, that this is strong and confident language; and presents the recent British pretension as not only utterly baseless, but of consummate effrontery. Permit me very concisely to advert to some irrefragable proofs. That range of highlands is first introduced, as a boundary, in the proclamation of 1763, establishing the province of Quebec, (Canada.) The southern limit being described as follows:

“Crossing the river St. Lawrence and the lake Champlain in forty-five degrees of north latitude, passes along the highlands which divide the rivers that empty themselves into the said river St. Lawrence from those which fall into the sea, and also along the north coast of the Bay des Chaleurs.”

South of the river St. Lawrence, and nearly parallel thereto, and at an average distance of between twenty and thirty miles, is a range of broken highlands, extending from the source of the Connecticut river, northeastwardly, toward Cape Rosieres, from which are turned, on the one hand, those rivers entering into the St. Lawrence, and, on the other, those which fall into the Atlantic Ocean, viz. the Androscoggin, the Kennebeck, the Penobscot, the St. John's, and the Ristigouche. And, accompanying this proclamation, in the British Annual Register of the same year, is an original map, carefully prepared for the express purpose of accurately delineating the boundaries, and in which the highlands are prominently laid down as then and since known and understood, and in precise accordance with the claim of the United States.

Nor is this all: other British maps, and those frequent and numerous, from authentic and official sources, were compiled and published; in all of which, without one exception, the highlands, where mentioned, are delineated as I have before described, in exact coincidence with our claim; while, on the other hand, not one presented the now pretended rival range newly created south of the St. John's.

Sir, permit me to enumerate the titles of some of them now in my hand, and to which I invite the particular examination of every Senator, viz.

1763.—A new map of the British dominions in North America, with the limits of the Governments annexed thereto by the late treaty of peace, and settled by proclamation, October 7th, 1763.—Engraved by T. Kitchin, geographer, for the Annual Register of 1763.

1769.—A new and accurate map of the British domi-

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nions in America, according to the treaty of 1763, divided into the several provinces and jurisdictions. Projected upon the best authorities and astronomical observations, by Thomas Kitchin, geographer.—Engraved for Knox's History of the war in America.

1765.—A map of North America, by J. Palairé, with considerable alterations and improvements from D'Anville, Mitchell, and Bellin, by L. Delarochette.

1766.—A map of the British dominions in North America, as settled by the late treaty of peace, 1763.—J. Ridge.

1770.—British empire in North America, with the West India isles—annexed to Wynne's history.

1771.—A new and accurate map of North America, from the famous Mr. D'Anville, &c. Also, the new divisions according to the late treaty of peace, by Peter Bell, geographer.

1772.—A map of the British dominions in North America, according to the treaty of 1763, by Peter Bell, geographer.

1775.—North America and the West Indies, with the opposite coasts of Europe and Africa—published according to act of Parliament.

1776.—A new map of the province of Quebec, according to the royal proclamation of the 7th of October, 1763, from the French surveys, connected with those made after the war, by Captain Carver, and other officers in his Majesty's service. Sayer and Bennett.

1776.—A general map of the Northern British colonies in America, which comprehends the province of Quebec, the Government of Newfoundland, Nova Scotia, New England, and New York, from the maps published by the Admiralty and Board of Trade, &c.

1777.—A new and correct map of North America, with the West India islands, divided according to the last treaty of peace, concluded at Paris 10th February, 1763, wherein are particularly distinguished the several provinces and colonies which compose the British empire, laid down according to the latest surveys, and corrected from the original materials of Governor Pownall, member of Parliament.

1777.—The British colonies in North America. By William Faden.

1778.—A new map of North America, from the latest discoveries. Engraved for Carver's Travels.

And during these unbroken and unvarying geographical and topographical descriptions, an act of Parliament passed in 1774, adopting and confirming the same boundaries, in the same language as the original proclamation. The commissions of the royal governors, prescribing the extent of their jurisdiction, and all public and official documents during the twenty years which preceded the treaty of independence, contained the same description. When, then, it was embodied in that solemn instrument, can it be doubted that the parties used the terms in the same acceptation in which they had always before been received; meant thereby what had always before been intended; understood, by the highlands designated, the same range which had before been constantly known, described, acknowledged, and invariably received as such? There is no possibility of doubt. But the proof still proceeds. The definitive treaty of peace was formed in 1783; but the preliminary articles were signed in November, 1782; and in February following there was a zealous and animated debate thereon in Parliament, in which it was strenuously objected, on the one hand, and not denied on the other, that, by the boundaries agreed, the territory of the United States would intervene and cut off the communication between the capitals of Quebec and Halifax; that is, would embrace the very territory, north of the St. John's, which is now in contestation. And accompanying those interesting printed debates upon that important subject, is also a British map, made for the express purpose

of illustrating the arguments by presenting the true boundaries according to the preliminary articles, and in which the highlands are delineated and located as they had always previously been, and as we still insist they should be. And, posterior to these debates and this publication, the definitive treaty of peace was signed, adopting the preliminary articles of peace in *hæc verba*, and the delineations precisely as therein described.

The unvarying current of British authorities does not stop here. Maps and documents still continued to be multiplied, all of the same character, and in full confirmation of the same geographical location of those dividing highlands. Among them, I invite particular reference to the following, which I have now before me, subject to the scrutiny of every member:

1783, February 9.—The United States of America with the British possessions of Canada, Nova Scotia, and of Newfoundland, &c. &c., according to the preliminary articles of peace signed at Versailles the 20th of January, 1783. R. Sayer and J. Bennett.

1783.—A new and correct map of North America, in which the places of the principal engagements during the present war are accurately inserted, and the boundaries, as settled by treaty in 1783, clearly marked. J. Dew.

1783, April 3.—The United States of America, laid down from the best authorities, agreeably to the peace of 1783. By John Wallis. London.

1783, July 16.—An accurate map of the United States of America, with part of the surrounding provinces, agreeably to the treaty of peace of 1783. By Jno. Cary. London.

1782.—The United States of North America, with the British and Spanish territories, according to the treaty. By Wm. Faslen.

1783, October 2.—A new map of the United States of America, with the British America, with the British dominions on that continent, &c. By Samuel Dunn, mathematician, improved from the surveys of Captain Carver.

Bowle's new four-sheet map of North America and the West Indies, exhibiting the extent and boundaries of the United States, the British dominions, &c. &c.: the whole compiled and laid down from the best authorities. London.

1784.—Bowle's new pocket map of the United States of America, the British possessions of Canada, Nova Scotia, and Newfoundland, &c. &c., as settled by the preliminary articles of peace signed at Versailles the 20th January, 1783. London.

1784.—A new and correct map of North America, with the West India islands, divided according to the last treaty of peace, concluded at Paris the 20th January, 1783, wherein are particularly distinguished the thirteen provinces which compose the United States of North American. By Matthew Albert and George Frederick Lotter.

1784.—Brion de la Tour's Etats Unis d'Amerique, &c. Paris.

1783.—A new map of North America, with the West India islands, divided according to the preliminary articles of peace, signed at Versailles 20th January, 1783, wherein are particularly distinguished the United States, and the several provinces, governments, &c. &c. which compose the British dominions, and corrected from the original materials of Governor Pownall, member of Parliament.

1794.—Same map. London.

1794.—A new map of the whole continent of America, divided into North and South, and West Indies, wherein are exactly described the United States of North America, as well as the several European possessions, according to the preliminaries of peace signed at Versailles January 20th, 1783, &c. &c. By Laurie and Whittle. London.

1794.—A new map of North America, agreeably to the latest discoveries. London.

1794.—A map of the United States of America, with

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part of the adjoining provinces. From the latest authorities.

1795.—A map of North America and the West Indies. By L. S. De La Rochette. London.

1800.—America, divided into North and South, with their several subdivisions, and the newest discoveries. By Laurie and Whittle. London.

1798.—D. F. Saltzmann's Maine. Hamburg, Carl Ernst Bohn.

1814.—Map of the British colonies and the United States of North America. J. Lodge.

I have cited no American maps, because I choose to exhibit the unvarying testimony of our opponents themselves in continued support of our claim.

The map by Osgood Cotton, however, in 1795, engraved for Sullivan's History of Maine, is worthy of attention, for its clear delineation of the highlands.

This brings us down to the year 1814, the date of the treaty of Ghent; at which time, so far from our adversary's having pretended that there was any other Northern boundary than that which we now assert, or that the territory now in dispute belonged to their provinces, that the British commissioners, who negotiated that treaty, requested that the United States should cede it to Great Britain for an equivalent, which they were ready to give, in order to obtain a direct communication between their provincial capitals. The American commissioners very properly replied that the territory was a part of the State of Massachusetts, and no transfer could be made by the United States; that it was not to be admitted even as a matter of discussion. At the request of the other party, they assented to an article providing for the ascertainment of a certain angle, and the running certain lines; but even that, notwithstanding the erroneous impressions which have prevailed, does not recognise the existence of any doubt or dispute as to what were the highlands, or their true location, but only that a certain point in that known acknowledged range had not then been marked upon the surface of the earth. The language is very precise, "Whereas that point of the highlands," &c.

The treaty contemplated that the St. Croix river was known; that the highlands were known; but that the precise point of that elevation, at which the north line should terminate, had not been fixed and marked, and that there might be, from the formation of country, and with a reference to a division of the rivers, a doubt as to the extent perhaps of five, ten, or even twenty miles. To determine that, and that only, the treaty provided for the appointment of commissioners, and a contingent arbitration.

Under that commission, the British, for the first time, put forth the pretension that there was another range of highlands, south of the St. John's river, beginning at Mars hill—a ridge never before known; recognised in no public document; delineated in no map; found in no topographical description; having no historical existence; from which are no rivers flowing into the St. Lawrence; and which was never in the contemplation of either of the parties. Had the American agent well understood his business, and discharged his duty, he should have met this preposterous and insulting pretension, *in limine*, by a stern refusal to permit it to be made even matter of discussion. He should have told his Majesty's agent, "The treaty of Ghent, which controls our action, provides only for ascertaining a particular point in the highlands, of the treaty of 1783; but, as to those highlands themselves, it neither admits nor creates any doubt. They were known, and their location established and described, and invariably admitted for twenty years preceding the treaty of independence. That instrument adopted them; they are incorporated into it by the common consent and mutual understanding of the parties as one of its essential ingredients; they have ever since been known, described, and

recognised as such; for more than fifty years they have maintained their position on the southern bank of the St. Lawrence, undisputed, alone, without a rival. I will not now permit them to be questioned; I will not tolerate an attempt to substitute a newly created imaginary range, for that which the parties intended by the treaty. The point in that elevation designated as the northwest angle of Nova Scotia, I am willing to ascertain, but I proceed to no other range; I go in search of no other highlands."

Sir, if our agent had held this language, and acted decisively in accordance with it, the British never would have insisted upon their absurd assumption; but he permitted it to be discussed. The British commissioner, an inhabitant of New Brunswick, anxious to obtain by some means that direct communication between the provincial capitals which his Government offered to purchase of the United States at Ghent, denied our rights, and the difference was then submitted to arbitration. The arbiter, having lost more than one-half his dominions after the submission, and being thrown as a dependent on Great Britain and other European Powers, not only to define the limits of his empire, but even for his existence as a sovereign, having no hopes or fears from us, and little partiality for our liberal ideas of self-government which had recently cost him so dearly, and still held him in jeopardy, recommends such a new line of demarcation as will give to Great Britain precisely what she wished to obtain by purchase and cession at the treaty of Ghent. And this we are now urged to adopt, for the purpose of conciliating the good opinion of the nations of the earth. Sir, if we would not incur their contempt for our blindness or pusillanimity, if we would not sacrifice our own self-respect, we should repel it as an unauthorized assumption, and a glaring encroachment. But we are asked, what will be the consequences of a refusal to accede to this advisory opinion? How is the controversy to be adjusted? Will not war be the consequence? That there may be difficulties, I freely admit. That Great Britain will protract, and harass, and annoy the borders, and subject them to vexations and danger, is not improbable; but that she will go to war for a cause so grossly and outrageously unjust, for a pretension so recent, so utterly and palpably baseless, I cannot believe. But if she shall push her suggestions to that extremity, if the alternative is presented of sacrificing our soil and our citizens, or defending them by arms, as freemen, as American citizens, as guardians of the rights, the honor, the security of the nation, we can have no doubts, no hesitation. If war must come in such a cause, tremendous as the evil is, deprecate it as we may, still we must meet it.

Sir, there is in such case no option. Submission never yet set bounds to encroachment. We must erect an impassable barrier upon the confines of our right and our honor. There, we must meet and repel every aggression. Justice demands it; policy demands it. If we yield—if we recede—the spirit of encroachment will be strengthened and aggravated. More, more, and more yet, will be demanded. We must basely surrender all, or fight at last, and that, too, under all the disadvantages of the enfeebling, degrading, dispiriting effects of previous unavailing submission and concessions.

Suppose Great Britain should assert a claim of right to impress American seamen, and proceed forcibly to assert it, by taking even a single man from on board our ships: Would not this nation rise *en masse* to vindicate his rights and avenge his wrongs, by arms? And, sir, shall we permit her to come upon our soil—to hold dominion over our own citizens—even to seize them in their dwellings—to expel our Government and laws from their appropriate sphere, and not repel it by force? No! Never—never. Honor, faith, policy, constitutional obligation, public and private right—all, all forbid it.

Maine, as a member of this Union, has a right to require protection from foreign encroachment. She does demand

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that the integrity of her soil and the sacredness of the persons of her citizens shall be preserved inviolate. No matter whether the extent and numbers invaded be great or small, you cannot permit one acre of her territory, or a single individual of her inhabitants, to be wrested from her by a foreign grasp.

I have not dwelt upon the value and importance of the region in dispute. I have discussed only the question of right. That is sufficient. But let it not be supposed to be of trifling moment. It comprises more than two millions of acres, embracing rich and valuable lands on the waters and branches of extensive rivers, and bearing heavy and valuable timber. But it is its military adaptations that have attracted the eager eye, and aroused the strenuous efforts of our opponents, and which should induce an equal anxiety and more fixed determination on our part to retain it.

By our possession the communication between their provinces is effectually cut off; and by this severance we can hold them in check at pleasure. But should they be permitted to occupy it, they will erect fortifications, and establish a military post at a central position, where the whole force of the adjacent provinces may be easily concentrated, not only to strengthen themselves to repel attacks, but even to menace us with invasion.

Although Maine cannot, will not, yield her right, yet, far, very far, be from her a disposition, a willingness, to involve herself or the country in the horrors of war; she will bear and forbear as long as endurance is a virtue. She will, I trust, act with calmness and discretion—she will preserve her claim in undiminished strength—keeping herself in a position to arrest it, practically and effectually, whenever, in the contingencies and revolutions of Governments and empires, she may deem it as expedient as it is just.

I protest, therefore, against this subject being discussed as a question of peace or war, and being decided as a matter of mere general expediency. Maine stands modestly, but firmly, upon her rights. She asks nothing more—she can accept of nothing less.

The resolutions of the Legislature of Maine, passed in secret session, contemplating a contingent transfer of this territory to the United States, have been animadverted upon, not only as constituting an objection to the strenuous support of our right by the Senate, but as rendering the whole a matter of indifference. I am apprehensive, sir, that they may be calculated to weaken our cause, and impair the force of our appeal. The gentleman from South Carolina [Mr. MILLER] has declared, that while the Legislature of Maine stood resolutely and simply upon their rights, he sympathized with them, and had a strong desire to maintain them in their dignified and manly attitude; but since their tone has so changed as to contemplate a cession, he has become utterly indifferent to their cause, viewing it no longer as a matter of State pride, honor, and dignity, but as a mere calculation of profit and loss, which can excite neither sympathy nor respect. Indeed, he indulged in still stronger language of condemnation.

Now, sir, I would most earnestly appeal to that gentleman, and to the Senate, whether the indulgence of such impulses is not doing injustice to the State—the people of the State. Let me assure you that the change of views and feelings indicated by the secret proceedings of the Legislature, so far from meeting a harmonious response from their constituents, have been received by a general, if not universal, note of popular disapprobation. Sir, the people, the true, primary sovereigns of Maine, have never authorized or assented to any suggestion of a relinquishment of any portion of their soil, or their fellow-citizens, and, from their character, their history, as well as the strong recent demonstrations of their feelings and opinions, I am confident they never will. No, sir, the people will never consent to transfer any portion of them-

selves, or of the patrimony which was purchased by the blood of their fathers. And it is in their behalf that I appeal—their representative I am—their rights I vindicate—and for their protection I demand the broad shield of the constitutional obligations of the whole Union.

Mr. CLAY said: Intending to express, in a few words, my sentiments on this subject, I have thought I might as well embrace this occasion to do it. The President has called upon the Senate for its advice, as to the award of the King of the Netherlands respecting the Northeastern boundary of the United States. This call upon the Senate is made, not in its legislative character, but as a component part of the treaty-making power. If the Senate, therefore, should give any advice on the matter, it must act in its executive capacity, and according to those rules which govern it when so acting. Among these, is that which requires the concurrence of two-thirds of the Senators present.

The language of the constitution, taken literally, would perhaps require a participation of the Senate in the original formation of all treaties. The words are: "He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." In the early stages of his administration, General Washington endeavored to execute this part of the constitution according to its literal interpretation; but he soon found it impracticable, and abandoned it. The difficulty of consulting so large a body as to the instructions to be given to a foreign minister; the variety of propositions which may be interchanged in the progress of a negotiation; and the inconvenience of a perpetual recurrence to the Senate for its opinion upon each of them, besides other considerations, rendered it altogether inexpedient to take the advice and consent of the Senate previous to the conclusion of treaties. When concluded, President Washington thought the support of the constitution would be satisfied by submitting them to the Senate; as they could not be said to be made, in the language of the constitution, until the Senate gave its constitutional concurrence to their becoming obligatory national compacts.

Accordingly, from an early period, in the first term of his administration, down to the present time, the settled and uniform practice of the Executive Government has been to open negotiations with foreign Powers, and to conclude such treaties as the President conceives the interests of this country demand. When so concluded, they are submitted to the Senate for its constitutional advice and consent. And the extent of any agency which the Senate exercises, in the formation of a treaty, is limited to proposing, as was done in the treaty of Mr. Jay, in 1794, amendments to the treaty. These become the subject of future negotiation.

To this established practice of the Government, the present administration has hitherto, itself, conformed. And I presume it is not intended to change it, and to revive the impracticable course which General Washington was compelled to abandon, from experience.

What, then, are the circumstances of the case which the President has brought here for the consideration of the Senate? In virtue of several treaties between the United States and Great Britain, on all of which treaties the Senate had regularly acted and given its advice and consent, the disputed Northeastern boundary was submitted to the decision of the King of the Netherlands, as the arbitrator between the two contracting parties, to decide the controversy. The King has pronounced his judgment, and communicated his award to each of the parties. Various questions have been started as to the validity of this instrument. Such as, whether it was intended as a decision binding the parties; whether it does not transcend the authority vested in the King, by the terms of the submission; whether it can be regarded as any thing more

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than the advice or recommendation of the King as to a suitable boundary, which either party is at liberty to adopt or not, at his discretion.

Whatever may be the real character of this royal act, no treaty, in consequence of it, has been concluded between the United States and Great Britain, as far as the Senate is advised. It stands upon its own isolated ground. The President has asked the Senate to advise him whether he shall sanction the award, and the report of the Committee on Foreign Relations, now before us, recommends that the Government of Great Britain be notified of the acquiescence in it by the Government of the United States.

Now, Mr. President, it seems to me, that, in the present state of the transaction, there is nothing brought by the President to our consideration, on which the Senate, as a part of the treaty-making or Executive power, can constitutionally act. There is no treaty presented to us for our advice and consent, not even a negotiation proposed, nor, in short, any basis whatever for the action of the Senate. If the award of the King of the Netherlands be binding, it derives its validity from the consent of the parties referring the question to him, and from his having decided the case, in conformity with the terms of the submission. If he has not decided it, or if, in deciding it, he has transcended the terms of the submission, it is not binding and obligatory. The President being the only constitutional organ of the people of the United States, in all communications with foreign Powers, and moreover charged with the execution of the laws and treaties of the United States, is bound to notify the British Government what are the Executive views in relation to the award. If he tells that Government that this does not hold itself bound by the award, a negotiation would probably take place between the parties. If, on the contrary, the President notifies the British Government that the United States are bound by the award, he would have to come to Congress for its legislative aid in carrying into effect the award. And should he so come, the question of the validity of the award would be as open to the examination of Congress, as it had been to the President. So, if any negotiation which may be opened with Great Britain, in relation to the award, should terminate in the conclusion of a treaty, the President would be bound to submit that treaty to the Senate for its constitutional advice and consent. The President not having applied to Congress for any act of legislation, and having submitted no treaty or national compact, in any form, to this body, I think there is nothing before us on which we can constitutionally act; and that any advice which, under these circumstances, we might offer to the President, would have no warrant or authority in the constitution of the United States. I cannot, therefore, consent to vote for the resolution reported by the Committee on Foreign Relations, or to concur in the adoption of any other resolution which would imply the right of the Senate to express any opinion on the matter in its present state and condition.

Whilst this is my deliberate judgment, I have no hesitation to offer to the President, if he would attach any consequence to them, my views and opinions, as a private citizen, on the whole matter of the Northeastern boundary. At Ghent, Great Britain did not assert any right to the territory to which she subsequently set up a claim. She sought there to obtain, by negotiation, and exchange of territory with the United States, a passage within her own jurisdiction from Nova Scotia and New Brunswick to Quebec. The British commissioners were told by the American, on that occasion, that they had no power to cede away or exchange any part of the territory of Massachusetts, which then included Maine. As there were many parts of the long line of boundary between the United States and Great Britain unsettled and unmarked, it became necessary to have it correctly ascertained and

defined. For this purpose several boards of commissioners were provided for by the treaty of Ghent, in the same manner as a similar board had been created by a previous treaty. Most of these boards have amicably and satisfactorily settled the questions respectively submitted to them. That to which was referred the boundary now in dispute could not agree. Before this board, Great Britain brought forward, and claimed as her right, that which she had sought to obtain by negotiation only, at the conferences of Ghent. And the perseverance with which she has prosecuted her pretensions, and the apparent success with which they have been so far finally crowned, demonstrate that there never need be despair in any cause, however bad.

During my service in an executive department, it became my duty to examine into this claim asserted by Great Britain; and the result was a firm persuasion and a strong conviction that it was unfounded, and that the right to the disputed territory was in the State of Maine. It is true that, in the treaty of peace of 1783, owing to the imperfect knowledge possessed of the country through which the boundary runs, there is some defective description, but the intention of the parties, I think, is clear, and, according to that intention, the right is with Maine, and not in Great Britain. It is altogether unnecessary, upon this occasion, to proceed to state all the grounds and considerations which brought my mind to that conclusion. By doing so, I should be trespassing upon the Senate too much.

The commissioners not having been able to settle the question, the *casus fœderis*, provided for in former treaties, arose, and it became necessary to submit the question to an arbiter. The King of the Netherlands was selected for that purpose, and we all know the subsequent events. The statements, arguments, and papers of the parties were all prepared within the two countries respectively, and transmitted to Holland, where they were submitted to the King. In consenting to refer the question, the late administration was impelled by the duty of respecting the national faith, as pledged in solemn treaties. And although the King of the Netherlands was not the first choice of either party, high confidence was reposed in his independence, and in his ability and integrity, by the late President of the United States.

With respect to the conduct of the arbitration, on the part of our Government, there are some circumstances I think deeply to be regretted. The plan adopted by the late administration was to have retained Mr. Hughes at the Hague, elevated him to the rank of minister plenipotentiary, and sent out Mr. Preble as a public agent to be associated with him. I scarcely know any man so well qualified for such a service as Mr. Hughes. He had the benefit of much diplomatic experience, and he had been very successful in various negotiations which he had conducted. Commencing his career as secretary of the commission at Ghent, he subsequently had creditably represented his Government at Stockholm, and at St. Petersburg, and at Copenhagen, on temporary missions; and he had been some time at the court of the Netherlands. Wherever he had been, he uniformly made good impressions, and conciliated the esteem and friendship of all whose acquaintance he formed. He was well versed in the language of the court of the Hague, and well acquainted with all the persons having access to, or surrounding, the King. Of pleasing and winning manners, a general favorite, he was exactly such a person as was well fitted for the service. The rank of minister plenipotentiary was necessary to entitle him to approach the person of the King, according to established usage. It was a point of more importance that this Government should have had such a representative at Holland, as the British Government was there represented by an accomplished ambassador, (Sir Charles Bagot,) well known here. Mr.

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Hughes, intimately acquainted with the *corps diplomatique*, with all the avenues of access to the King, and with all persons likely to influence the mind or judgment of the monarch or his ministers, would have been able to discover and avert the exercise of any undue influence, if any should be brought to bear upon the Government of the Netherlands in this delicate transaction.

It was among the early acts of this administration, to overturn the plan which had been thus resolved on by its predecessors, and, in place of Mr. Hughes, to send out Mr. Preble, in the sole charge of conducting a difficult arbitration. I have had only a limited acquaintance with this gentleman; but he was destitute of all diplomatic experience, had never been in the councils of the General Government, and I understand could not either speak or write the language of the court to which he was sent, and where he was a total stranger. He was indeed a respectable lawyer in his own State; but of what avail would professional eminence be, where tact, insinuating manners, and thorough acquaintance with the persons of the court, were indispensable?

The result of an arbitration conducted under such auspices was to be feared. During its progress, and before the King's decision, he was stript, by the revolution in Belgium, of the better half of his dominions. Had he been monarch of Holland alone, I think I hazard nothing in saying that, notwithstanding the confidence which Mr. Adams reposed in his personal character, he would not have been selected, with the concurrence of the late administration, as the sovereign arbiter. It was to an independent sovereign, one the extent of whose power and dominions placed him at the head of the second rate States of the continent of Europe, that the controversy was submitted. It was not to the King of Holland, but to the King of Holland and Belgium, that the question was referred. It was to a monarch supposed to be unbiased, powerful, and independent, that the question was referred, and not to a sovereign who, whilst he was arbitrating between Great Britain and the United States as to the territory of Maine, by the uncontrollable force of events found one-half of his own dominions the subject of British arbitration or decision, in conjunction with the other allied Powers.

By the loss of Belgium, the political character of the King was entirely changed, his identity altered, and he ceased to be that monarch whose friendly arbitration had been solicited. Mr. Preble saw the matter in its true light, and expected to have been notified by the Minister of Foreign Affairs of the King's declining to proceed in the arbitration. But he said nothing, and did nothing, to produce that result. Had Mr. Hughes been there, he would have, by a suggestion or a hint, not at all offensive, (such as whether the critical condition of his own domestic affairs did not afford sufficient occupation for his Majesty, without troubling himself with the concerns of foreign Governments, in which his own subjects had no interest,) prevailed on the King to give up the papers; or, at least, to suspend proceeding in the arbitration until he could receive fresh instructions from his own Government, adapted to the great event which had happened.

But nothing was done at the Hague or at Washington to arrest or suspend the progress of the arbitration. We have neither seen nor heard of any instructions from our Secretary of State founded on the event just mentioned. A Senator (now in my eye) informed me that he had conversed with the late Secretary of State about the revolt of Belgium, and asked him if it would not put a stop to the arbitration. To which the Secretary answered that he supposed of course it would; and yet, as far as we know, he gave no instructions whatever in relation to that event.

Under all these circumstances, our surprise at the issue of the arbitration ought to be less than it otherwise would

have been. If the King of the Netherlands had definitively decided the questions actually submitted to him, in consequence of the silent acquiescence of our Government in the progress of the arbitration, the honor and faith of the nation might have bound us to submit to the decision, however unjust we deem it. But, Mr. President, I cannot concur with the Committee on Foreign Relations, in considering the paper communicated by the King of Holland to the two Governments as containing a decision. It seems to me to express only the opinion of that monarch as to what he thinks might be a suitable boundary, and to operate as a recommendation to the parties to adopt it, but leaving them, at the same time, at full liberty to adopt it or not, at their discretion. So far from being a decision, the King professes his inability to decide the question submitted to him, for reasons which he states, and he does not decide it, according to the terms of the submission.

Nor can I concur with that committee in believing that we shall be in danger of incurring the reproaches of the world for not submitting to such an award, if award it can be called. I am quite sure that the chairman of the Committee on Foreign Affairs, or the present Secretary of State, would be fully competent to make out an argument in behalf of the rights of Maine, that would fully vindicate them, and vindicate the course of Government from all reproaches, founded on non-compliance with the advice and recommendation of the sovereign arbiter.

Entertaining these sentiments, as a private citizen, I have no hesitation in expressing my opinion that the American Government, disregarding, and declining to be bound by, the award, ought to open a negotiation with Great Britain on the subject of this disputed boundary. I have no apprehension that such a step would, necessarily, bring on war. Great Britain might have adopted one of two courses: either to proceed to occupy the territory which the sovereign arbiter thinks it would be suitable for her to possess, and signified her determination to do so; or to communicate to our Government her willingness to be governed by the advice of the arbiter, and inquired as to the intentions on that subject of this Government. The former course would have been harsh, and might have involved the two countries in war. The latter was more respectful; and having been adopted by Great Britain, it will be natural and easy to return an answer to the diplomatic note which has been received, stating the grounds and arguments which induce the American Government to believe itself not bound by what has been done by the King of Holland. Such an answer would be preliminary to a negotiation, which would necessarily follow. It is desirable, undoubtedly, to have all controversies between nations settled, and amicably, if possible. But this is not the only question remaining to be decided between the two Powers; and if that mutual respect and friendly disposition which it is to be hoped may predominate in the official intercourse between the two countries should prevail, although the dispute, by the intervention of the Dutch King, has been somewhat complicated, we need not, I think, despair finally of some satisfactory arrangement.

These are my private views, Mr. President. But I think the President has come to the Senate too soon, or come to it in a wrong character. As a part of the Executive Government, I think the Senate has nothing to do with the question, in the present state of it. Holding this opinion, I shall vote against the resolution reported by the Committee on Foreign Affairs, and I shall vote against any other resolution or proposition which may imply or assume a power in the Senate of the United States to act in the case. The President, it seems to me, is invested, exclusively, with the power of deciding, in the first instance, whether any, and what obligations, if any, have been created upon the American Government, in conse-

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quence of the act of the King of the Netherlands, and whether it be expedient or not to open a negotiation with Great Britain. And I think he should be left to his constitutional responsibility to pursue such a course as a sense of duty may prompt.

NOMINATION OF SAMUEL GWIN.

THURSDAY, DECEMBER 8, 1831.

The following message was received from the President of the United States, by Mr. Donelson, his Secretary:

WASHINGTON, December 8, 1831.

To the Senate of the United States: Commissions having been granted, during the recess of the Senate, to the following persons for the offices respectively annexed to their names, I now nominate them to the same, viz.

John H. Jacobs, &c. &c. &c.

Samuel Gwin to be register of the land office for the district of lands subject to sale at Mount Salus, in the State of Mississippi, vice Stockley D. Hays, deceased.

The message was read.

Ordered, that the nominations of register and receivers of the several land offices be referred to the Committee on Public Lands.

THURSDAY, DECEMBER 22.

Mr. KING, from the Committee on Public Lands, reported on the nomination of Samuel Gwin, contained in the message of the 8th of December.

The Senate proceeded to consider the nomination.

On the question, "Will the Senate advise and consent to the appointment of Samuel Gwin?"

It was determined in the negative—yeas 13, nays 25.

YEAS.—Messrs. Bibb, Brown, Dallas, Dickerson, Dudley, Grundy, Hill, Kane, Knight, Mangum, Marcy, White, Wilkins.—13.

NAYS.—Messrs. Bell, Benton, Buckner, Clay, Ewing, Foot, Hanna, Hayne, Hendricks, Holmes, Johnston, King, Miller, Moore, Poindexter, Prentiss, Robbins, Robinson, Ruggles, Seymour, Silsbee, Tomlinson, Troup, Tyler, Webster.—25.

So it was

Resolved, That the Senate do not advise and consent to the appointment of Samuel Gwin.

TUESDAY, JUNE 12, 1832.

The following message was received from the President of the United States, by Mr. Donelson, his Secretary:

WASHINGTON, June 11, 1832.

To the Senate: I renominate Samuel Gwin to be register of the land office at Clinton, in the State of Mississippi.

In nominating Mr. Gwin to this office again, it is proper to state to the Senate that I do so in compliance with the request of a number of the most respectable citizens

of the State of Mississippi, and with that of one of the Senators from the same State. The letters expressing this request, are herewith respectfully enclosed for the consideration of the Senate. It will be perceived that they bear the fullest testimony to the fitness of Mr. Gwin for the office, and evince a strong desire that he should be continued in it.

Under these circumstances, and possessing myself a personal knowledge of his integrity and fitness, and of the claims which his faithful and patriotic services give him upon the Government, I deem it an act of justice to nominate him again, not doubting that the Senate will embrace, with cheerfulness, an opportunity, with fuller information, to reconsider their former vote upon his nomination.

ANDREW JACKSON.

The message was read.

On motion of Mr. WEBSTER,

Ordered, that it lie on the table, and be printed in confidence for the use of the Senate.

TUESDAY, JULY 26.

Mr. POINDEXTER submitted a number of letters and documents on the subject of the renomination of Samuel Gwin.

TUESDAY, JUNE 10.

The Senate proceeded to consider the message of the 12th of June, nominating Samuel Gwin.

On motion of Mr. MANGUM,

That the nomination lie on the table,

It was determined in the affirmative—yeas 27, nays 17.

YEAS.—Messrs. Bell, Benton, Bibb, Chambers, Clayton, Ewing, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Mangum, Moore, Naudain, Poindexter, Robbins, Ruggles, Seymour, Silsbee, Smith, Sprague, Tazewell, Tipton, Tomlinson, Tyler, Webster.—27.

NAYS.—Messrs. Brown, Buckner, Clay, Dallas, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hill, Kane, King, Marcy, Miller, Robinson, White, Wilkins.—17.

MONDAY, JULY 16.

The following motion, submitted by Mr. POINDEXTER, was considered:

Resolved, That the President of the United States be informed that it is not the intention of the Senate to take any proceedings on the renomination of Samuel Gwin to be register of the land office at Mount Salus, in the State of Mississippi, during the present session.

On motion of Mr. POINDEXTER,

Ordered, That it lie on the table, and that the injunction of secrecy be removed therefrom.

On motion of Mr. POINDEXTER,

Ordered, That the injunction of secrecy be removed from the proceedings of the Senate on the nomination of Samuel Gwin,

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- Auditor and Comptroller**. A resolution introduced instructing the Committee of Finance to inquire into the expediency of abolishing the offices of Second Auditor and Second Comptroller. A report states that the proposed abolition would be inexpedient; ordered to be printed. The committee discharged from a further consideration of the subject, 875.
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- Bank of the United States**, a memorial from the President and Directors; referred to a select committee, 53.
- Resolutions calling for information in respect to the Bank, 58.
- leave asked to introduce a joint resolution, declaratory of the meaning of the charter of the Bank of the United States, on the subject of the paper currency issued by the bank, which is enforced at great length, 114; after some debate, leave refused, 154.
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- a resolution, instructing the select committee to whom the memorial of the bank was referred, to inquire into the expediency of limiting the duration of the new charter, to ten years, &c. 155; agreed to, 175.
- a bill to renew the charter of the Bank of the United States introduced, 530; bill called up, 943, reported to the Senate as amended, 1020;
- the Senate resumed the consideration of the bill, 1024; passed 1073.
- documentary history of, a resolution introduced, authorizing the Secretary of the Senate to subscribe for sixty copies of the work, 530; passed, 558.
- proposition to print 5,000 copies of the report of the committee appointed to investigate the affairs of the Bank of the United States, was made, 899, agreed to, 931.
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- Bank**, a new one proposed in a memorial from Massachusetts, which was ordered to be printed, 180.
- currency, report from the Secretary of the Treasury on the subject, 329.
- Bank veto**, a message was received from the President, informing the Senate that he had returned the act to modify and continue the act to incorporate the Bank of the United States, with his objections; the objections ordered to be recorded on the journal. The objections considered, and the bill lost, 1296.
- Barracks**, a bill for erecting at New Orleans, ordered to be engrossed, 55.
- read the third time and passed, 58.
- Belgium**, mission to, (*See appropriation bill.*)
- British colonial trade**, (*See West Indies and general appropriation bill.*)
- Claims of States**, (*See State claims.*)
- Colonial trade**, (*See West Indies and appropriation bill.*)
- Colonization Society**. A memorial from citizens of Kentucky was presented, inviting the attention of Congress to the subject, which, after some discussion, was laid on the table, 641.
- Columbia, District of**; a resolution was agreed to, appointing a committee, consisting of two members of the Senate and one of the House of Representatives, to prepare a system of laws for the District.
- several bills in relation to the District, were taken up and acted upon, 937; and afterwards passed.
- Commissioners of the Navy**, (*See Navy.*)
- Commissioner of Indian affairs**, (*See Indians.*)
- Commercial statements**. Resolutions calling on the Secretary of the Treasury for information why certain statements in relation to foreign commerce, heretofore called for, had not been furnished, 393; taken up, and the first resolution negatived, the second was laid on the table, but afterwards passed, 412.
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- Congressional documents**. Report from the Secretary of the Senate, and the Clerk of the House of Representatives, communicating the arrangements made for their publication, 41.
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- Cumberland Road**. The bill providing for the continuance of this road in the States of Indiana and Illinois, &c. was ordered to a third reading, 515, and passed.

- Day of Humiliation**, a resolution to appoint a joint committee to wait on the President, and request him to appoint a day to be observed as a day of general humiliation and prayer to God, that He may, in his mercy, avert from our country the Asiatic plague, 1128; agreed to, 1130.
- Department of State**, (*See State Department.*)
- Discriminating duties with Spain**, a message from the President, communicated a report from the Secretary of State, on the subject of the abolition of the discriminating duties now existing on Spanish vessels. Referred to the Committee on Finance, 1124.
- Dividends**, the amount of unclaimed, of the funded debt, the Secretary of the Treasury called upon to communicate, 224; taken up, after some discussion laid on the table, 639.
- Durbin**, Rev. Mr. of Kentucky, elected Chaplain on the part of the Senate, 9.
- Duty on Tea**, a report of a committee on memorials of merchants, pray for a further reduction of, 6; report considered and debated, 12; laid on the table, 19.
- Indian blankets**, a bill to reduce it, referred to the Committee on Manufactures, 49.
- Refunding of**, a bill to exempt, in certain cases, from the operation of the tariff act of 1828, taken up, considered, and ordered to lie on the table, 590; taken up, amended, and ordered to be engrossed, 647, and passed.
- remission of**, a bill for the relief of B. J. Flaget, (intended to remit the duties on certain paintings, &c., presented to the Catholic Church, by two foreign potentates;) ordered to a third reading, 592, and passed.
- Election of officers of the Senate**, 6.
- Executive powers**, resolutions submitted on the subject of the President's removal of public officers, 181. proceedings, 1310.
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- Flaget**, Bishop Benedict, a bill for the relief of, introduced and ordered to a third reading, 592.
- Foreign Intercourse**, (*See appropriation bill.*)
- Fortifications**, a bill for the armament of, introduced, 26; discussed and indefinitely postponed, 31.
- France**, outfit to, (*See appropriation bill.*)
- French Spoiliations**, motion made to take up the bill providing satisfaction for claims due to American citizens for spoiliations, negatived, 1080; taken up, discussed, and laid on the table, 1081; subject resumed, the bill discussed and amended; the bill again taken up and ordered to be engrossed, 1201; passed.
- Free bridge over the Potomac**, a bill for constructing a new free bridge over the Potomac, at Washington, discussed and passed, 1296.
- Frontier**, a bill introduced authorizing the President to raise five companies of rangers for the protection of the Northwestern Frontier, read twice, and referred to the Committee on Military affairs, 1068; a message from the House of Representatives, proposed certain amendments to the bill, which were discussed, 1075, and laid on the table.
- Guatemala**, appropriation for a mission to, (*See appropriation bill.*)
- Gwin**, Samuel, his nomination as register of a land office, rejected, 1417; nominated as register at a different office; laid on the table, 1418.
- Harbor bill**, (*See Internal Improvements.*)
- Houston Samuel**, a message from the House of Representatives, requesting that leave be given to four of the members of the Senate, to attend the House, for the purpose of giving evidence on the trial of Houston; leave given, 802.
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- Hunt**, Jonathan, a member of the House of Representatives from Vermont, his death announced, and orders entered into for his funeral, 931.
- Indians**, Mr. Frelinghuysen submitted two resolutions in reference to treaties entered into with the Cherokees, 223.
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- a bill to reappropriate the unexpended balances of former appropriations, taken up, discussed, and ordered to be read a third time, 991.
- Insolvent Debtors**, a bill in addition to an act for the relief of insolvent debtors of the United States, 1089.
- Internal Improvements**, a bill for the improvement of the Wabash river, &c.; referred to the Committee on Roads and Canals, 592.
- bill from the House of Representatives, making appropriations for certain internal improvements, read a second time, and referred to the Committee on Commerce, 938; discussed, 1120; passed, 1156.
- a bill granting to the State of Missouri 500,000 acres of land for the purpose of internal improvement, was twice read, 592.
- a resolution was offered to allow 500,000 acres of land to the State of Louisiana, to aid in keeping open their water courses, &c.; and another, granting a like quantity to Mississippi, for purposes of internal improvement.
- a bill granting certain public lands to the States of Missouri, Mississippi, and Louisiana, taken up, discussed, and ordered to be engrossed, 1091; again taken up and discussed, and laid on the table, 1092.
- Interest** on protested drafts, a resolution to authorize the Secretary of the Navy to allow interest in certain cases; laid on the table, 954.
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- Johnston**, honorable Charles C. one of the members of the House of Representatives, from Virginia, his death announced; measures taken for his funeral, 1093.
- Land Patents**, the Vice President laid before the Senate, a report from the Commissioner of the General

Land Office, stating that there are 10,590 patents waiting for the signature of the President, 1119.

Land, Public, a bill from the Committee on Public Lands, for reducing the price of lands, was taken up and considered; seventy-five cents, as the price per acre, was stricken out, and fifty cents inserted; the bill was ordered to a third reading.

resolution proposing to instruct the Committee on Manufactures to inquire into the expediency of distributing the lands, or the proceeds thereof, among the several States; laid on the table, 638. the amendments of the House to the bill supplementary to the several laws to dispose of public lands were considered, one of them agreed to, and the other laid on the table, 647; it was again considered, and agreed to, 684.

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Navy, a bill providing for the compensation of the Purser, taken up, discussed, and laid on the table, 45, 56.

Commissioners of, a bill to provide for the distribution of their duties; read a second time, 49; again taken up, discussed, and postponed, 56.

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Ordinance, a bill providing for the better organization of the Corps, taken up and passed, 65.

Patents, extension of, a bill authorizing letters patent to be issued to Thomas ———, and James Long; recommitted, 996.

Patents, land, (*See Land.*)

Patent Office, resolution for recording patents for useful inventions, was taken up, and passed, 487.

Pensions, (*See Revolutionary Pensions.*)

Peters, Richard, (Reporter,) offered a proposition for publishing an edition of the laws, treaties, &c. of the United States, which was referred to the Library Committee, 412.

Pleasanton, Stephen, a bill for his relief, (Fifth Auditor making him an allowance for extra services, in acting as Solicitor of the Treasury;) was read a third time and passed, 900.

Portuguese vessels, a bill to exempt Portuguese vessels from the payment of duties on tonnage; ordered to be engrossed, 796; passed, 822.

Post Office and Post Roads, a bill from the House of Representatives, to establish certain post roads, and establish others; the bill taken up, 761; subject again resumed; an amendment proposed and debated, to abolish newspaper postage, 875; negatived, 919; bill ordered to be engrossed, 919; passed, 930.

a bill introduced to repeal the postage on newspapers, 930; twice read and referred to the Post Office Committee; the committee report against it, and recommend its indefinite postponement, 933; agreed to.

President's fac simile, (*See Lands.*)

Privilege of the Senate's officers, a resolution permitting the assistant doorkeeper of the Senate to attend as a witness before a committee of the House of Representatives, 1127; laid on the table, 1128.

Protection of the frontier, (*See Frontier.*)

Public Documents, (*See Congressional Documents.*)

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Rail-road, a bill authorizing a subscription on the part of the United States, to the stock of the Baltimore and Ohio Rail-road Company introduced, 951; refused to consider the bill, 954, 988.

Randolph, Martha, a bill concerning, introduced and referred to a select committee, 20; motion to take up the bill negatived, 1128.

Revolutionary pensions, a bill supplementary to the act for the relief of the surviving officers and soldiers of the revolutionary army; taken up, again considered and discussed, 706; bill taken up, and after some discussion, laid on the table, 757; again taken up, 761, and again, 919; motion to recommit the bill negatived, 930; ordered to be engrossed, 933; passed.

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- Richmond petition, praying for an appropriation for the removal of obstructions in James river; referred to the Committee on Commerce.
- Rules of the Senate, a proposition submitted for amending the ninth rule, 155; taken up, and ordered to be printed, 175.
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- St. Louis College, a bill granting to it a township of land, 225; laid on the table.
- Salt, a bill to abolish the duty on alum; motion to refer it to the Committee on Finance negatived; referred to the Committee on Manufactures, 41; a report against the abolition, and a proposition indefinitely to postpone the bill, ordered to lie on the table, 591.
- Mr. Benton's queries respecting the manufacture of salt, were referred to the Committee on Manufactures, 223.
- memorial from the proprietors of the Kenhawa Saline, in Virginia, remonstrating against repealing the duty on imported salt, was referred.
- Spafford's patent, a bill for the relief of Horatio Gates Spafford, was taken up and ordered for a third reading.
- Spain, discriminating duties with, (*See Discriminating duties.*)
- Spoliations, (*See French Spoliations.*)
- State claims, a bill providing for the settlement of, for interest on advances to the United States, during the last war, debated, and ordered to be engrossed, 49.
- State Department, a resolution to authorize the Secretary of State to apply the balance which may remain after the completion of the work on the Patent Office, to the arrangement of the papers in the State Department, laid on the table, 1123.
- Tariff, resolution instructing the Committee on Finance to inquire into the expediency of fixing a rate of duties on, 19.
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- Tonnage, &c. The Secretary of the Treasury made a report of exports, imports, tonnage, &c., in conformity to a call heretofore made upon him, 875.
- Topographical Engineers, a bill to organize the Corps of Topographical Engineers, taken up, 994; bill laid on the table, 995.
- Treasury, resolution instructing the Judiciary Committee to inquire into the expediency of abolishing certain treasury officers, 221; agreed to, 222.
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- Van Buren, Mr., his nomination as Minister to England, 1309.
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- Vaccination, a bill to extend the benefits of vaccination to the Indians, laid on the table, 791; consideration resumed and the bill ordered to a third reading, 795.
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- Rembrandt Peale's painting of the portrait of Washington; a resolution instructing the Library Committee to inquire into the expediency of purchasing it, agreed to, 867; the resolution to purchase the portrait finally adopted, 1155.
- resolution proposing to employ a suitable person to execute a full length pedestrian statue of General Washington, in marble; referred to the Committee on the Library; taken up, and ordered to be engrossed for a third reading, 1127.
- resolution proposing to erect an equestrian statue of Washington, executed in bronze, in the square East of the Capitol, agreed to, 951.
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